

South Somerset District Council

Notice of Meeting



Area South Committee

Making a difference where it counts

Wednesday 4th June 2014

2.00 pm

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

The public and press are welcome to attend.



Disabled Access is available at this meeting venue.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Jo Boucher** on Yeovil (01935) 462462
email: democracy@southsomerset.gov.uk

This Agenda was issued on Friday 23rd May 2014

Ian Clarke, Assistant Director (Legal & Corporate Services)



**This information is also available on our
website: www.southsomerset.gov.uk**

Area South Membership

Cathy Bakewell
Tim Carroll
John Chainey
Tony Fife
Marcus Fysh
Nigel Gage
Jon Gleeson

Dave Greene
Peter Gubbins
Andy Kendall
Pauline Lock
Tony Lock
Ian Martin
Graham Oakes

Wes Read
David Recardo
John Richardson
Gina Seaton
Peter Seib

South Somerset District Council – Corporate Aims

Our key aims are: (all equal)

- Jobs - We want a strong economy which has low unemployment and thriving businesses
- Environment - We want an attractive environment to live in with increased recycling and lower energy use
- Homes - We want decent housing for our residents that matches their income
- Health and Communities - We want communities that are healthy, self-reliant, and have individuals who are willing to help each other

Scrutiny Procedure Rules

Please note that 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.

Consideration of Planning Applications

Members of the public are requested to note that consideration of the planning applications will commence immediately after Item 6 at approximately 2.15pm. The public and representatives of Parish/Town Councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A representative from the Area Highways Office will attend Area South Committee quarterly in February, May, August and November from 1.30 pm to answer questions and take comments from Members of the Committee. Alternatively, they can be contacted direct through Somerset Highways direct control centre on 0845 345 9155.

Members Questions on Reports prior to the Meeting

Members of the Committee are requested to contact report authors on points of clarification prior to the Committee meeting.

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". Members of the public can view the council's Executive Forward Plan, either online or at any SSDC council office, to see what executive/key decisions 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 3 minutes on agenda items; and

see agenda reports.

Meetings of the Area South Committee are held monthly at 2.00pm on the 1st Wednesday of the month in the Council Offices, Brympton Way, Yeovil.

Agendas and minutes of Area Committees are published on the Council's website www.southsomerset.gov.uk

The Council's Constitution is also on the web site and available for inspection in council offices.

Further information about this Committee can be obtained by contacting the agenda co-ordinator named on the front page.

Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 5 of the Council's Constitution.

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

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the Public Question Time session.

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 3 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/Agent
 County Council Division Member
 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.

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

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Area South Committee

Wednesday 4th June 2014

Agenda

Preliminary Items

1. To approve as a correct record the minutes of the meeting held on 7th May 2014 and 15th May 2014.
2. Apologies for Absence
3. Declarations of Interest

In accordance with the Council's current Code of Conduct (adopted July 2012), 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. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9. In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

Planning Applications Referred to the District Council's Regulation Committee

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

Cllr Tim Carroll
Cllr Tony Fife
Cllr Peter Gubbins
Cllr Ian Martin
Cllr Gina Seaton

Where planning applications are referred by this Committee to the Regulation Committee for determination, in accordance with the Council's Code of Practice on Planning, 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.

The following members of the Area South Committee are also members of Yeovil Town Council and have declared a personal but non-prejudicial interest in all planning applications where comments have been made by the Town Council:

J Vincent Chainey, Tony Fife, Jon Gleeson, Dave Greene, Peter Gubbins, Andy Kendall, Tony Lock, David Recardo, Wes Read.

4. Public Question Time

This is a chance for members of the public and representatives of Parish/Town Councils to participate in the meeting by asking questions, making comments and raising matters of concern. Parish/Town Council representatives may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town. The public and representatives of Parish/Town Councils will be invited to speak on individual planning applications at the time the applications are considered.

5. Chairman's Announcements

6. Reports from Representatives on Outside Organisations

This is an opportunity for Members who represent the Council on outside organisations to report items of interest to the Committee.

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**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.**

Area South Committee – 4th June 2014

7. Planning Applications

The schedule of planning applications is attached.

The inclusion of two stars (**) as part of the Assistant Director (Economy's) recommendation indicates that the application will need to be referred to the 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 Regulation Committee even if it has not been two starred on the Agenda.

Human Rights Act 1998 Issues

The determination of the applications which are the subject of reports in this plans list are considered to involve the following human rights issues:-

1. Articles 8: Right to respect for private and family life.

Everyone has the right to respect for his/her private and family life, his/her home and his/her correspondence.

There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.

2. The First Protocol

Every natural or legal person is entitled to the peaceful enjoyment of his/her possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Each report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

*Martin Woods, Assistant Director (Economy)
martin.woods@southsomerset.gov.uk or (01935) 462071*

Background Papers: *Individual planning application files referred to in this document are held in the Development Control Department, Brympton Way, Yeovil, BA20 2HT*

Planning Applications 4th June 2014

Planning Applications will be considered at approximately 2.15 p.m.

Members to Note:

*The inclusion of asterisks ** as part of the Assistant Director (Economy) recommendation indicates that the application will need to be referred to the 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 Regulation Committee even if it has not been two starred on the Agenda.*

Please note since the agenda was published, application no. 12/00403/OUT has been withdrawn**

Page	Ward	Application/ Case Officer	Proposal	Address	Applicant
5	Brympton	12/00403/OUT** Simon Fox	The erection of a Class A1 food retail unit, new and altered access, car parking and servicing, landscaping together with public open space (GR 352700/116971)	Yeovil Town Football Club Ltd Boundary Road Brympton	Yeovil Town Football Club
38	Coker	14/1266/OUT Andrew Collins	Residential development, new vehicular access and associated works (GR353196/113461)	Land Adjacent Broadacres East Coker	Avalon Estates Ltd
60	Coker	13/04953/FUL Mrs Jennie Roberts	The formation of a vehicular access and hardstanding (GR351978/113435)	34-36 East Street West Coker Yeovil	Mr James Cook

Officer Report On Planning Application: 12/00403/OUT**

Site Address:	Yeovil Town Football Club Ltd Boundary Road Brympton
Ward :	BRYMPTON
Proposal :	The erection of a Class A1 food retail unit, new and altered access, car parking and servicing, landscaping together with public open space (GR 352700/116971)
Recommending Case Officer:	Simon Fox - Area Lead Officer (South) Tel: 01935 462509 Email: simon.fox@southsomerset.gov.uk
Target date :	1st May 2012
Applicant :	Yeovil Town Football Club
Type :	Major Retail f/space 1,000 sq.m or 1ha+

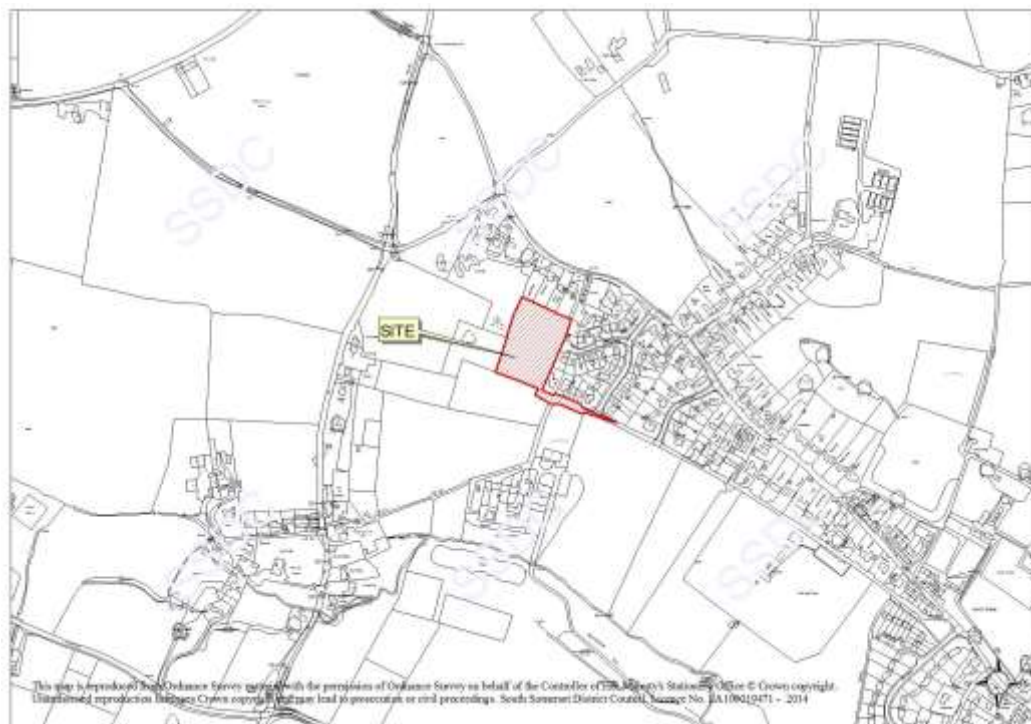
**PLEASE NOTE THAT THIS APPLICATION HAS OF LATE
TUESDAY 3RD JUNE 2014 BEEN WITHDRAWN**

Officer Report On Planning Application: 14/01266/OUT

Proposal:	Residential development, new vehicular access and associated works (GR 353196/113461)
Site Address:	Land Adjacent Broadacres East Coker
Parish:	East Coker
COKER Ward (SSDC Member)	Cllr G Seaton Cllr Cathy Bakewell
Recommending Case Officer:	Andrew Collins Tel: 01935 462276 Email: andrew.collins@southsomerset.gov.uk
Target date:	1st July 2014
Applicant:	Avalon Estates Ltd
Agent: (no agent if blank)	Boon Brown Planning Motivo Alvington Yeovil Somerset BA20 2FG
Application Type:	Major Dwlgs 10 or more or site 0.5ha+

Reason for Referral to Committee

This application for residential development is recommended for approval as the site lies outside of the Development Areas. Accordingly the application is referred to committee to enable the justification for the development to be considered in light of the issues raised locally and to consider whether this constitutes sustainable development.

Site Description and Proposal



This application seeks outline permission for the erection of up to 19 dwellings with associated access and landscaping. All matters are to be reserved with the exception of access. The site consists of an agricultural field currently empty. The field slopes gently upwards towards the north-western corner and is bounded by a mix of type and features. The Eastern boundary is bounded by mixed timber fences backing onto residential rear gardens, the northern by a mix of fences and hedges also backing onto rear gardens. Along the western boundary is a mix of post and wire fencing, post and rail fencing and a poor hedge. The Southern boundary comprises a mixed species hedge of various quality and type. The site is bounded by a variety of residential properties to the north and east of the site, with open countryside to the south and west.

It is proposed to provide vehicular access to the site through the existing access on the southern boundary from the existing unclassified highway known as Long Furlong Lane. As part of the submitted plans, for consideration the existing road is to be widened and a footpath is created. On the back edge of the proposed footway a native species hedgerow is proposed. At the western end of the lane a shared surface is proposed to enter the site.

Long Furlong Lane continues through 90 degrees by turning south and this serves Skinner's Hill Farm.

An existing access to a paddock will remain to the west of the new road. This goes to third party land outside of the application site.

The indicative layout shows the introduction of new hedgerow planting surrounding the site. The layout shows an area of open space along the eastern boundary. The layout shows a 'C' shaped road ending in a turning area and cul-de-sac.

The application is supported by:

- Design and Access Statement

- Tree Report
- Archaeological Report
- Ecological Survey
- Planning Statement
- Travel Plan
- Transport Assessment
- Various indicative plans

During the course of the application an addendum to the Ecology Report has been received regarding great crested newts. In addition the access has been amended and a detailed native species hedgerow planting scheme has been submitted for the back edge of the new footway.

HISTORY

92/00833/FUL - CONSTRUCTION OF ACCESS ROAD, THE ERECTION OF SIX LOW COST HOUSES AND THE PROVISION OF PARKING FACILITIES - Application Refused - 20/01/1993. Dismissed on appeal.

92/00832/FUL - THE ERECTION OF EIGHT LOW COST HOUSES AND THE PROVISION OF PARKING FACILITIES - Application Refused - 02/07/1992

91/00934/FUL - THE ERECTION OF TWELVE LOW COST HOUSES AND THE PROVISION OF PARKING FACILITIES - Application Refused - 09/01/1992

781884 - Outline. Erection of six bungalows and eight dwellinghouses - Application refused - 16/11/78. Appeal Dismissed.

63905/C - Development of land for residential purposes - Refused - 20/12/73. Appeal Dismissed.

63905/B - Development of land for residential purposes - Refused - 8/9/72. Appeal Dismissed.

63905/A - Development of land for residential purposes - Refused - 23/12/69

63905 - Development of land for residential purposes - Refused - 11/12/69

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 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 development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (Adopted April 2006):

ST1 - Rural Centres

ST3 - Development Area

ST5 - General Principles of Development
 ST6 - The Quality of Development
 ST7 - Public Space
 ST9 - Crime Prevention
 ST10 - Planning Obligations
 EC1 - Protecting the Best and Most Versatile Agricultural Land
 EC3 - Landscape Character
 EC8 - Protected Species
 EU4 - Drainage
 TP1 - New Development and Pedestrian Movement
 TP4 - Road Design
 TP7 - Car Parking
 CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development
 CR4 - Amenity Open Space
 HG7 - Affordable Housing
 EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological Interest.

National Planning Policy Framework
 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 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
 Chapter 11 - Conserving and Enhancing the Natural Environment

South Somerset Sustainable Community Strategy
 Goal 3 - Healthy Environments
 Goal 4 - Services and Facilities
 Goal 8 - High Quality Homes

Other Policy Considerations
 Somerset County Council Parking Strategy (March 2012)

Land Supply

The Council's current position is that it does not have the required 5 year supply of housing land and as such the housing restraint policy (ST3 of the existing Local Plan) is considered to be out of date. At the time of writing this report further work is being carried out on assessing the council's land supply position and members will be provided with a verbal update .

CONSULTATIONS

East Coker Parish Council - *"Following the consultation with local residents, we object strongly to the application.*

It is an inappropriate site for development, it being the best and most versatile agricultural grade land. The access and egress is a potential danger point with traffic emerging onto a single track lane leading to a busy farm entrance. The entrance to the proposed development, if approved, may facilitate further development to the south.

The approach roads to this proposed development are of single lane nature and the number of dwellings proposed on this site can only exacerbate the existing traffic flow problems. It is wrong to assume that all traffic will use Broadacres as an exit route.

Recently a section of Long Furlong Lane was closed to traffic for several weeks due to flooding.

These approach roads are of an historic and environmentally sensitive nature.

The Parish Council is in the process of producing a Neighbourhood Plan and a preliminary report is now being tested. The Housing Headlines show there is a preference to see more affordable homes and that housing suitable for the elderly is in short supply. The houses on this proposed development do not fit this requirement.

Immediate neighbours are very concerned at the proximity of the entrance roadway to their boundary with the largest house being just 2 metres from a neighbouring garden fence."

County Highway Authority - Notes that the site lies outside the defined development area of East Coker, but leaves it up to the LPA to determine whether or not the development accords with the NPPF sustainability criteria. Notes the proposal is to form an improved access and widening on Long Furlong Lane.

Notes that the accompanying Transport Statement has been fully considered and its conclusions are acceptable to the Highway Authority. Consider it would be unreasonable to object to the application on highway safety grounds as it been proved that it is technically possible to improve Long Furlong Lane sufficiently to allow two way traffic to operate and provide appropriate links for pedestrians to and from the site. Conditions are proposed in relation to detailed highways construction, parking and turning, parking spaces, surface water disposal, detailed access requirements, the submission of a Construction Management Plan to detail movements during construction and a condition survey.

SSDC Climate Change Officer - Objects to the outline application as it currently stands because there is not even a broad commitment to installation of renewable energy technologies. Various suggestions are made in relation to the submission of improvements at reserved matters stage.

SSDC Housing Officer - Policy requires 35% affordable housing split 67:33 social rent: intermediate.

On that basis we require 5 units for social rent and 2 units for shared ownership/other intermediate products,

Further discussion would be necessary to assess the property types required based on data from the Housing Register - Homefinder Somerset.

SSDC Environmental Protection Unit - *"No comments to make."*

SSDC Area Engineer - *"There seem to be two basic concerns relating to flooding*

- a) Existing flooding problems in Long Furlong Lane.*
- b) Surface water run-off from existing agricultural land onto 15 Broadacres and thence to adjacent properties*

In respect of Long Furlong Lane the surface water flooding problems here are identified on the EA's surface water flood risk mapping (extract attached). I'm not actually familiar with this particular problem but obviously comments from residents and photographic

evidence shows that it exists and presumably only affects the highway (rather than flooding of dwellings). Actual cause of this existing problem is uncertain but could be down to poor/damaged drainage systems, assuming some exist here. Just how frequent this problem is I'm not sure (the map shows the 3% risk levels) but as planning authority we need to ensure that it isn't exacerbated by the development proposals.

In this respect I note the following comment in the submitted Planning Statement

4.16 Foul drainage from the site will go into the main sewer. Surface water run-off will be managed on-site by SUDS. Surface water run-off will be attenuated on site to a Greenfield run off rate and discharged to either soak-aways or a local watercourse. A detailed drainage strategy can be required by a suitably worded pre-commencement planning condition for further consideration at the reserved matters stage.

The strategy here is basically sound and complies with requirements of the NPPF. We will obviously need to see details for approval in due course but the use of soak-aways for roof-water disposal should effectively reduce any surface water run-off from the development site. Disposal of surface water from parking areas/driveways can be dealt with by use of permeable paving systems which can again connect to soakaways and will further reduce surface water run-off from the site. Any public highways within the development would normally require an outfall to existing drainage systems or to a watercourse although this can again be regulated via control systems (tanks, etc.). The overall effect should ensure that there is no increase in surface water drainage towards Long Furlong Lane and in fact it should effectively reduce it. There is however one important issue that the developer needs to resolve and that is to identify an existing drain/watercourse to which the surface water from the highway can be connected. Alternatively he could persuade the highway authority to accept use of soak-aways to deal with highway water although this is not their current policy.

Turning to the surface water run-off affecting 15 Broadacres, etc. we need to perhaps recognise that circumstances this last winter were somewhat exceptional. Having said that, the introduction of soak-aways to deal with roof-water/driveways serving the development should significantly reduce the problems experienced here and road drainage will ultimately drain southwards away from the rear gardens of Broadacres properties.

I note that there is a proposal to include an open space along the Broadacres side of the development and this brings with it an excellent opportunity to create a swale and/or bank feature along this boundary to deal with any residual problems. I think that we should require provision (and maintenance) of such a feature and furthermore it should be in place immediately before the development proceeds as it will serve to deal with drainage problems often encountered during construction stage."

SSDC Planning Policy - Notes that South Somerset does not have a five year land supply at this time and accordingly policy ST3 is considered to be out of date as it relates to residential development. In the absence of this policy the principles for sustainable development are defined by the NPPF.

She notes that North / East Coker have a public house, primary school, shop, bus stop and playing fields. Given the current lack of a 5 year housing supply means there must be significant reasons to object to the scheme. Therefore does not raise a planning policy objection to the principle. Any significant adverse impacts raised by other consultees would need to significantly and demonstrably outweigh the benefits of additional housing.

SSDC Landscape Architect - *"In most instances, I am not supportive of development at the edge of our rural villages, for whilst national planning policy no longer states an intent to protect the countryside for its own sake, recent national guidance re-iterates one of the NPPF core principles that planning should recognise the intrinsic character and beauty of the countryside, to thus place some value on the inherent quality of the countryside.*

In this instance, the application plot is a small pasture, rectangular in shape, and lined by village-edge housing on two sides, whilst the other two sides are undeveloped, and comprise a mix of garden and small paddocks. It is overlooked by its immediate residential surround, but is otherwise visually unobtrusive. There are long views toward the site, from the raised elevation of the Coker ridge to the south, though it can be noted that from the ridge and its associated rights of way, the plot is not a large component of the view, and it is seen against a backdrop of village house forms.

Clearly the proposal will result in an erosion of the countryside - by virtue of domestic expansion into agricultural land. However, the impact goes little beyond that, any change in the local landscape character does not extend far beyond the site bounds, for the site is bounded by other small fields where not abutted by housing, and there are few landscape features affected by the proposal. I would acknowledge that other than site access, this proposal does not impact upon existing landscape features, nor does it extend disproportionately into land of greater visual profile, or the wider field pattern of the agricultural landscape. Hence whilst I have reservations of the principle of such development, I have to acknowledge that the proposal will not create a significant landscape impact, and thus there is no basis to raise a landscape objection."

SSDC Community, Health and Leisure - Requests the following contributions are sought in line with policies CR2, CR3, ST5 and ST10 of the South Somerset Local Plan, policy HW1 of the emerging local plan and paragraphs 203-206 of the NPPF, on the basis of 19 dwellings

- Local facilities £72,019

This is broken down as such;

Equipped Play Space towards enhancing the play area at East Coker recreation ground - £16,416

Youth Facilities towards the provision of youth facilities at East Coker recreation ground - £3,223

Playing Pitches towards the enhancement or expansion of existing pitches at East Coker recreation ground - £7,573

Changing rooms towards the enhancement of existing changing rooms at East Coker recreation ground - £15,375

Community Halls towards the enhancement of East Coker Village Hall - £29,431

- Strategic facilities £30,658

This is broken down as;

Theatres and art centres towards expanding and enhancing the Octagon theatre, Yeovil - £5,974

Artificial Grass Pitches towards the provision of a third generation AGP in Yeovil - £1534

Swimming Pools towards the development of a centrally based 8 lane district wide competition pool - £7,057

Indoor Tennis Centres towards the provision of a new indoor tennis centre likely within Yeovil Sports Zone - £4,523

Sports Halls towards the development of a centrally based 8 court district wide competition sports hall in Yeovil or the enhancement of existing sports halls in Yeovil - £11,569

- Commuted sums £17,315

This is broken down as;

Equipped Play Space towards the play area at East Coker recreation ground - £9,482

Youth Facilities towards the provision of youth facilities at East Coker recreation ground - £1,192

Playing Pitches towards the enhancement or expansion of existing pitches at East Coker recreation ground - £5,404

Changing rooms towards the enhancement of existing changing rooms at East Coker recreation ground - £1,237

- Community, Health and Leisure Service administration fee £1,200

This equates per dwelling as being;

- Local facilities £3,790

This is broken down as such;

Equipped Play Space towards enhancing the play area at East Coker recreation ground - £864

Youth Facilities towards the provision of youth facilities at East Coker recreation ground - £170

Playing Pitches towards the enhancement or expansion of existing pitches at East Coker recreation ground - £399

Changing rooms towards the enhancement of existing changing rooms at East Coker recreation ground - £809

Community Halls towards the enhancement of East Coker Village Hall - £1,549

- Strategic Facilities £1,614

This is broken down as such;

Theatres and art centres towards expanding and enhancing the Octagon theatre, Yeovil - £314

Artificial Grass Pitches towards the provision of a third generation AGP in Yeovil - £81

Swimming Pools towards the development of a centrally based 8 lane district wide competition pool - £371

Indoor Tennis Centres towards the provision of a new indoor tennis centre likely within Yeovil Sports Zone - £238

Sports Halls towards the development of a centrally based 8 court district wide competition sports hall in Yeovil or the enhancement of existing sports halls in Yeovil - £609

- Commuted sums £911

This is broken down as such;

Equipped Play Space towards the play area at East Coker recreation ground - £499

Youth Facilities towards the provision of youth facilities at East Coker recreation ground - £63

Playing Pitches towards the enhancement or expansion of existing pitches at East Coker recreation ground - £284

Changing rooms towards the enhancement of existing changing rooms at East Coker recreation ground - £65

- Community, Health and Leisure Service administration fee £63

SSDC Ecologist - He initially commented that notes the Ecological Appraisal. A pond lies about 250m to the south of the site and there is a record of great crested newts within 2km. He required that a further assessment is undertaken and this be subject to a condition. On the basis of the addendum is satisfied with the findings.

Agrees with the submitted appraisal that there is a risk of slow worms on the site and recommends that a method statement in dealing with them is conditioned.

There are signs of badger activity on site and a possible outlier sett was noted. On this basis an informative is proposed.

SCC Archaeology - *"An archaeological evaluation has taken place on this site that revealed reasonably significant archaeological remains relating to Roman period settlement. At present I am still waiting for the report on the trenching but from the information I gained from visiting the investigation I can advise that further excavation will be required."*

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

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

Avon and Somerset Constabulary Architectural Liaison - Has no objection. Requests that at the appropriate time consideration is given to provide gable end windows to allow surveillance of the parking spaces to meet 'Secure by Design' requirements.

SCC Education - *"A development of this size would give rise to the need for four primary school places. We know from work done by your Local Plan Team that we will come under increasing pressure in and around Yeovil as a result of new development; and this is on top of rising rolls through increases in the birth rate. However, the school currently has some 20 places available and will not be oversubscribed until about 2016. Under the circumstances, I think I will probably need to let this one go."*

Wessex Water - New water supply and waste water connections will be required from Wessex Water to serve this development. Separate systems will be required as surface water connections will not be permitted to the foul sewer system.

No comments have been received from the SSDC Area Development Manager (South), County Rights of Way, Tree Officer and Somerset Waste Partnership.

REPRESENTATIONS

34 letters of objection have been received.

Objections were raised on the following grounds:

Principle of Development:

- Amount of development is not justified.
- Questions if there is a need for more houses in East Coker.
- The site is outside of the development area.
- The site is close to other large development sites and more development is not needed.
- Lack of information proposed.
- The shop is only open half days and not meet the needs of the population.
- Development on this site has been refused before.
- Consider that the indicative plans are not low density and indicative individual plot sizes are unfavourable.
- Does not comply with Policy ST3, PPS1 or PPS3.
- The school and pre-school are over-subscribed.
- Questions the 5 Year land supply.
- Currently in preparation is the East Coker Neighbourhood Plan and this would development would affect this.
- Applications have been refused in the past on the site and dismissed on appeal.
- The loss of Grade I agricultural land which is contrary to Paragraph 112 of the NPPF.
- The lack of a 5 Year land supply does not take into account the Yeovil Urban Extension.
- This appears to be an attempt to swallow up East Coker and not be a separate settlement to Yeovil.
- Questions need with a number of vacant and unsold new build properties.

Highways:

- Amount of traffic using site.
- Narrow lanes surrounding East Coker.
- Water pipes damaged in past in Long Furlong Lane, with increased weight from delivery vehicles what will happen?
- Access unsuitable and potentially dangerous.
- Already roads at saturation point at peak times.
- Increased traffic using Broadacres estate.
- There is limited availability to accommodate bicycles in the surrounding area.
- Long Furlong Lane is a narrow country lane with few passing places and only part of it is to be improved.
- Long Furlong Lane is well used and serves the playing fields and pre-school.
- There are many users of the lane including young families, horses and walkers who would be put at risk.
- The new access to the site would be a hazard to neighbour's property.
- There are a lot of stables nearby with associated equestrian traffic on the roads. The development would be a danger to these uses.
- Long Furlong Lane is very narrow and vision is limited when accessing the lane.
- The country lanes in the village are mostly within pavements and were not designed to take large traffic flows.
- The access is extremely constricted and looks as if traffic flow will be compromised causing delay and frustration.
- Questions if emergency vehicles can enter the site.
- Skinner's Hill Farm has an equestrian stables and the safety to horses is a key issue.
- Traffic would have to drive over new kerb to get to the Skinner's Hill Farm
- There have been accidents on the junction with the A30 at the Whitepost Garage and in Higher Burton

Residential Amenity:

- Neighbour owns adjoining land with an existing entrance opposite. The existing lane is already very busy and the existing farm gate opens outwards and this would block access to the site for horseboxes, trailers etc entering / exiting neighbour's site.
- The loss of more open countryside and the sunsets that neighbours currently enjoy
- 7 out of 11 windows in existing dwelling face the application site and existing property will be severely impact upon.
- Concerns about overlooking of existing dwelling.
- The majority of living areas are to the rear / South to make the most of sun and the outlook this would be affected.
- Loss of privacy and overlooking from the access road.
- Increase level of noise and disturbance with traffic noise and fumes.
- Refers to relevant articles of the Human Rights Act.
- Concerns about overlooking, siting and design of the development. Overbearing also an issue.
- Loss of views.
- There will be a lot of noise during construction.
- A more logical assess is via the turning head in Broadacres and would result in less impact.
- There would be a detrimental impact upon residential amenity.

Visual Amenity:

- Trees were recently removed before the application was submitted.
- Could set an undesirable precedent.
- There are trees in close proximity of the boundary that have not been identified.
- The site was previously designated as a 'Special Landscape Area' and see no reason why this should change.
- Need to avoid town cramming.
- There would be light pollution and with street lamps a loss of a dark skies area.
- Infilling could adversely affect the character of the area.
- Development on this site would be visually intrusive and detract from the open countryside.

Flooding:

- Long Furlong Lane has flooded in past for weeks at a time.
- Proposal could increase flooding - Gardens were flooded by water running off the fields and if tarmacked it would make matters worse.
- Increased flooding has undermined the steep banks of the narrow lanes.

Other Matters:

- Concerns over drainage and sewage systems.
- Effect upon badger population and if disturbed could move to gardens and cause problems with holes.
- Facts in relation to distance to train station, width of roads and other details in the transport assessment are not accurate and there is no dedicated bus service.
- Concerns over electricity supply as have been power cuts in the past.
- Impact upon wildlife.
- Impact upon Yeovil Hospital, local GP practices, dentists and schools.
- Lack of employment for new occupants.
- No public consultation took place except briefly with the Parish Council.
- There is a history of archaeological finds in the near vicinity of this site.

- Water meters are installed in Long Furlong Lane and it is not sure how these will be relocated.
- On examining average house prices does not consider that the proposal would result in affordable housing.
- Question over land ownership.

APPLICANT'S CASE

In the conclusion of the Planning Statement it is stated that;

"7.1 The application site comprises suitable housing land in a sustainable location that is immediately available, deliverable and viable for housing development to help address the current identified shortfall in the five-year supply of deliverable housing sites within the District.

7.2 This proposed development represents an exciting opportunity to bring the application site into active residential use providing a range of housing opportunities in a sensitive and well-designed manner.

7.3 The detailed access proposals and associated highway works will have no detrimental impact upon highway safety. All other matters relating to appearance, landscaping, layout and scale (and other issues as referred to within this statement) can be addressed at the reserved matters stage.

7.4 It has been comprehensively demonstrated by this planning statement, and other supporting documents, that the proposal complies with all relevant policies of the Development Plan, national planning policy and, is supported by material planning considerations. Accordingly it is respectfully contended that planning permission ought to be granted in accordance with the presumption in favour of sustainable development established by the NPPF."

CONSIDERATIONS

The main areas of consideration are considered to be:

- Principle of Development
- Loss of Agricultural Land
- Flooding and Drainage
- Highways
- Visual Amenity and Density
- Residential Amenity
- Archaeology
- Ecology
- Planning Obligations
- Infrastructure and Facilities

Principle of Development

It is accepted that the site is located outside the defined development area of East Coker, where residential development is normally strictly controlled by local and national planning policies. In February 2014 the Council's District Executive confirmed that South Somerset did not have a 5 year land supply. Whilst this does have an impact upon the council's ability to influence the shape and direction of growth it is very important for members to be aware that the ability to demonstrate the required land supply is only one

consideration when assessing the suitability of an application. The National Policy Framework makes it very clear that there is a presumption in favour of sustainable development and emphasises that proposals for sustainable development should be approved without delay. The term 'sustainable' is clearly very subjective however it is important for local authorities to be able to provide clear and robust planning reasons should they decide not to support planning applications

The site is outside, but adjacent to current settlement boundaries and could be acceptable in principle for residential development subject to there being no other significant objections on other grounds. The development areas were drawn around the larger villages and settlements that were considered to be sustainable locations where development was seen as acceptable in principle. In addition North / East Coker have the facilities to be a sustainable location including primary school, shop, public house and playing fields / facilities.

The NPPF states that permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted (NPPF para 37). This means that normal development management criteria will continue to apply in terms of landscape, historic environment, access, flooding, environmental damage, amenity etc. There is no automatic assumption that sites will be approved or refused. Therefore all considerations needs to be carefully considered and assessed as to whether the proposal is sustainable development as defined by the 3 criteria in the NPPF.

It is noted from the planning history that there have been a number of applications for residential development in the past. The most recent application in 1992 also went to appeal. Since then there has been a different planning regime and therefore this decision can only be given limited weight. Application 921823 was for the erection of 6 low cost houses. This was refused for 6 reasons on the basis of principle, impact upon countryside, the increased use of lanes, archaeology with no survey being undertaken, setting an undesirable precedent and no support from the community for the low cost houses. In relation to this application the Landscape Architect and Highway Authority do not raise an objection and the County Archaeologist requires a condition regarding further works.

Loss of Agricultural Land

It has been confirmed that the site is on Grade I agricultural land. The NPPF states that the LPA needs to take into account the economic and other benefits of the best and most versatile agricultural land and where significant development is necessary poorer quality shall be used in a preference to higher quality. The agent has stated that the site (0.7 hectares) is a small field and is not part of a wider farm holding operated on commercial purposes. It is considered that other positive benefits outweigh the use of this land. In addition it is not considered that this development is 'significant' as detailed in the NPPF. Therefore this proposal is considered to comply with Policy EC1 and the NPPF.

Flooding and Drainage

The SSDC Area Engineer has carefully considered the potential flooding impacts of the development and the proposed surface water drainage scheme. He is content with the principle of the scheme. It is important that the proposal does not exacerbate existing situations in Long Furlong Lane and it is noted that foul and surface water drainage would be managed on site. In relation to surface water run off there is scope to provide a swale / bank in the area of open space to control any run off. The site is located within

the Environment Agency flood zone 1 and is therefore not considered to be an area at risk of flooding. Therefore, notwithstanding the concerns of the parish council and neighbouring occupiers, and subject to the imposition of suitable conditions on any permission issued, it is considered that the proposed development would not increase the risk of flooding to existing properties in accordance with the aims and objectives of the NPPF and the local plan. Wessex Water has commented that there is adequate supply in the area and this can be dealt with at reserved matters stage. The drainage proposals are considered to be adequate subject to a condition to secure further details.

Highways

A large number of concerns have been raised by neighbouring occupiers, and the Parish Council regarding the potential impact of the proposed development on the surrounding highway network. In particular concern has been raised about the volume of traffic the scheme will generate and the various impacts this extra traffic will have. The county highway authority was consulted as to these impacts and all highway aspects relating to the development. They have assessed the impact of the proposal including the submitted transport assessment. They have concluded that there is no traffic impact grounds for a recommendation of refusal, subject to the imposition of certain conditions on any permission issued.

Accordingly, whilst local concerns are noted, it is considered that the proposed access arrangements and local highway network are capable of accommodating the traffic generated by the development without detriment to highways safety. As such the proposal complies with saved policies ST5, TP1 and TP4 of the local plan.

This is an outline application with only the access being considered. Therefore whilst indicative plans show 19 dwellings a subsequent application could result in a much greater number. In consultation with the highways authority it is noted that the maximum number of dwellings that can be accommodated over a shared surface is 20. Therefore whilst 19 dwellings are indicated it is considered reasonable to restrict the maximum number to 20.

Parking provision and other matters of detail (footpaths etc. on the site) would be assessed at the reserved matter stage and need not be conditioned at this stage as requested by the highways officer. A condition suggested regarding a survey of the existing public highway is not considered to be relevant to the planning application.

Visual Amenity and Density

Concerns have been raised by neighbouring occupiers regarding the impact of the proposal on the character of the area and the wider landscape character. The SSDC Landscape Architect was consulted as to the visual impacts of the scheme. He noted that the application site there were long views towards the site from Coker ridge to the South, but the site is not a strong component of this view and is seen against a backdrop of village house forms.

The visual impact does not extend beyond the site bounds and is bounded by small fields. Therefore there is little impact beyond the principle of the development. Landscape features are not affected save for the access and any development would not be unduly prominent on the wider landscape. In assessing the character of development it is also considered that the proposal results in a rounding off of the existing development.

On this basis, and subject to the agreement of a suitable design and appropriate landscaping measures at the reserved matter stage, it is considered that the proposal complies with saved policies ST5, ST6 and EC3 and would not have such a harmful impact that permission should be withheld on the grounds of visual amenity. The various concerns of the neighbouring occupiers regarding the impact of any development on the visual amenity of the area have been considered but are not considered to outweigh the conclusions of the SSDC Landscape Architect as to the visual impacts of the scheme.

The indicative plans show 19 dwellings with a total site area of 0.68 hectares. This gives a site wide density of 28 dwellings per hectare. In considering this location on the edge of the village this is considered to be appropriate. This is an outline application with all matters reserved save for access. It has been detailed on the application form and in the indicative plans that 19 dwellings are proposed. However a reserved matters application could be submitted with a much greater number of dwellings. Under the highway authority's requirements a shared access cannot accommodate more than 20. The indicative layout is generally appropriate and the shared surface plays down the visual aspect of the proposals. Also due to the design, nature and scale of development and the density of the proposals and the highway requirements due to highway safety a restriction to 20 dwellings is considered appropriate.

Residential Amenity

The occupiers of a chalet bungalow at 30 Broadacres have raised a specific concern regarding the impact of the proposed new access on their residential amenity. Their property is sited to the east of the proposed new access into the site from Long Furlong Lane and the proposed access is to go round 2 sides of their property. They are concerned about the potential for disturbance to their property from the traffic using the new access, through disturbance as the application site is higher than the neighbouring property. Also they consider that their private amenity area would be overlooked. The indicative plans show landscaping on the boundary with Broadacres and this can be conditioned as part of any reserved matters application. However, whilst it will undoubtedly have some impact on their residential amenity, it is not considered that the impact would be significant enough to warrant refusal of the scheme.

Concerns have been raised by the occupiers of properties in Broadacres and Higher Burton regarding the potential impacts of the development on their residential amenity by way of overlooking and overbearing. However, subject to the consideration of the layout at reserved matters stage it is not considered that the development of this site would give rise to any overlooking or loss of light and privacy to any existing residents in these areas.

It can therefore be concluded that the proposed dwellings could be developed in a way that would not cause demonstrable harm to the residential amenity of adjoining occupiers in accordance with policy ST6 of the South Somerset Local Plan.

Archaeology

The county archaeologist was consulted as to the impacts of the development on any archaeology in the area. Survey work has been undertaken on site and there could be reasonably significant archaeological remains relating to a Roman period settlement. The report on the trenching is still awaited but the County Archaeologist visited the site during works and further excavation is required. As such they recommended that the developer be required to archaeologically excavate the heritage asset and provide a report as to any discoveries in accordance with the NPPF. They suggested that this can be achieved through the imposition of a suitable condition on any permission issued.

It is therefore considered that, although there are archaeological remains on the site, they should not constrain the proposed development subject to a suitable programme of archaeological work being carried out by the developer in accordance with aims and objectives of the NPPF and policy EH12 of the South Somerset Local Plan.

Ecology

A large number of concerns were submitted by neighbouring occupiers in relation to the impact of the proposal on local ecology. In addition to the Ecology Report, an addendum to the Ecology Report has been submitted regarding great crested newts. The SSDC Ecologist has assessed all reports. He supports the findings of the submitted ecological reports and does not raise any concerns regarding the principle of the development subject to a condition regarding slow worms and an informative regarding badgers. As such the proposal is considered not to have an impact on local ecology or protected species significant enough to warrant refusal of the scheme in accordance with policy EC8 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Planning Obligations

- Sport, Art and Leisure - a contribution of £121,192 (£6,379 per dwelling) is sought towards the increased demand for outdoor playing space, sport and recreation facilities.
- Affordable Housing - whilst the housing officer requests 7 affordable houses this is an outline application with all matters reserved. The application seeks permission for 19 houses, however the actual number would be finalised at the reserved matters stage. At this point the S106 agreement should oblige the developer to provide at least 35% of the dwellings as affordable with a tenure split of 67:33 in favour of rented accommodation over shared ownership / other intermediate products.
- A monitoring fee of 20% of the application fee is sought

Accordingly, should the application be approved a Section 106 agreement will be necessary to:-

- Secure the agreed contribution towards strategic and local outdoor playing space, sport and recreation facilities.
- Ensure that 35% of the dwellings units are affordable and remain so in perpetuity.
- Secure the agreed monitoring fee.

Subject to the applicant agreeing to these obligations the proposal would comply with saved policies ST5, ST10, CR2 and HG7 of the local plan.

Infrastructure and Facilities

A number of concerns have been raised regarding whether East / North Coker have the necessary infrastructure and facilities to cope with the proposed development. However such concerns are not supported by technical consultees or service providers. No service supply issues (e.g. education, healthcare etc.) have been identified in East / North Coker by the local plan process. Indeed no critical infrastructure issues relevant to

this development are identified by the Council's Report on Infrastructure Planning in South Somerset.

EIA

The requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 have been considered. Whilst a major application the proposals do not fall under either Schedule 1 or 2 development and as such a screening and scoping assessment was not required. Also in considering the constraints of the site and the information provided it is not considered that an environmental statement is required for the purposes of environmental impact assessment.

Other Matters

Concern has been raised over the application access encroaching upon land owned by 30 Broadacres. In this regard the agent has provided Land Registry details to show that the land falls within land controlled by the Highways Authority. The relevant certificates have been served upon the Highways Authority and 2 other 3rd parties.

The SSDC Climate Change Mitigation officer raised an objection to the scheme on the grounds that there is no comment on the provision for renewable energy generation equipment or how code for sustainable homes level four will be met. Whilst his comments are noted it is considered that these issues represent detailed design matters with regard to orientation and south facing roof slopes that are best dealt with at the reserved matters stage. It is noted that there is no current Local Plan or NPPF policy in relation to renewable energy generation with the main legislation coming within the building regulations.

Neighbours have raised a concern regarding the loss of outlook from their properties and potential devaluing. However, subject to achieving a satisfactory design and layout at the reserved matters stage, there is no reason to assume that the resident's outlook will be unacceptably affected and in this instance any effect on property values is not a material consideration to which significant weight can be given.

Conclusion

On the basis of the above, notwithstanding the various objections from the parish council and neighbouring occupiers in relation to principle, it is considered that the principle of the sustainable residential development of this site is acceptable and the application therefore falls to be determined on the basis of its impacts. It is considered that the proposal would not set any kind of undesirable precedent. All other matters regarding the principle of the development raised by the parish council and neighbouring occupiers have been considered, but are not considered to outweigh the considerations outlined above.

Notwithstanding the council's current housing supply position, the site's location adjacent to the settlement limits of North / East Coker and the facilities and services within the village, it is considered that, in principle, it is a sustainable location for development. In addition this proposal results in a rounding off of the development. No adverse impacts on the landscape, ecology, drainage, residential amenity or highway safety have been identified that justify withholding outline planning permission and all matters of detail would be adequately assessed at the reserved matters stage or by the agreement of details required by condition. The applicant has agreed to pay the appropriate contributions.

Therefore, notwithstanding the various concerns raised, the proposed development is considered to be in accordance with policies ST1, ST3, ST5, ST6, ST7, ST9, ST10, EC3, EC8, EU4, TP1, TP2, TP4, TP7, CR2, CR4, EH12 and HG7 of the South Somerset Local Plan and the aims and provisions of the NPPF. As such the application is recommended for approval.

RECOMMENDATION:

That application reference 14/01266/OUT 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) Secure a contribution of £6,379 per dwelling towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing) as detailed below.

- Local facilities £3,790

Equipped Play Space towards enhancing the play area at East Coker recreation ground - £864

Youth Facilities towards the provision of youth facilities at East Coker recreation ground - £170

Playing Pitches towards the enhancement or expansion of existing pitches at East Coker recreation ground - £399

Changing rooms towards the enhancement of existing changing rooms at East Coker recreation ground - £809

Community Halls towards the enhancement of East Coker Village Hall - £1,549

- Strategic Facilities £1,614

Theatres and art centres towards expanding and enhancing the Octagon theatre, Yeovil - £314

Artificial Grass Pitches towards the provision of a third generation AGP in Yeovil - £81

Swimming Pools towards the development of a centrally based 8 lane district wide competition pool - £371

Indoor Tennis Centres towards the provision of a new indoor tennis centre likely within Yeovil Sports Zone - £238

Sports Halls towards the development of a centrally based 8 court district wide competition sports hall in Yeovil or the enhancement of existing sports halls in Yeovil - £609

- Commuted sums £911

Equipped Play Space towards the play area at East Coker recreation ground - £499

Youth Facilities towards the provision of youth facilities at East Coker recreation ground - £63

Playing Pitches towards the enhancement or expansion of existing pitches at East Coker recreation ground - £284

Changing rooms towards the enhancement of existing changing rooms at East Coker recreation ground - £65

- Community, Health and Leisure Service administration fee £63

- 2) Ensure at least 35% of the dwellings (approved at reserved matters stage) are affordable with a tenure split of 67:33 in favour of rented accommodation over other intermediate types, to the satisfaction of the Corporate Strategic Housing Manager.

This (for example 19 or 20 units) results in 5 units for social rent and 2 units for shared ownership / other intermediate types.

- 3) Provide for a S.106 monitoring fee based on 20% of the outline application fee.

b) The following conditions:

Justification

01. Notwithstanding the local concerns, the provision of up to 20 dwellings in this sustainable location would contribute to the council's housing supply without demonstrable harm to archaeology, residential amenity, highway safety, ecology or visual amenity, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the saved policies ST1, ST3, ST5, ST6, ST7, ST9, ST10, EC3, EC8, EU4, TP1, TP2, TP4, TP7, CR2, CR4, EH12 and HG7 of the South Somerset Local Plan and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. Details of the appearance, landscaping, layout and scale (herein after called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

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

03. The development hereby permitted shall be carried out in accordance with the following approved plans: 3353/003 and 3353/102 received 19 March 2014, amended drawing 14005/T03B received 22 April 2014 and drawing 3353/004 received 6 May 2014.

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

04. The landscaping/planting scheme shown on the submitted plan 3353/004 shall be completely carried out within the first available planting season from the date of commencement of the development.

For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other

appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with saved Policy EC3 of the South Somerset Local Plan.

05. No works shall be undertaken unless the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: In the interest of archaeology in accordance with saved Policy EH12 of the South Somerset Local Plan.

06. No works shall be undertaken (including any ground works or site clearance) unless a method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

07. The residential component of development hereby approved shall comprise no more than 20 dwellings.

Reason: To ensure that the level and density of development is appropriate to the location, the shared access is appropriate and commensurate with levels of contributions sought in accordance with ST5, ST6, ST10 and EC3 of the South Somerset Local Plan.

08. As part of any reserved matters application a detailed landscape strategy, including a hedge protection plan to BS5837, shall be submitted with the onsite landscape proposals based on indicative drawing 3353/101.

Reason: In the interests of visual amenity and in accordance with policies ST5, ST6 and EC3 of the South Somerset Local Plan.

09. No works shall be undertaken unless details for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be based on sustainable urban drainage principles and shall ensure that there is no discharge onto the highway. The provision shall be made before commencement and maintained thereafter at all times.

Reason: In the interests of securing proper drainage for the site in accordance with saved Policy ST5 of the South Somerset Local Plan.

10. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and

carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety in accordance with saved Policy ST5 of the South Somerset Local Plan.

11. The development hereby permitted shall not be occupied until parking spaces for the proposed dwellings in line with the SCC Countywide Parking Policy have been provided in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. In addition as well a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site. Such parking and turning spaces shall be kept clear of obstruction at all times.

Reason: In the interests of highway safety in accordance with saved Policy ST5 of the South Somerset Local Plan.

12. No works shall be undertaken unless detailed plans have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the local highway authority) relating to line, level and layout of the proposed alterations to Long Furlong Lane (as shown generally in accordance with Drawing 14005/T03 Rev A) including its means of construction and surface water drainage. The approved access road improvements shall be laid out constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highway Act 1980 and completed in their entirety to the LPA's written satisfaction prior to any work commencing on any dwelling hereby approved.

Reason: In the interests of highway safety in accordance with saved Policy ST5 of the South Somerset Local Plan.

13. No works shall be undertaken unless a Construction 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. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety in accordance with saved Policy ST5 of the South Somerset Local Plan.

Informatives:

01. You are reminded that the County Highway Authority have requested that a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development will have to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
02. Badgers are present on the site and may create 'outlier setts' (temporary setts) at any time, which could require identifying an exclusion zone or require closure under licence from Natural England (normally restricted to July to November

inclusive). Update surveys for badgers are recommended prior to commencing development (particularly each new stage of ground works or excavations) in order to minimise the risk of damaging setts in contravention to the Protection of Badgers Act 1992, and introducing delays to the development. Site specific advice from an ecological consultant is recommended in order to inform appropriate exclusion zones and protection, timing of sensitive operations (which may be limited to July to November), and assistance with the application for sett closure licence from Natural England.

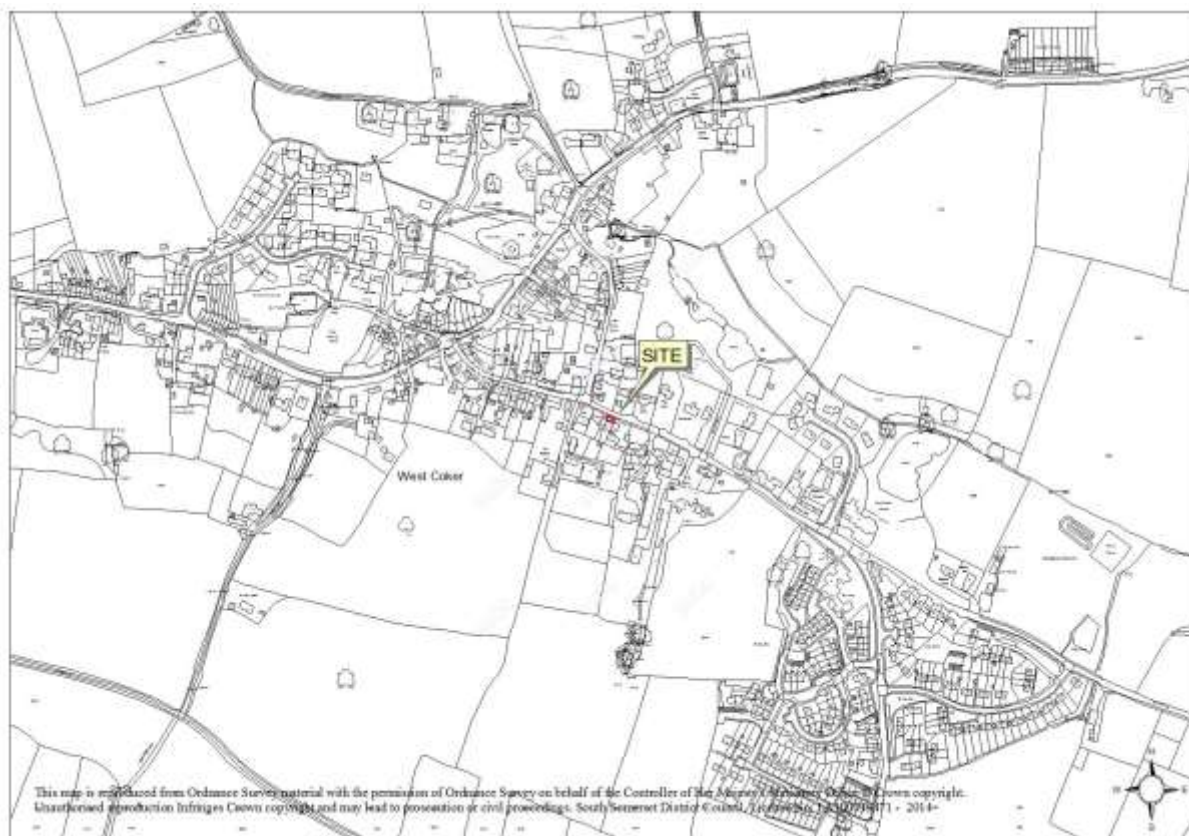
03. You are reminded of the Section 106 that accompanies this application.

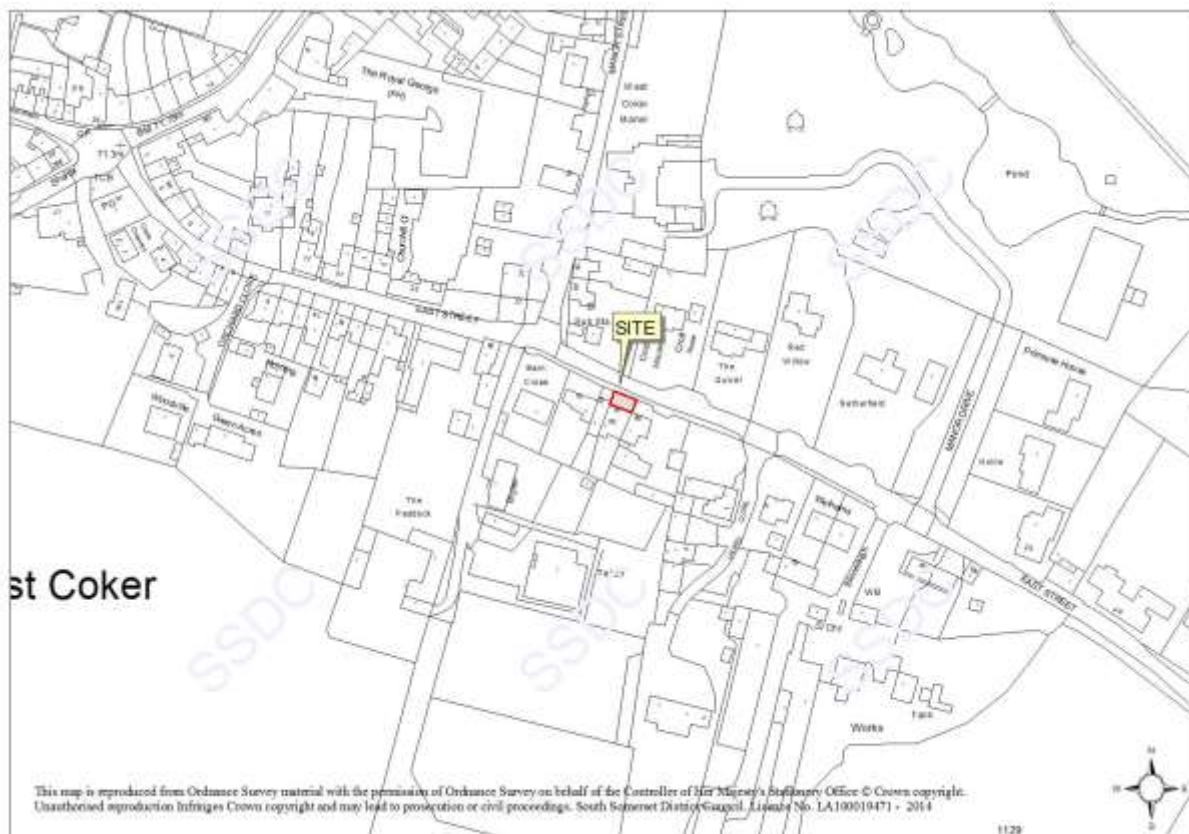
Officer Report On Planning Application: 13/04953/FUL

Proposal :	The formation of a vehicular access and hardstanding (GR 351978/113435)
Site Address:	34-36 East Street West Coker Yeovil
Parish:	West Coker
COKER Ward (SSDC Member)	Cllr G Seaton Cllr Cathy Bakewell
Recommending Case Officer:	Mrs Jennie Roberts Tel: (01935) 462441 Email: jennie.roberts@southsomerset.gov.uk
Target date :	8th April 2014
Applicant :	Mr James Cook
Agent: (no agent if blank)	
Application Type :	Other Householder - not a Change of Use

Reason for Referral to Committee

This application has been brought before committee because the ward members' views are contrary to the officer's recommendation of refusal. They consider that whilst the site is within a conservation area, priority should be given to the removal of parked cars from the highway, which they consider will be of particular benefit to pedestrians and cyclists in safety terms. The Area Chairperson has accepted this rationale.

Site Description and Proposal



The site is located on East Street, which is situated within a conservation area in the village of West Coker, and comprises a mid-terraced cottage and its gardens. The cottage is situated on higher ground than the road.

This part-retrospective application proposes to form a parking space and lower the kerb to allow vehicular access to the front of the property. The small front garden has been excavated to bring it down to road level, and a retaining wall and steps created just in front of the cottage. A 2.8m wide section of 1.2m high stone boundary wall has been removed to allow access from the highway into the lowered garden area. It is then planned to lower the kerb outside the property.

The applicant states that there is a major parking issue in this area, and that by providing this parking space, it would alleviate the parking issue for this property and help the situation for other road users in the area.

HISTORY

13/01228/FUL - The carrying out of external alterations to include the removal of front dormer window and the installation of replacement front windows - conditional approval - 19/03/2013

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 decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Following the recent revocation of the Regional Spatial Strategy and the Somerset and Exmoor National Park Joint Structure Plan Review regard needs to be had to the

development plan policies of the saved policies of the South Somerset Local Plan (2006).

South Somerset Local Plan (adopted 2006)

EH1 (Conservation Areas)

ST5 (General Principles of Development)

ST6 (Quality of Development)

Regard must also be had to:

National Planning Policy Framework - March 2012

Chapter 7 - Requiring good design

Chapter 12 - Conserving and enhancing the historic environment

Somerset Parking Strategy (2012)

CONSULTATION

PARISH COUNCIL: No objection

CONSERVATION OFFICER: Recommends refusal: Proposal is harmful to the character and appearance of the conservation area.

HIGHWAY AUTHORITY: Standing advice applies. Also, the Highway Authority advised that it takes the same approach to this application as it took for planning application 13/04647/FUL, at no. 30 East Street, West Coker. This advice was as follows: "Consider recommending refusal as visibility cannot be achieved and highway safety concern at arrangement."

REPRESENTATIONS

None received

CONSIDERATIONS

Conservation area

The conservation officer's consultation response is as follows:

"Lots of work has already been carried out here, such as the removal of much of the garden and the demolition of areas of the front wall to make an opening wide enough to park a car in the front garden.

Previously the wall had a small pedestrian sized opening. The lengths of wall either side provide a traditional sense of enclosure to the edge of the street. Boundary walls in this area are a strong component of the conservation area's character. Enlarging the opening in this manner and excavating much of the garden is harmful to this traditional local character. The proposal is therefore considered to be harmful to the character of the area.

I appreciate that there are safety concerns about parking on the road here. However this piecemeal approach, without any restrictions of on road parking will not address the local concerns. For example in this case there is no restriction in the occupier of the property owning two cars and parking one in the new parking space and one in the road. For us to accept a harmful alteration such as this we need to be sure that there is clear public benefit in accordance with para. 134 of the NPPF. The proposal benefits the owner of the property, but there is no wider benefit to other residents or the safety of road users. I therefore recommend refusal.

If you are mindful to approve this scheme then the retaining wall within the garden should be faced in natural stone."

With the above in mind, it is considered that the proposal is detrimental to the character and appearance of the conservation area, and as such, the application should be refused.

As described above, there was initially a small opening in the boundary wall to allow pedestrian access. Planning permission is required for the additional section of wall that has been removed and for the engineering works involved in lowering the garden level. Depending on the outcome of this application, there may be a potential enforcement issue here, seeing as these works have already been carried out.

Following the resolution to grant permission for planning application 13/04647/FUL (construction of lay-by at 30 East Street, West Coker), a meeting, facilitated by Area Development, was held on site with the conservation officer and planning officer to consider whether a comprehensive scheme for the provision of off-road parking for the entire terrace of houses would be possible. However, it was felt that this was unviable.

Highways

The Highway Authority was consulted on the application, and initially responded with 'Standing Advice applies'. It then followed this up by referring to planning application 13/04647/FUL (parking bay at 30 East Street, West Coker), and saying, "Please assume the same approach to this application". The advice given here was as follows: "Consider recommending refusal as visibility cannot be achieved and highway safety concern at arrangement."

The Standing Advice referred to above, is a document produced by Somerset County Council, entitled, 'Highways Development Control - Standing Advice', published 01/06/2013. It provides standard comments for planning applications. The relevant issues for this application are visibility and turning. The Standing Advice requires visibility splays ("which are essential for highway safety") to be provided at private drives, with no obstruction above 900mm. This application provides no visibility splays. The Advice also requires that turning facilities are provided to enable a vehicle to enter and leave the highway in forward gear, "which is essential to highway safety". This application provides no such turning space.

With the above in mind, it is considered that the proposal is detrimental to highway safety, as adequate visibility and turning cannot be provided.

There is no fallback position, as there is no prospect of parking being provided elsewhere on the property.

Residential amenity

It is considered that the proposal would have an acceptable relationship with neighbouring properties.

Conclusion

Whilst the proposal is felt to have an acceptable relationship with neighbouring properties, it is considered that it is detrimental both to the character and appearance of the conservation area, and to highway safety. As such, it is recommended that the application be refused.

RECOMMENDATION:

Refuse permission for the following reason:-

01. The demolished section of wall was a high quality boundary wall, which is significant to the character of the conservation area. The wall, along with many others in this area, gave a good traditional definition to the edge of the plot and a strong character to one of West Coker's best historic streets. The removal of the

wall and formation of a parking space will be/is most harmful to this existing character, and will set a poor precedent to other property owners in the vicinity. As such, the proposal will have a harmful effect on the character and appearance of the conservation area, contrary to the provisions of saved policies ST5, ST6 and EH1 of the South Somerset Local Plan (adopted 2006) and the National Planning Policy Framework (2012).

02. The proposed access/parking space does not incorporate the necessary visibility splays which are essential in the interests of highway safety. Furthermore, the site cannot accommodate adequate turning facilities to enable a vehicle to enter and leave the highway in forward gear, which is essential to highway safety. As such, the proposal is contrary to saved policy ST5 of the South Somerset Local Plan (adopted 2006) and the National Planning Policy Framework 2012.

Informatives:

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

In this case the applicant went against the pre-application advice that was provided to him by the conservation officer.

Area South Committee - 4 June 2014

8. Section 106 Obligations

Strategic Director: Rina Singh (Place & Performance)
Assistant Director: Martin Woods (Economy)
Service Manager: David Norris (Development Manager)
Lead Officer: Neil Waddleton
Contact Details: neil.waddleton@southsomerset.gov.uk or (01935) 462603

Purpose of the Report

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

Public Interest

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

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

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

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

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

Recommendation that

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

Background

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

Additional Information

An Audit review of the 106 processes was carried out in early 2014. The outcome of this review was very positive and we received a “substantial assurance” for the areas tested.

In addition a separate audit review was commissioned by the Audit Committee to review the process for the Discharge of Planning Obligation (DPO). The audit concluded that internal controls are in place and operating effectively and risks against the achievement objectives are well managed. “Substantial Assurance” was also given in respect of process audited.

Members may wish to note that the main projects delivered/under way as a result of appropriate collected S106 monies since the last report submitted before them are:

Strategic Facilities:

- Westfield Academy 3G AGP
- Westfield Sports Centre – New cricket nets
- Preston Sports Centre – Funding towards fitness centre, sports hall and pitch improvements

Play & Youth Facilities:

- Birchfield Park - New zip wire and activity hub
- Preston Park – Improvements including new all ability slide
- King Arthur Drive – Work commenced on play area

Pitches & Changing Provision:

- Turners Barn Lane – Improvements to changing rooms

Members please note that I have omitted details of the Lyde Road, Lufton and Brimsmore developments from my monitoring report as it is my intention to do a separate update on these three 3 major schemes at a later committee due to their significant nature.

Financial Implications

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

Corporate Priority Implications

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

Carbon Emissions & Adapting to Climate Change Implications (NI188)

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

Equality and Diversity Implications

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

Background Papers: None

Appendix – 16 pages

Area South Committee – 4th June 2014

9. LEADER Programme for Rural Economic Development

Strategic Director: Rina Singh, Place & Performance
Assistant Director: Helen Rutter/ Kim Close, Communities
Service Managers: ADMs
Lead Officer: Helen Rutter,
Contact Details: helen.rutter@southsomerset.gov.uk or (01963) 435012

Purpose of the Report

To brief all Area Committees on the new LEADER programme for rural economic development and set out the arrangements for appointing member representatives to the appropriate governing body of prospective Local Action Groups (LAGs).

Public Interest

At the current time most of South Somerset does not qualify for the LEADER programme which supports locally designed rural economic development initiatives. Subject to funding, DEFRA may allow existing programmes to change their boundaries, including the possible incorporation of areas not presently covered, in a successor programme, to be launched in 2015.

Recommendation

1. That Members consider and note the report and arrangements for member appointments to be made to each of the 3 prospective Local Action Groups governing body from the Area with greatest coverage;
2. Note that a further report will be brought to the Committee in autumn 2014 reporting on the outcome of applications for funding.

Background

This is an update on proposals to extend coverage of the LEADER programme in South Somerset from 2014.

Area Chairs were briefed about this last summer when the new programme, 2014-2020, was announced. Currently we have limited coverage of rural South Somerset confined to Making it Local (the area around Chard) and the Levels and Moors (most of Area North) and 2 parishes in of Area East through the Sowing Seeds Partnership. This meant that over half of the eligible areas in the district (including rural parishes in Area South) did not benefit from the last programme.

Last summer we agreed to look at ways to extend existing partnerships to reduce the amount of "white areas" rather than seek to create a new partnership.

What is LEADER?

The European Union's (EU) Common Agricultural Policy (CAP) is a system of agricultural subsidies and programmes. It covers farming, environmental measures and rural development and is the EU's single largest common policy; accounting for more than 40% of the EU budget.

Pillar 1 provides direct payments to farmers and market control measures and Pillar 2 promotes rural development. Under Pillar 2, a minimum of 5% of each member state's rural development programmes are used to support the LEADER approach. In the last programme each LEADER area (most cover populations of 120,000 – 150,000 people) attracted around £1.8m, spread over 5 years. A similar sum pro rata is expected for the next round.

Launched in 1991, LEADER delivers Rural Development Programme (RDP) funding at a local level. It is underpinned by seven key features: (i) area based Local Development Strategies, (ii) bottom-up implementation strategies, (iii) local public-private partnerships /Local Action Groups, (iv) integrated/multi-sectoral actions, (v) innovation, (vi) cooperation, and (vii) networking.

LEADER mobilises local resources in ways that do not happen with traditional 'top down' approaches – people use the funding to make the best of assets and development opportunities.

On 11 April 2014, DEFRA published 'A National Delivery Framework (NDF) for LEADER 2014-2020'. This document sets out the requirements and expectations for the next programming period and includes: (a) information about how to prepare a LEADER application and what the selection process will involve, (b) the roles and responsibilities of those involved with LEADER and (c) relevant regulatory and operational requirements. The NDF also explains the policy priorities and measures that Local Development Strategies (LDS) are expected to meet along with some project examples. A LDS is a document created by a Local Action Group (LAG) and wider partnership that describes what LEADER aims to achieve in a given area. DEFRA will assess LDS as part of the competitive application process to receive the next round of LEADER.

Projects funded under the new LEADER Programme (2014-2020) will need to focus on delivering jobs and growth, 70% of all projects funded under LEADER will directly support the rural economy (e.g. through creating and developing micro and small sized rural businesses) 30% of projects will also need to demonstrate that they are contributing to improving the rural economy. The new Programme has 6 priorities.

(1) increasing farm productivity, (2) micro and small enterprise and farm diversification, (3) rural tourism, (4) rural services, (5) cultural and heritage activity, and (6) forestry productivity.

The Next Programme - Local LEADER Partnerships and Closing the Gaps

The map attached shows the Boundaries of the current Levels and Moors & Making It Local LAG Partnerships. It also shows plans being developed to seek more coverage of white areas in South Somerset by the Heart of Wessex LAG Partnership (formerly Sowing Seeds).

- *The Levels and Moors* - is an established area stretching from A303 to the coast and minor boundary changes are proposed on its eastern edge which will consolidate full coverage of Area North;
- *Making it Local* – Is largely based on the Blackdown Hills taking in Chard and western parishes of area West, proposes to expand to take in a little more of West including the Ilminster area;
- Heart of Wessex proposes to follow the A303/A30 corridor area into Wiltshire and cover the remaining, former white areas, of East, South and West in the Crewkerne area (Yeovil is not eligible).

Some further advice has now been published by DEFRA which clarifies the status of hub towns. These are market towns with a population of more than 10,000 but generally less than 30,000, which can be included in LAG areas and whose population counts towards the 150,000 ceiling, but – do not attract any funding allocation. LEADER groups are required to define their area and submit a map and Excel sheet to DEFRA on or before Friday 23 May. Mendip has proposed an entirely new LAG for its area. A verbal update will be given at the meeting about the boundaries submitted.

Next Steps

The prospective LAGs have been consulting with existing communities & businesses which benefitted from the last programme. Shortly they will also be consulting with businesses and communities in areas new to this programme. The focusing on jobs and growth to defining a LEADER area and to developing a LDS; will open up discussions around what rural development is and what European funding should be used for. Analysis of need and the consultation responses will inform and establish priorities for the individual LAGs Local Development Strategies, which need to be submitted to DEFRA by 5th September. This is a national, competitive process for a limited funding pot and sound bids can expect to be awarded funding in the order of £1.5m - 1.8m over a 5 year programme of support.

LAGs that have funded rural economy activities in the past will have to think carefully about how to continue to provide support to micro and small enterprises (address gaps and build upon learning and good practice from 2007-2013).

LAGs will need to align activities to Local Enterprise Partnerships (LEP), Local Authorities, Rural Growth Network Pilot areas, Rural and Farming Networks etc. The NDF calls for all Local Development Strategies (LDSs) to complement the activities of the relevant LEP/s and for the LEP/s to endorse LEADER applications in the form of a supporting letter.

Appointment of Councillor Representatives

LEADER Partnerships have an Executive Group which is made up of a combination of representatives of businesses, agencies, communities and appointed councillors from local authorities. Each has slightly differing terms of reference tailored to local circumstances. SSSC expects to be able to appoint 1 councillor representative to each of the 3 prospective LAGs and this should be an appointment from the main Area of benefit: Level & Moors, Area North; Heart of Wessex, Area East; Making it Local Area West.

Financial Implications

There are no financial implications at this stage. Any Officer time going into the bid process will be met within existing staff resources and by 'in kind' contributions.

Corporate Priority Implications

The Council Plan states that

We want a strong economy which has low unemployment and thriving businesses

One of the stated ways we will address this is to

Work in partnership to deliver investment and development that local people value

Carbon Emissions & Adapting to Climate Change Implications (NI188)

In due course this designation could provide a way to supporting local employment and promote local produce/ services to our communities contributing to greater self-containment thereby reducing carbon emissions.

Equality and Diversity Implications

Rural communities are vulnerable to isolation from services and markets and face higher transport cost. This programme provides an opportunity to support locally important economic initiatives.

Background Papers: DEFRA guidance documents for LEADER programme

Map – 1 page

Area South Committee – 4th June 2014

10. Area South Committee Working Groups and Outside Organisations – Appointment of Members 2014/15 (Executive Decision)

Assistant Director: Ian Clarke, Assistant Director – Legal & Corporate Services
Service Manager: Angela Cox, Democratic Services Manager
Lead Officer: Jo Boucher, Democratic Services Officer
Contact Details: jo.boucher@southsomerset.gov.uk or (01935) 462011

Purpose of the Report

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

Recommendations

The Committee is asked to:

- (1) agree whether to re-establish the internal working groups and panels as listed in the report;
- (2) appoint members to serve on these groups and panels for the municipal year 2013/14;
- (3) review and appoint members to the outside organisations as set out in the report.

Area South Panels and Working Groups

The following table shows the internal working groups, and their memberships, appointed by this Committee for the municipal year 2013/2014. The Committee is asked to decide whether to re-establish the groups for the new municipal year and agree the memberships of each of the groups.

Organisation	Representatives 2013/2014	Lead Officer	Frequency of meetings
Community Safety Area South Community Forum	Tony Lock Ian Martin	Kim Close	Quarterly
Princes Street Improvement Group	John Vincent Chainey Peter Gubbins Ian Martin	Chereen Smith	Ad hoc
Yeovil Town Centre Audit Group	Tony Fife Marcus Fysh Tony Lock Pauline lock Ian Martin Gina Seaton Peter Seib Andy Kendall	Marie Ainsworth	Ad-hoc

Princes Street Steering Group	Peter Gubbins Ian Martin Wes Read John Vincent-Chainey	Chereen Smith	Ad-hoc
Dorcas House Steering Group	Tony Fife	Kim Close	Ad-hoc
Youth Provision in Area South Group	Cathy Bakewell Ian Martin	Natalie Ross	Ad-hoc

Outside Organisations

The organisations and groups to which representatives have been appointed by this Committee are set out below. Members will be aware that they reviewed this list of organisations in October 2013 and made several recommendations towards the final policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies, which was adopted by District Executive on 1st May 2014 attached as Appendix B.

Members are now asked to review and appoint members to the outside organisations for 2014/15, having regard to the adopted policy. Further information is attached at Appendix A.

Organisation	Representation 2013/2014	Representation 2014/2015
Abbey Community Association	John Richardson	
Birchfield Community Association	David Recardo	
John Nowes Exhibition Foundation	Peter Seib	
South Somerset Disability Forum	Vacant	
South Somerset MIND	Cathy Bakewell (substitutes Peter Gubbins & Marcus Fysh)	
William Ruddock Almshouse Trust	Gina Seaton	
Wyndham Trust (Yeovil)	Marcus Fysh	
Yeovil Crematorium and Cemetery Joint Committee	Nigel Gage Graham Oakes David Recardo	
Yeovil in Bloom Gardeners Market Steering Group	Dave Greene	
Yeovil Sports Club Board of Management	Pauline Lock	
Yeovil Town Team	Tony Fife	
Preston School Strategic Management Group	Ian Martin Wes Read	

Please note Peter Gubbins, Area South Portfolio Holder: and Yeovil Vision and Community Safety is representative on the Yeovil Vision Board.

Financial Implications

None for Area South Committee. Mileage claimed by Councillors attending meetings of outside bodies to which they are appointed is approximately £1,000pa and is within the existing budget for Councillors travelling expenses held by Democratic Services. There

may be a small saving resulting from any decision to reduce the number of SSDC appointed outside bodies, however, a number of Councillors do not claim any mileage for their attendance at these meetings.

Council Plan Implications

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

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

Carbon Emissions and Climate Change Implications

None.

Equality and Diversity Implications

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

Background Papers

Minute 15, Area South Committee, 5 June 2013

Minute 184, District Executive, 1 May 2014

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

Area South Committee Working Groups and Outside Bodies – Appointment of Members 2014/15

Area South Outside Bodies Information

Name of Organisation	Contact Name	Contact Details	Number of Council Nominees	Period of Appointment	Aims & Objectives	Legal Status	Status of Councillor	Frequency of Meetings	Insurance	Venue of Meetings
Abbey Community Association	Mr R Jackson, Honorary Secretary	19 Burroughs Avenue, Yeovil, Somerset, BA21 3JT 01935 474584	1	1 Year	To advance education and to provide facilities in the interests of social welfare for recreation and leisure-time occupation with the object of improving the conditions of life.	Charitable Trust	Charity Trustee	2nd Wednesday in the month	Legal Defence costs £250,000, Employers Liability £10,000,000, Public/products liability	Abbey Community Centre
Birchfield Community Association	Leonard Curran-Gibson, Secretary	31 Northbrook Road BA21 5RG 01935431507	2	1 Year	To promote the benefit of the inhabitants of north east Yeovil and its environs to provide facilities in the interest of social welfare for recreation and leisure time occupation.	Charitable Trust	Observer/ Advisor	March, June, Sept & Nov		Birchfield Community Centre
John Nowes Exhibition Foundation	Amanda Bevan Secretary to the Trustees	Mansion House, Yeovil, BA20 1EP	1	1 Year	To give educational grants for individuals in the Yeovil Area ages 16-25	Charitable Trust	Trustee	October		
South Somerset Disability Forum	Sallie Leveridge	20 South Street, Yeovil, Somerset, BA20 1QE, 01935 706766	4	1 Year	To improve the quality of life for disabled people in South Somerset, by improving access to services, facilities, buildings, leisure, transport and the countryside.	Registered charity	Observer	Bi-monthly forum meetings first Tuesday of Month	Professional Indemnity Insurance	Council Chamber, Brympton Way or Yeovil Town Council

Name of Organisation	Contact Name	Contact Details	Number of Council Nominees	Period of Appointment	Aims & Objectives	Legal Status	Status of Councillor	Frequency of Meetings	Insurance	Venue of Meetings
South Somerset Mind	Mrs Marsha Miles	The Markwick Centre, Dampier Street, Yeovil, BA21 4EN, 01935 474875	1	1 Year	To provide services which improve mental health.	Charity	Board Member/ Observer	3rd Monday of every month at 6.30pm		The Markwick Centre, Yeovil
William Ruddock Almshouse	Mrs Lesley Boucher	21 East Street, West Coker, Yeovil BA22 9BE 01935 862748	1	3 Years		Charitable Trust	Trustee	Spring and Autumn	Trustee Liability Cover £250,000	Trustee's House
The Wyndham Trust	Amanda Bevan, Secretary to the Trustees	Mansion House, Princes Street, Yeovil BA20 1EP 01935 846185	1	1 Year	To promote the education of children & young people in Yeovil in the history, archaeology and anthropology of Yeovil and the South and West parts of the county of Somerset.	Charitable Trust	Ex-officio Trustee	2 per year		Battens Solicitors
Yeovil Crematorium and Cemetery Joint Committee	Alan Tawse, Town Clerk	Yeovil Town Council, 19 Union Street, Yeovil 01935 382424	4	1 Year	Responsible for overseeing the management and operation of Yeovil Crematorium and Yeovil Cemetery			Quarterly basis. Wednesdays at 7.00pm		Yeovil Town Council
Yeovil in Bloom Gardeners Market Steering Group	Alan Tawse, Town Clerk	Yeovil Town Council, 19 Union Street, Yeovil 01935 382424	1	1 Year	Responsible for overseeing the organisation and management of the Yeovil in Bloom initiative			Mondays at 4.30pm		Yeovil Town Council

Name of Organisation	Contact Name	Contact Details	Number of Council Nominees	Period of Appointment	Aims & Objectives	Legal Status	Status of Councillor	Frequency of Meetings	Insurance	Venue of Meetings
Yeovil Sports & Social Club Board of Management	David Paulley, Secretary	Yeovil Sports & Social Club, Johnson Park, Coronation Avenue, Yeovil, BA21 3DX, 01935 474433	1	1 Year	The association in a social club of members interested in all amateur sports and pastimes and to promote and encourage the same. The provision and maintenance of a Clubhouse and ground and equipment.	Unincorporated Trust	Board Member	Second Wednesday each month at 7.30pm	Public Liability, Employers Liability, Club Executive Liability	Clubhouse, Johnson Park
Yeovil Town Team	Kim Close, Area South Development Manager	Petters House, Petters Way, Yeovil 01935 462708	1	1 Year	To support the action plan for Yeovil Town Centre			Quarterly		The Town House, 19 Union Street, Yeovil
Preston School Strategic Management Group	Tony Bloxham, Principal	Monks Dale, Yeovil, Somerset, BA21 3JD	2	Until position resigned	To ensure community use of the leisure facilities in line with the signed Shared Use Agreement, overseeing service delivery and monitoring the operation and financial performance of the leisure facilities.	Trust	Member of SMG	Once per school term		Preston School Academy



South Somerset District Council

The Roles and Responsibilities of Councillors appointed to Outside Bodies

Guidance to Councillors appointed to Outside Bodies

This guidance has been produced in an effort to achieve good practice and to support Councillors who are appointed to serve on outside bodies by outlining their responsibilities and obligations in that role.

Service on outside bodies has always been an established part of a Councillor's role. An appointed Member on an outside body will be able to use their knowledge and skills as a Councillor to assist the organisation to which they are appointed.

The Council is now increasingly working in partnership with outside bodies and greater clarity is needed as to the role of Members appointed to these bodies. In situations where funding streams may benefit outside bodies and be channelled through the Council as the accountable body, or where the Council funds the outside body directly (e.g. CAB), questions of accountability and governance will arise.

SSDC definition of an outside body:

“An outside body (also known as an organisation), shall have formal governance, and shall not have been established, or be administered, by SSDC or have SSDC officers as the primary point of contact.”

Introduction

1. This guidance sets out the main issues which councillors should consider when appointed by the Council to serve on outside bodies.
2. In the context of this guidance 'outside bodies' include trusts, companies, charities, industrial and provident societies and community associations. Councillors may be involved as a director, trustee, governor, member or observer (with or without voting powers).
3. Councillors who are involved in the management of outside bodies have responsibilities to that body that must be acted upon. Their role, responsibilities and potential liabilities will depend upon the legal nature of the organisation and the capacity in which they have been appointed. Failure to act in a proper manner may give rise to personal liability or liability for the Council.
4. With the increasing emphasis on partnership working, councillors, as community leaders, have an important role to fulfil in supporting and advising outside bodies. However, this can give rise to conflicts of interest, particularly where the organisation is seeking or receiving funding from the Council. Councillors always need to be clear about their roles and alert to potential conflicts of interest in order to ensure transparency and public confidence in local democracy.
5. This guidance seeks to help councillors discharge their responsibilities on outside bodies clearly and effectively. It covers, primarily, the position of councillors appointed by the Council to serve on outside bodies, though much of the advice applies equally to councillors who are involved with outside bodies in a private capacity. Councillors who are members of an outside organisation in a private capacity or in a Parish Council role, and not appointed by SSDC will not be covered by SSDC insurances.
6. Membership of an outside body does not include representing a political party.

7. Appointments made to any outside body should be drawn from current serving District Councillors only.
8. Training on the legal responsibilities, including declarations/conflicts of interest of Councillors appointed to outside bodies will be included in the initial induction programme of training for new Councillors. Councillors may also seek advice from the Monitoring Officer at any time.
9. This guidance is general and councillors should contact the Monitoring Officer for further advice if they have any particular issues of concern.
10. The remainder of this guidance includes the following:
 - issues to consider before appointment;
 - application of the Code of Conduct for Councillors;
 - legal status of outside bodies, capacity of appointment, duties and liabilities;
 - insurance and indemnity.
 - criteria against which it can be judged whether to accept an new proposition from an outside body for Councillor representation

Issues to consider before appointment

11. Before accepting an appointment to an outside body councillors should check the following information which will be supplied by Democratic Services relating to the outside body:
 - the legal status of the organisation e.g. company, trust, charity, unincorporated association;
 - the capacity in which the councillor is to be appointed e.g. director, trustee, member with voting rights or member with observer status;
 - the purpose of the organisation and how this relates to the Council's functions and objectives;
 - the relationship between the Council and the body and the likelihood and extent of any conflicts of interest (known to the individual councillor);
 - the requirements of the organisation's governing instrument (e.g. constitution; trust deed; memorandum and articles of association), both as a member and generally;
 - the financial status of the organisation;
 - the governance and decision making arrangements, including the management of risk;
 - any code of conduct for members;
 - potential liabilities;
 - the extent of any insurance cover for members.
12. Having checked the above matters, councillors should consider carefully whether they should be appointed to participate formally in the management of the external

organisation e.g. as a director, trustee or voting member, or whether their role as a representative of the Council may be more effectively discharged as a non-voting member with observer status only. **Bearing in mind the potential liabilities that may be incurred through formal involvement in an organisation councillors are generally advised to seek appointment as members with observer status only, unless there are exceptional reasons for more formal participation.**

13. Councillors are encouraged to seek advice from the Monitoring Officer where any of the above issues are unclear.

Application of the Code of Conduct for Members

14. The Council's Code of Conduct for Members in Part 5 of the Constitution places specific obligations on councillors when acting in that capacity in their dealings with outside organisations. The Code will, in particular, apply where a councillor is acting as a representative of the Council on an outside body.
15. Apart from the general duty to promote and support high standards of conduct the following duties of the Code are particularly relevant in this context:
 - act solely in the public interest and never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate;
 - avoid placing yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;
 - make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit;
 - declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and take steps to resolve any conflicts in a way that protects the public interest.
 - comply with the statutory requirements on the registration and declaration of interests.
16. Councillors who have a disclosable pecuniary interest in any business at a meeting of the Council e.g. award of a contract, must not participate in any discussion of the matter or vote on it unless a dispensation has been obtained. Failure to comply with these requirements without reasonable excuse may result in prosecution.
17. Councillors that serve on more than one body, in particular, need to be mindful of potential conflicts of interest and always act in an open and transparent manner in carrying out their respective roles. For example, where a councillor is at a council meeting considering an application for a grant or a community asset transfer request from a parish council or other public body of which they are a member they should declare the existence and nature of their interest. Having done so, they may, generally, take part in the discussion of that item and vote, unless there are particular reasons why this would not be appropriate. It is also advisable as a matter of transparency to include details of the interest in their register of interests.
18. Councillors appointed to serve on outside bodies should be mindful of their legal obligations regarding disclosure of confidential information and in case of doubt should seek advice from the Monitoring Officer.

19. Councillors also need to comply with the duties and requirements of the Equality Act 2010 in their appointment to any outside body as well as their role as a District Councillor (see Appendix E).

Predetermination and Bias

20. Aside from the Code of Conduct, under the common law councillors must be careful to avoid any pre-determination or bias in their decision making. Predetermination occurs where someone has a closed mind so that they are unable to apply their judgment fully and properly to the issue requiring a decision. This can lead to legal challenges and decisions being set aside.
21. The Localism Act 2011 has clarified the rules on predetermination. It makes it clear that a councillor is not deemed to have had a closed mind on an issue just because they have indicated what view they have taken or may take before the issue is decided. A councillor is not, for example, prevented from participating in discussion of an issue or voting on it if they have campaigned on the issue or made public statements about their approach to it.
22. The general position, however, remains that, whatever their views, members must approach their decision-making with an open mind in the sense that they must have regard to all material considerations and must be prepared to change their views if persuaded that they should.
23. Councillors need to be aware that decisions may be challenged and set aside on the grounds of bias. Under the common law bias involves some element of partiality or personal interest in the outcome of a case, as a result of a close connection with the parties, or the subject matter of the dispute, or because of a tendency towards a particular shared point of view.
24. The relevant test for bias is whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the decision maker was biased.
25. The risk of a successful challenge on these grounds may be overcome by proper observance of the requirements of the code of conduct and particularly the provisions set out in paragraph 14 above.

Legal status, capacity, duties and liabilities

26. The specific responsibilities of councillors will depend upon the legal status of the outside body and the capacity in which they have been appointed. The position of councillors in relation to various types of outside body is summarised in the appendices to this note as follows:

- Appendix A - Director of Limited Liability Company
- Appendix B - Trustee of Trust or Charitable Trust
- Appendix C - Member of Unincorporated Association
- Appendix D - Member of Steering Group, Joint Committee or Partnership Body

The key point to note is that where councillors are carrying out their duties as a trustee, director, or management committee member, they may take account of the wishes of the Council, but their primary duty is to act in the best interests of the organisation to which they have been appointed.

Liability, Insurance and Indemnity

27. Councillors can incur personal civil and criminal liability from formal participation in outside bodies.
28. However, under section 265, Public Health Act 1875 (as applied by Section 39, Local Government (Miscellaneous Provisions) Act 1976), councillors enjoy statutory immunity from civil liability where they act within the powers of the authority, in good faith and without negligence.
29. But this immunity does not apply where they act beyond the powers of the council or act in bad faith (i.e. with dishonest or malicious intent) or negligently, and it does not protect them from criminal liability, for example for fraud or for corporate killing where they exercise managerial responsibilities.
30. South Somerset District Council has insurance provision to protect its assets and liabilities. Within these provisions the Council has cover to protect its elected and co-opted members when carrying out duties in connection with the business of the Council. Those afforded the protection are;
 - elected Members of the Council or co-opted members of any Committee or Sub-Committee.
 - members of committees, schemes or associations formed to assist in the activities of the Council.

Appointments at Committee

31. All appointments to outside bodies will be made at the Annual Council meeting or at the relevant Area Committee meeting.

Criteria to accept a new proposition from an outside body for Councillor representation:

32. The following should be considered before accepting any request from a new outside organisation for representation by an SSDC Councillor:-
 1. Relevance to Council Plan
 2. Benefit to SSDC
 3. Benefit to Outside Organisation
 4. Organisation's expectations of the Councillor representative
 5. Does the organisation need Councillor or Officer representation?

Information required prior to accepting a new outside body for Councillor representation:

33. The following information must be established by the Democratic Services team or relevant Area Development Manager prior to any Councillor appointment to an outside organisation, and, be made available to any interested Councillor prior to their appointment:-
 - Identify an officer point of contact

- Primary aims and objectives of the outside body
- Justification for the appointment
- Role of the appointed member
- Set out any legal and/or financial implications
- Indication of time commitment required
- Skills and/or experience required from the council representative

Councillors representing outside bodies will be required to produce a small annual report or paragraph to be added to the members annual report. The report to include information on the activities and achievements of the outside body and the number of meetings attended.

Further Advice

34. Further assistance on the issues covered in this guidance may be obtained from the Council's Monitoring Officer.

Appendix A

Councillors appointed as Directors of Limited Liability Companies

Legal Status

1. Upon incorporation a company becomes a separate legal entity, which can hold property in its own right, enter into contracts and sue and be sued in its own name. In the case of a limited liability company the liability of members of the company is limited to the amount they paid or agreed to pay when they joined the company. This can be as little as £ 1.
2. Companies limited by shares are those which have a share capital e.g., 1,000 shares of £ 1 each. Each member holds shares and receives a share in the profits made by the company according to the value of the shares held. Shares can be sold. Liability in the event of a winding-up is limited to the amount unpaid on the shares held.
3. Companies limited by guarantee do not have shares. Instead, each member agrees that in the event of the company being wound up they will agree to pay an agreed amount eg £ 1. This is most common in the public and voluntary sector, particularly where charitable status is sought.

Directors' Duties

4. The role of a councillor who has been appointed as a director will depend upon the company's Memorandum and Articles of Association (its constitution). A company's constitution will vest most of its powers in the board of directors and the board will exercise these either directly or through managers appointed by the board. Directors must understand the requirements of the Memorandum and Articles of Association in order to fulfil their responsibilities properly.
5. Directors will need to be aware of the requirements of the "Combined Code on Corporate Governance" to the extent that this has been adopted by the company, including general management of the company, rules on directors' remuneration, internal financial and operational controls and risk management.
6. Directors, as agents of the company, must:
 - act in good faith in what they believe to be in the best interests of the company as a whole (not the Council).
 - act with reasonable care, diligence and skill;
 - exercise their powers reasonably and for the purpose for which they are given;
 - keep an open mind when making decisions on company business; in particular a councillor director must exercise independent judgment and not simply follow Council policy when voting on company matters;
 - avoid placing themselves in a position where their private interests or their position as a councillor conflict with their duties to the company;

- be aware of the company's financial position through attendance at board meetings and reading the accounts, agendas and minutes; it is not sufficient to assume that the other directors are doing a good job.
7. Some directors may be given special responsibilities under the company's constitution, for instance a managing director or finance director. Those with special roles will be expected to have the personal and technical skills to perform the duties associated with that role, which may be onerous.
 8. The above duties apply to non-executive directors as well as executive directors.
 9. There are other statutory requirements which may be relevant depending on the company's business. Directors will need to be familiar with these. For example, if the company is an investment vehicle which engages in fundraising activity, financial services legislation will apply.

Observer status

10. The position of observer has no specific legal status in company or local authority law. Any person appointed as an observer should ensure that their role is clearly defined and avoid involvement in the management of the Company. If an observer acts beyond their remit and exercises real influence over the company's affairs and decision making the observer may be deemed to be a shadow director, with all the duties of an ordinary director.
11. Observers and others, such as professional advisors, may attend board meetings. Generally the minutes of the meetings will note the names of observers and the fact that they are "in attendance". Persons "in attendance" have no specific legal status and in itself the phrase does not indicate any particular level of participation in the company's affairs. The extent of the participation of a councillor described in board minutes as "in attendance" is a question of fact. They should, however, take care to avoid involvement in the management of the company so as to avoid being treated as a shadow director.
12. A director (or shadow director) may incur personal liability if they are in breach of the above duties. This may arise where:
 - the company is found, in the course of winding up, to have been trading for fraudulent purposes. If a director has acted dishonestly this is also a criminal offence;
 - following liquidation, a director is found liable for wrongful trading, i.e. allowing the Company to continue to trade at a time when the director knew or ought reasonably to have known that there was no reasonable prospect that the company would avoid going into insolvent liquidation;
 - the company commits a breach of the criminal law, for example, health and safety legislation;
 - a director acts negligently or in breach of their duty to the company (including the duty to maintain confidential any confidential information relating to the company that comes into their possession).
 - a director knowingly causes the company to act beyond the activities authorised by its Memorandum of Association;

- there is a breach of trust, such as the misappropriation of company funds or property;
- a director uses their powers improperly or makes a personal profit from their position as director.
- there is a failure to comply with the requirements of companies legislation, such as the making of returns to the Registrar of Companies.

Insurance

13. Councillors appointed as directors should find out if the company maintains appropriate insurance cover against directors' liability. If this is not in place this should be requested, but this is a matter entirely for the board and the Council cannot insist upon this. It will be necessary to ensure that the company has the resources to maintain payment of the insurance premiums.

14. Further guidance on the responsibilities of company directors is available on the websites of the Institute of Directors and Companies House:

<https://www.iod.com/Home>

<http://www.companieshouse.gov.uk>

Appendix B

Appointment of a Trustee to a Trust or Charity

Legal Status

1. Trustees will be appointed under a Trust Deed. The role and responsibilities of a trustee will depend, therefore, upon the provisions of the trust deed and/or scheme (collectively referred to as its “governing documents”) and the general law relating to trusts and charities.
2. It is quite common for companies to be set up as trusts with charitable objects. In this case the trustees will also be directors of the company and will have the obligations set out in Appendix C as well as the obligations set out in this section. Councillors involved with charitable companies should ensure that they understand the capacity in which they have been appointed.

Duties

3. The role of a trustee is generally to fulfil the objects of the trust and apply the income and, if appropriate, the capital of the trust in accordance with the provisions of its governing documents.
4. Trustees are subject to various duties, including the duty to:
 - act for the benefit of the charity and its beneficiaries;
 - preserve the capital of the charity (unless the trust deed gives the trustees the right to spend the capital or the charity is small and the trustees have resolved to spend the capital under the Charities Act 1993);
 - make sure income is spent only on the things authorised in the governing documents;
 - invest the capital only in authorised investments, having first taken professional advice;
 - produce annual accounts;
 - act with reasonable care and skill in administering the trust; and
 - to act unanimously (unless the trust deed allows majority decisions).
 - comply with the Charities Acts and other legislation affecting the charity.
5. The Charity Commission’s website - www.charitycommission.gov.uk - contains useful guidance, in particular Publication CC3 - “Responsibilities of Charity Trustees” which outlines the basic principles that should guide trustees when administering their charity:
 - the income and property of the charity must be applied for the purposes set out in the governing document and for no other purposes;
 - the trustees must act reasonably and prudently in all matters relating to the charity and must always bear in mind the interests of the charity. They should not let their personal views or prejudice affect their conduct as trustees;
 - trustees should exercise the same degree of care in dealing with the administration of their charity as a prudent businessman would exercise in managing his or her own affairs or those of somebody else for whom he or she was responsible; and
 - where trustees are required to make a decision which affects a personal interest of one of their members that person should not be present at any discussion or vote on the matter.

Liability

6. Trustees are jointly and severally liable to the charity for breaches of trust. They may incur personal liability for losses incurred if they:
 - act outside the scope of the trust deed;
 - fall below the required standard of care;
 - make a personal profit from the trust assets;
7. Trustees will incur personal liabilities under contracts they enter into in the name of the charity. They are, however, entitled to be reimbursed from the charity's funds for all liabilities and expenses properly incurred by them, provided this is authorised by the trustees in accordance with the trust deed.

Observer Status

8. The Council may appoint a councillor to a trust or charity simply in the role as an observer. A councillor acting as an observer should avoid exceeding this role by becoming directly involved in the management of the charity or by being part of the formal decision making process as they may be deemed to be a trustee for the purposes of determining liability.

Insurance and Indemnity

9. An indemnity can be given from the trust fund provided the trustee has acted properly and within their powers. Trustees may take out insurance to protect themselves against personal liability except criminal liability. Payment of the premiums must be authorised by the trust deed if they are to be met from charitable funds.
10. Accordingly, a Trustee will usually only be liable for his/her own activities or for losses arising from his/her "wilful default". The phrase "wilful default" has been held, in this context, as meaning knowingly committing a breach of duty or being reckless as to whether an act or omission is a breach of duty. It would be no defence that the Trustee was unaware of what was contained in the governing documents and was thus unaware of whether something was in breach of duty or not.
11. Officers will advise you whether the Charity has taken out any relevant insurance that covers you as a Trustee in the carrying out of your responsibilities as such. However where insurance is not provided you should raise this as an issue and ask the Charity to take out and maintain appropriate insurance against Trustees' liability. Councillors should be aware that the effectiveness of such insurance will depend on the Charity having the resources to maintain the insurance, which it may not if it becomes insolvent and ensuring that it is both regularly reviewed in terms of cover and renewed. Councillors can also rely on the limited immunity from legal proceedings provided by Section 265 Public Health Act 1875. The principles set out earlier apply equally to Members serving on Trusts, namely that the Councillor must be performing a statutory function and must be acting in good faith. It will not apply if there has been dishonesty by the Councillor.

Appendix C Unincorporated Associations

Legal Status

1. Most societies, clubs and similar organisations (other than companies, industrial societies and trusts), are unincorporated associations. This is an informal organisation, which may arise where several people join together, with the intention of creating legal relations, to carry out a mutual purpose otherwise than for profit.
2. There is no statutory definition of an unincorporated association but it has been described by the court as “an association of persons bound together by identifiable rules and having an identifiable membership”. Unlike a company it does not have a separate legal status distinct from its members.
3. The rules of an unincorporated association are found in its constitution, which sets out the roles and responsibilities of its members.

Duties

4. An unincorporated association will typically have an executive or management committee with its powers and composition defined by the constitution. Key decisions will usually be made by the members at general meetings. The day to day administration of an association is usually undertaken by the officers and members of the executive or management committee.
5. Broadly executive or management committee members must act within the constitution and must take reasonable care in exercising their powers.
6. Where an unincorporated association is a registered charity the members of the executive or management committee may also be charity trustees. As such, their role and responsibilities will be determined not only by the association’s constitution but also by the general law relating to trusts and charities, as set out Appendix B.

Observer Status

7. The Council may appoint a councillor to the executive or management committee of an unincorporated association as an observer. A councillor acting as an observer should avoid exceeding this role by becoming directly involved in the management of the association as they may be deemed to be an ordinary member for the purposes of determining liability.

Liabilities

8. Members of the management committee are generally liable, jointly and severally, for the acts of the organisation, but are entitled to an indemnity from the funds of the organisation if they have acted properly. If there are insufficient funds the members are personally liable for the shortfall
9. Particular care should also be taken when entering into contracts on behalf of the association. If the individual lacks the authority to do so, they may find themselves personally liable for the performance of the contract.

Insurance

10. Insurance may be available, but payment of the premiums must be authorised by the constitution if they are to be met from the association's funds.
11. If the association is a trust, as will be the case with any registered charity, the position with regard to indemnities will apply as explained earlier. Councillors can also rely on the limited immunity from legal proceedings provided by Section 265 Public Health Act 1875.
12. Officers will advise you whether the association has taken out any relevant insurance that covers you as a Councillor in the carrying out of your responsibilities as such. However where insurance is not provided you should raise this as an issue and ask the association to take out and maintain appropriate insurance against members' liability. As mentioned earlier Councillors should be aware that the effectiveness of such insurance will depend on the association having the resources to maintain the insurance, which it may not if it becomes insolvent and ensuring that it is both regularly reviewed in terms of cover and renewed.

Appendix D

Steering Groups, Joint Committees and Partnership Bodies

Duties

1. If a Councillor who is nominated or appointed as a committee member or as an observer to a partnership body (e.g. the LGA), s/he will not be exposed to the same liability as a Director or Trustee. Ideally, the duties and obligations of the Member or Officer concerned will be set out in the agreement or other documents regulating the committee or partnership.
2. Despite the fact that Officers from the Legal & Democratic Services' Team will be providing an overview of the body, it would still be sensible if the Councillor's role is still unclear to establish formally at the outset as to whether s/he is acting as a delegate/representative of the Council to promote its interest, or if s/he has an independent role to fulfil on behalf of the committee or partnership. If it is an independent role, s/he will have to uphold the Committee's or partnership's interests, even when the same may be in conflict with the policies and best interests of the Council whilst s/he is serving on the Committee or partnership **but not** whilst serving as a Councillor of the Council.
3. If the committee or partnership is seeking charitable status it will need to establish itself as a trust or incorporate to become a company limited by guarantee. Any Councillor becoming a Trustee or a Director will need to consider his/her duties as set out elsewhere in this guidance.

Indemnities, Immunities and Insurance

4. Councillors appointed to a committee or partnership body can rely on the limited immunity provided under Section 265 Public Health Act 1875 unless they are there in an independent role. Officers will advise you whether the body has taken out any relevant insurance that covers you as a member in the carrying out of your responsibilities as such. However where insurance is not provided you should raise this with Legal & Democratic Services for further guidance and advice.

Appendix E

Equality Act 2010

Public sector equality duty

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:-
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- (5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-
 - (a) tackle prejudice, and
 - (b) promote understanding.
- (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- (7) The relevant protected characteristics are:-
 - age;
 - disability;
 - gender reassignment;
 - pregnancy and maternity;
 - race;
 - religion or belief;

- sex;
- sexual orientation.

(8) A reference to conduct that is prohibited by or under this Act includes a reference to:-

- (a) a breach of an equality clause or rule;
- (b) a breach of a non-discrimination rule.

11. Scheme of Delegation – Development Control – Nomination of Substitutes for Chairman and Vice Chairman (Executive Decision)

Strategic Director: Rina Singh, Strategic Director (Place & Performance)
Assistant Director: Martin Woods, Assistant Director (Economy)
Lead Officer: As above
Contact Details: martin.woods@southsomerset.gov.uk or (01935) 462071

Purpose of the Report

As the Council has entered a new municipal year, the Committee is asked to review the appointment of two members to act as substitutes for the Chairman and Vice Chairman in the exercising of the Scheme of Delegation for planning and related applications. The current member substitutes are Councillors Peter Gubbins and Peter Seib.

Recommendation

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

Background

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

"A ward member makes a specific request for the application to be considered by the Area Committee and the request is agreed by the Area Chairman or, in their absence, the Vice-Chairman in consultation with the Development Manager. (This request must be in writing and deal with the planning issues to ensure that the audit trail for making that decision is clear and unambiguous). In the absence of the Chairman and Vice-Chairman there should be nominated substitutes to ensure that 2 other members would be available to make decisions. All assessments and decisions to be in writing."

Financial Implications

None as a direct result of this report.

Background Papers: Minute 36, Council meeting of 21st July 2005

12. Area South Committee Forward Plan

<i>Strategic Director:</i>	<i>Rina Singh, Strategic Director (Place & Performance)</i>
<i>Assistant Director:</i>	<i>Helen Rutter/Kim Close, (Communities)</i>
<i>Service Manager:</i>	<i>Kim Close, Area Development Manager - South</i>
<i>Agenda</i>	<i>Jo Boucher, Committee Administrator, Legal and</i>
<i>Co-ordinator:</i>	<i>Democratic Services SSDC</i>
<i>Contact Details:</i>	<i>jo.boucher@southsomerset.gov.uk or (01935) 462011</i>

Purpose of the Report

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

Recommendations

Members are asked to:-

1. Comment upon and note the proposed Area South Forward Plan as attached at Appendix A;
2. Identify priorities for further reports to be added to the Area South Forward Plan, developed by the SSDC lead officers.

Area South Committee Forward Plan

The forward plan sets out items and issues to be discussed by the Area Committee over the coming few months.

The forward plan will be reviewed and updated each month, by the joint lead officers from SSDC, in consultation with the Area Committee Chairman. It is included each month with the Area Committee agenda, where members of the Area Committee may endorse or request amendments.

Members of the public, councillors, service managers, and partners may request an item is placed within the forward plan for a future meeting, by contacting the agenda co-ordinator.

Background Papers: None

Appendix A

Notes

- (1) Items marked in *italics* are not yet confirmed, due to the attendance of additional representatives.
 (2) For further details on these items, or to suggest / request an agenda item for the Area South Committee, please contact the Agenda Co-ordinator; Jo Boucher.

Meeting Date	Agenda Item	Background/Purpose	Lead Officer
July 2014	Dorcas House Statement of Accounts	To approve the Dorcas House Annual Accounts	Jayne Beevor, Principal Accountant
	Economic Development Update Report	Annual Update Report	David Julian, Economic Development Manager
	Somerset Highways – maintenance programme	An update report on the current and expected highways maintenance programme in Area South	Mike Fear, Assistant Highway Service Manager, South Somerset Highways
	Local Housing Needs in Area South		Kirsty Larkins, Housing and Welfare Manager
	CCTV Report		Garry Green, Engineering & Property Services Manager/Steve Brewer, Community Safety & Projects
August 2014		<i>Please note this meeting will only be held if there are planning applications to be determined</i>	
September 2014	Affordable Housing Development Programme	The purpose of this report is to update members on the likely outturn position of the Affordable Housing Development Programme in relation to Area South	Colin McDonald, Corporate Strategic Housing Manager

Meeting Date	Agenda Item	Background/Purpose	Lead Officer
	Area South Development Update Report	A summary of the results & achievements against targets set	Kim Close, Assistant Director Communities/Area South Development Manager
	Markets	Current position of Street Markets in Area South	Kim Close, Assistant Director Communities/Area South Development Manager
October 2014	Youth Project	Update Report	Natalie Ross, Neighbourhood Development Officer
November 2014	Addressing Health, Social & Economic Inequalities in Yeovil Project	Update Report	Natalie Ross, Neighbourhood Development Officer
December 2014	SSDC Welfare Benefit Work in South Somerset		Catherine Hansford, Welfare Benefits Team Leader
	Somerset Highways – maintenance programme	An update report on the current and expected highways maintenance programme in Area South	Mike Fear, Assistant Highway Service Manager, South Somerset Highways
January 2015		<i>Please note this meeting will only be held if there are planning applications to be determined</i>	