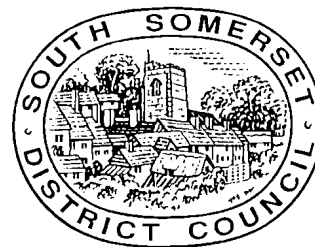


**South Somerset District Council**

*Notice of Meeting*



**Area West Committee**

*Making a difference where it counts*

**Wednesday 17th December 2014**

**6.00 pm**

**Henhayes Community Centre  
South Street Car Park  
Crewkerne  
TA18 8DA**

(disabled access is available at this meeting venue)



---

The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than 6.30 pm.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Jo Morris 01935 462055**, website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

This Agenda was issued on Tuesday 9 December 2014.

A handwritten signature in black ink that reads 'Ian Clarke'.

**Ian Clarke**, Assistant Director (Legal & Corporate Services)

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



INVESTORS IN PEOPLE

# Area West Committee Membership

The following members are requested to attend the meeting:

**Chairman:** Angie Singleton  
**Vice-chairman:** Paul Maxwell

Mike Best  
Dave Bulmer  
John Dyke  
Carol Goodall  
Brennie Halse

Jenny Kenton  
Nigel Mermagen  
Sue Osborne  
Ric Pallister  
Ros Roderigo

Kim Turner  
Andrew Turpin  
Linda Vijeh  
Martin Wale

## South Somerset District Council – Council Plan

**Our focuses 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

Consideration of planning applications will commence no earlier than 6.30 pm, following a break for refreshments, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. 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 the Committee quarterly in February, May, August and November. They will be available half an hour before the commencement of the meeting to answer questions and take comments from members of the Committee. Alternatively, they can be contacted 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 up to 3 minutes on agenda items; and
- see agenda reports.

Meetings of the Area West Committee are held monthly at 5.30 p.m. on the 3<sup>rd</sup> Wednesday of the month in venues throughout Area West (unless specified otherwise).

Agendas and minutes of Area Committees are published on the Council’s website [www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions](http://www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions)

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 and/or Agent
- District Council Ward Member

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

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

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.

# Area West Committee

## Wednesday 17th December 2014

### Agenda

#### *Preliminary Items*

1. **To approve as a correct record the Minutes of the Previous Meeting held on 19th November 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.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 15<sup>th</sup> May 2014, where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council. If you have a prejudicial interest you must comply with paragraphs 2.9(b) and 2.9(c) of the Code.

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 Regulation Committee**

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

Councillors. Mike Best, Angie Singleton and Linda Vijeh

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.

#### **4. Public Question Time**

This is a chance to ask questions, make comments and raise matters of concern.

Parish/Town Councils 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.

Anyone wishing to raise matters in relation to items on the agenda may do so at the time the item is considered.

#### **5. Chairman's Announcements**

##### *Items for Discussion*

- 6. Area West Committee - Forward Plan** (Pages 1 - 3)
- 7. Area West - Reports from Members on Outside Organisations** (Page 4)
- 8. Blackdown Hills Area of Outstanding Natural Beauty (AONB)** (Pages 5 - 9)
- 9. Planning Appeals** (Pages 10 - 12)
- 10. Schedule of Planning Applications to be Determined by Committee** (Pages 13 - 14)
- 11. Planning Application 14/04748/FUL - Land Adjacent Canal Way, Ilminster** (Pages 15 - 28)
- 12. Planning Application 14/03945/FUL - Land South of Hanning Close, Whitelackington** (Pages 29 - 37)
- 13. Planning Application 14/04662/OUT - Land Adjoining Upper Springs, Tatworth Street, Tatworth** (Pages 38 - 45)
- 14. Date and Venue for Next Meeting** (Page 46)

**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.**

Ordnance Survey mapping/map data included within this publication is provided by South Somerset District Council under licence from the Ordnance Survey in order to fulfil its public function to undertake its statutory functions on behalf of the district. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey mapping/map data for their own use. South Somerset District Council - LA100019471 - 2014.

# Agenda Item 6

## **Area West Committee - Forward Plan**

*Strategic Director:* Rina Singh, (Place and Performance)  
*Assistant Director:* Helen Rutter / Kim Close, (Communities)  
*Service Manager:* Andrew Gillespie, Area Development Manager (West)  
*Agenda Co-ordinator:* Jo Morris, Democratic Services Officer , Legal & Democratic Services  
*Contact Details:* jo.morris@southsomerset.gov.uk or 01935 462055

### **Purpose of the Report**

This report informs members of the proposed Area West Committee Forward Plan.

### **Recommendation**

Members are asked to:-

- (1) comment upon and note the proposed Area West Committee Forward Plan as attached.
- (2) identify priorities for further reports to be added to the Area West Committee Forward Plan.

### **Forward Plan**

The Forward Plan sets out items and issues to be discussed by the Area West Committee over the coming few months.

The Forward Plan will be reviewed and updated each month in consultation with the Chairman. It is included each month on the Area West Committee agenda and members may endorse or request amendments.

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

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

**Background Papers:** None.

---

## Notes

- (1) Items marked in italics are not yet confirmed, due to the attendance of additional representatives.
- (2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Jo Morris, 01935 462055 or e-mail jo.morris@southsomerset.gov.uk
- (3) Standing items include:
  - (a) Feedback on Planning Applications referred to the Regulation Committee
  - (b) Chairman's announcements
  - (c) Public Question Time

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
21 <sup>st</sup> January 2015	LEADER Programme for Rural Economic Development	To report on the outcome of applications for funding.	Helen Rutter, Assistant Director (Communities)
21 <sup>st</sup> January 2015	Area West Community Safety Police Performance and Neighbourhood Policing	Report on the activities and achievements on neighbourhood policing and partnership working to reduce crime and the fear of crime.	Sgt. Rob Jameson
21 <sup>st</sup> January 2015	A Better Crewkerne and District (ABCD)	Reports from members on Outside Organisations	Zoe Harris, Neighbourhood Development Officer (Communities) Cllr. Mike Best
21 <sup>st</sup> January 2015	South Somerset Market Towns App	Presentation on the South Somerset Market Towns App	Kerri Bruce, MTIG Marketing Intern
21 <sup>st</sup> January 2015	Securing Future Facilities for Chard (Confidential)	Confidential report to consider funding proposals.	Andrew Gillespie, Area Development Manager (West)
18 <sup>th</sup> February 2015	Historic Buildings at Risk (Confidential report)	Report to update members on current Historic Buildings at Risk cases in Area West.	Greg Venn, Conservation Officer
18 <sup>th</sup> February 2015	Area West Development Work Programme Overview	To present an overview of projects in the Area West Development Work Programme 2014/15	Andrew Gillespie, Area Development Manager (West)
18 <sup>th</sup> February 2015	Conservation Team Update Report	An update on the work of the Conservation Team.	Adron Duckworth, Conservation Manager



<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer(s) SSDC unless stated otherwise</b>
18 <sup>th</sup> February 2015	Review of the Welfare benefits Service over the financial year 2013-14	Information Report	Catherine Hansford, Welfare Benefits Team Leader
18 <sup>th</sup> March 2015	Report on the Performance of the Streetscene Service	Service report on performance and priority issues in Area West	Chris Cooper, Streetscene Manager
18 <sup>th</sup> March 2015	Flooding, Drainage & Civil Contingencies	Report on issues in Area West.	Pam Harvey, Civil Contingencies & Business Continuity Manager Gary Green, Engineering & Property Services Manager
18 <sup>th</sup> March 2015	Iminster Forum	Update report including progress of the promoting Iminster Project Reports from members on Outside Organisations	Zoe Harris, Neighbourhood Development Officer (Communities) Cllr. Carol Goodall
15 <sup>th</sup> April 2015	Section 106 Obligations	Monitoring Report	Neil Waddleton, Section 106 Monitoring Officer
15 <sup>th</sup> April 2015	Community Health and Leisure Service Update	An update on the work of the Community Health and Leisure Service in Area West.	Linda Pincombe, Community Health & Leisure Manager
<i>TBC</i>	<i>Update on Assets in Area West</i>	<i>A representative from the Strategic Asset Steering Group (SASG) to give an update on the assets in Area West.</i>	<i>Vega Sturgess, Strategic Director (Operations &amp; Customer Focus) Donna Parham, Assistant Director (Finance &amp; Corporate Services)</i>

# Agenda Item 7

## **Area West – Reports from Members on Outside Bodies**

*Strategic Director:* Rina Singh, Place and Performance  
*Assistant Directors:* Helen Rutter / Kim Close, Communities  
*Service Manager:* Andrew Gillespie, Area Development Manager (West)  
*Lead Officer:* Andrew Gillespie, Area Development Manager (West)  
*Contact Details:* andrew.gillespie@southsomerset.gov.uk or (01460) 260426

### **Purpose of the Report**

To introduce reports from members appointed to outside bodies in Area West.

### **Public Interest**

Each year Area West Committee appoints local Councillors to serve on outside bodies (local organisations) in Area West. During the year Councillors make a report on the achievements of those organisations and other relevant issues.

### **Background**

To replace “Reports from members on outside organisations” as a generic standing agenda item it was agreed at the August 2012 meeting to include specific reports about each organisation in the Committee’s forward plan.

Members were appointed to serve on ten outside bodies at the June 2014 meeting.

### **Reports**

Reports can be verbal or written. There is no standard format, but if possible they include an explanation of the organisations aims, their recent activities, achievements and any issues of concern.

This month the member report is:

Blackdown Hills Area Of Outstanding Natural Beauty (AONB) – Cllr. Ros Roderigo (to be included within agenda item no. 8)

### **Recommendation**

That the report is noted.

### **Financial Implications**

None.

### **Council Plan Implications**

Focus Four: Health and Communities – We want communities that are healthy, self reliant and have individuals who are willing to help each other.

***Background Papers:*** None

---

# Agenda Item 8

## **Blackdown Hills Area of Outstanding Natural Beauty (AONB)**

*Strategic Director:* Rina Singh, Place and Performance  
*Assistant Director:* Helen Rutter, Communities  
*Service Manager:* Andrew Gillespie, Area Development Manager (West)  
*Lead Officer:* Zoë Harris, Neighbourhood Development Officer (Communities)  
*Contact Details:* zoe.harris@southsomerset.gov.uk or 01460 260423

### **Purpose of the Report**

To update members on the work of the Blackdown Hills AONB partnership.

### **Public Interest**

This report provides an annual update on the activities and projects carried out by the Blackdown Hills Area of Outstanding Natural Beauty (AONB) partnership.

### **Recommendation**

That members note the report and continue to support the work of the Blackdown Hills AONB Partnership.

### **Background**

The Blackdown Hills is an unspoilt landscape on the Somerset and Devon border, rich in wildlife, beauty and heritage. The Blackdown Hills were designated an Area of Outstanding Natural Beauty in 1991 after the Countryside Commission's landscape assessment judged the Blackdown Hills landscape 'to be outstanding due to the subtle combination of four characteristics':

- An isolated, unspoilt rural area
- Diversity of landscape patterns and pictures
- A unique geology
- A landscape with architectural appeal

The primary purpose of the AONB designation is to conserve and enhance the natural beauty of the area; this includes the distinctive landscape, wildlife and cultural heritage. An AONB also encourages social and economic well-being of its local communities; promotes sustainable development and has regard to the needs of recreation. There are six South Somerset parishes within or partly within the AONB. They are Buckland St Mary, Broadway, Combe St Nicholas, Tatworth & Forton, Wambrook and Whitestaunton. However, as Ilminster, Chard and many other villages are so close to the Blackdown Hills, plenty of residents in South Somerset enjoy spending time in the AONB and benefit from the work of the partnership.

### **AONB wide activities and projects in 2014/15 period**

### **AONB Management Plan**

The work of the Blackdown Hills is guided by a 5 year management plan, which SSDC, along with the other local authority partners that sit on the AONB Partnership, has a statutory duty to be involved in the preparation and implementation of. A new 5 year AONB Management Plan has just come into force covering the period 2014 to 2019.

The Plan does not set out to deal with all of the issues facing the Blackdown Hills - it focuses on objectives and policies relevant to conserving and enhancing the natural beauty of the AONB, and the management actions needed to conserve this special place for future generations. The new Management Plan places greater emphasis on heritage, bio-diversity and eco-systems services. The plan also covers issues relating to tourism, farming, landscape and planning. A Delivery Plan accompanies the Management Plan, and this identifies actions and targets that flow from the objectives and policies contained in the Management Plan.

## **Natural Futures**

This is an exciting project with 3 strands to its delivery: Discover it, Share it, Do it.

Discover it! – This strand will offer nine six-month traineeships to recent ecology graduates that need work experience. In addition two-thirds of the natural heritage identification training days the graduates will be involved in will also be open to the public, totalling at least 432 training day places for local people across the lifespan of the project. This will provide a fantastic opportunity for local people to find out more about wildlife-rich sites close to them and develop their skills to identify the flora and fauna, such as bees, butterflies, birds and mammals, found in the Blackdown Hills. To capture knowledge from those who know the Blackdown Hills countryside best, a contractor will be engaged to interview and film local people and other experts talking about the area. This will generate film clips for both the project's website and smartphone app. As part of this work the contractor will also help primary school children to take part in the interviewing and filming process in their local area. This will provide children with the opportunity to learn about their local natural heritage and landscape, and to gain experience in interviewing and filming.

Share It! – The knowledge gained from the Discover it activities will be shared with a wider audience through new pages on the AONB website, a new smartphone app called 'Naturally Blackdown Hills' and via 30 local events. In addition there will be a 'nature discovery' tent that will tour at least three existing large, high-profile events in the final year of the project, showcasing the area's fantastic natural heritage and the benefits brought about by the project. Local artists will help schoolchildren to produce nature-related materials especially for the tent. The touring tents will also provide community nature projects with the opportunity to come together to share and celebrate their achievements.

Do it! - Support will be provided to communities throughout the Blackdown Hills to develop and deliver their own 'community nature projects'. These projects will focus on habitat creation and management on areas of publicly accessible land, such as village greens, playing fields, school grounds and churchyards, as well as on raising local awareness of the value of natural heritage. The project will help to inspire local communities to take action and provide the support they need to make their project happen. This will include advice on project ideas, sources of funding, how to set up their group and how to raise awareness of their project. Where groups need specialist advice, local experts or volunteers from successful community nature projects will provide 'natural expertise' visits, to ensure Blackdowns communities have the skills, knowledge and confidence to deliver enjoyable and successful projects.

SSDC Area West Committee agreed to contribute £5000 towards this innovative project in February 2014. The AONB recently secured £246,000 from the Heritage Lottery Fund to deliver this project and have recently recruited 2 members of staff, allowing the 3 year project to commence in January 2015.

## **Blackdowns Metal Makers**

The aim of this project is to bring the ancient iron working heritage of the Blackdown Hills to life for new audiences. It is building on some smaller projects that have already taken place over the past 2 years which included archaeological field work, experimental archaeology and heritage play sessions for children. The project will work with partners to produce a range of lasting learning materials and interpretative products as well as a focussed period of learning sessions and special events. Blackdowns Metal Makers is being led by The Carousel Project with support from the Blackdown Hills AONB Partnership. The project also involves a wide range of partners including local schools, preschools, libraries, museums, Forestry Commission and Oxford University.

### Project outputs

- Archaeological fieldwork and post-examination on a known furnace site at Churchinford
- 2 creative learning sessions at Hemyock Primary and Preschool with all children aged 3 - 6, testing and developing learning materials using art, story and song
- 3 sessions with 1 class at All Saints Primary near Axminster, as part of a 6 week programme developed with the class teacher. Pupils will learn about local iron working industry from Iron Age – Medieval and basic film making and drama skills. The class will produce 4 creative mini-films based on their learning.
- Materials from both school programmes incorporated will be incorporated into a range of online resources for families and schools including film, audio, online book, printable resources and lesson plans
- Dedicated Metal Makers webpages including deeper information for interested adult learners
- Packs for schools in the Blackdown Hills including the new book
- Materials for local museums including books and costumes
- Storytelling tour of libraries and museums around the AONB based on the new book
- Main event at Tiverton Museum of Mid Devon Life, including range of Blackdowns Metal Makers activities and free admission to the museum
- Family friendly walk leaflet to discover historic landscape relating to iron working

## **Activities and Events**

The team continues to organise and promote a number of events and activities across the AONB area. The largest event this year was held in September in Hemyock. 'The 'Good Life in the Blackdown Hills' was aimed at anyone interested in small holding type activities such as cheese making, hedge-laying, creating wildflower meadows and bee-keeping. There were plenty of stalls, demonstrations and advice as well as lunches and refreshments provided by Smetharpe Woman's Institute. Other activities have included guided walks, a fungi foray at Wambrook and rustic chair making in Buckland St Mary.

## **Making it Local - EU Funding Programme**

Making it Local is a community led grants scheme, delivered by a Local Action group as part of the EU LEADER programme. The staff team of Making it Local are hosted by the Blackdown Hills AONB, and the programme covers an area focused on both the Blackdown Hills and East Devon AONB areas. The last Making it Local funding programme ended in December 2013 and 2014 has been a transition year spent producing a new Local Development Strategy.

During the first half of the year the Development Officers carried out extensive consultation across the whole of the Local Action Group area to establish the strengths, weaknesses, opportunities and threats. They also established if any businesses and community groups had potential project ideas that may be eligible for funding in the new programme. Part of the transition work included extending the geographical area Making it Local covers to take in a larger section of South Somerset.

The results of the consultation, along with the secondary data and profiles of the extended area have been used to produce a new Local Development Strategy for Making it Local; this was submitted to Defra on the 5<sup>th</sup> September. At the time of writing the team was waiting to hear if that bid had been successful.

If successful the new programme will provide grants to businesses and organisations within the Making it Local area that can demonstrate they have an economic benefit. The priority sectors for grants are:

- Farming
- Micro-businesses
- Tourism
- Rural services
- Forestry
- Culture & Heritage

The South Somerset towns and parishes that are included in the new Making it Local area are:

- Ashill
- Broadway
- Buckland St Mary
- Chaffcombe
- Chard Town
- Chillington
- Combe St Nicholas
- Cricket St Thomas
- Cudworth
- Donyatt
- Dowlish Wake
- Horton
- Ilminster
- Kingstone
- Knowle St Giles
- Tatworth & Forton
- Wambrook
- Wayford
- West Crewkerne
- Whitelackington
- Whitestaunton
- Winsham

### **Financial Implications**

Like the other local authorities that make up the partnership, SSDC continues to contribute an annual grant towards the running costs of the AONB. The agreed financial contribution of £6,000 per annum can be funded through existing budgets.

### **Council Plan Implications**

Working in partnership with the Blackdown Hills AONB helps address 2 themes of the SSDC Council Plan:

- Focus One: Jobs – With the addition of the ‘Making it Local’ programme the Blackdown Hills AONB helps SSDC meet their corporate aim to Increase economic vitality and prosperity.

- Focus Two: the environment - in particular the AONB helps make South Somerset an attractive place to live, work and visit.

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

The Blackdown Hills AONB website is a useful resource for homeowners seeking information on renewable energy.

### **Equality and Diversity Implications**

The Blackdown Hills AONB works to ensure that people with limited mobility can enjoy the countryside easily via easy access trails.

### **Background Papers**

- Area West Committee – Natural Futures February 2014
  - Area West Committee - Blackdown Hills Area of Outstanding Natural Beauty (AONB) October 2013
  - Area West Committee - Blackdown Hills Area of Outstanding Natural Beauty (AONB) October 2012
-

# Agenda Item 9

## **Planning Appeals**

*Strategic Director:* Rina Singh (Place and Performance)  
*Assistant Director:* Martin Woods (Economy)  
*Service Manager:* David Norris, Development Manager  
*Lead Officer:* David Norris, Development Manager  
*Contact Details:* david.norris@southsomerset.gov.uk or 01935 462382

## **Purpose of the Report**

To inform members of the appeals that have been lodged, decided upon or withdrawn.

## **Recommendation**

That the report be noted.

## **Background**

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

## **Report Detail**

### **Appeals Allowed**

14/03414/FUL – 54 Old Town, Chard, Somerset, TA20 2BE (Officer Decision)  
Creation of off road parking (GR 332422/108383)

The Inspector's decision letter is shown on the following page.

***Background Papers:*** None

---



---

## Appeal Decision

Site visit made on 5 November 2014

**by Paul Griffiths BSc(Hons) BArch IHBC**

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

**Decision date: 18 November 2014**

---

**Appeal Ref: APP/R3325/D/14/2226579**  
**54 Old Town, Chard TA20 2BE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Miss Marie Murphy against the decision of South Somerset District Council.
  - The application Ref.14/03414/FUL, dated 17 July 2014, was refused by notice dated 23 September 2014.
  - The development proposed is the conversion of a front garden into a drive, including the lowering of kerbs.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the conversion of a front garden into a drive, including the lowering of kerbs, at 54 Old Town, Chard TA20 2BE, in accordance with the terms of the application, Ref.14/03414/FUL, dated 17 July 2014, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Unnumbered: Location Plan; Unnumbered: Proposed Block Plan; and Unnumbered: Proposed Section Thru' Property Detailing Relative Heights.

### Main Issue

2. This is the effect of the proposal on highway safety.

### Reasons

3. LP<sup>1</sup> Policy ST5 sets out a range of criteria against which development proposals will be considered. Amongst these, criterion 5 requires satisfactory means of access, into, and within, a site.
4. No.54 is the end house in a terrace of four. The front garden area is relatively large but it does not appear sufficient in size for a vehicle to be turned around easily within its confines. It seems likely then that use of the parking space would involve the vehicle being reversed into, or out of, the site.
5. The nub of the issue is whether such manoeuvres would lead to difficulties in terms of highway safety.

---

<sup>1</sup> The South Somerset Local Plan Adopted 2006

6. The property is near to the centre of Chard and Old Town is part of a relatively busy road (the A358). I drove past No.54 in both directions during the course of my site visit and noted that traffic speeds in the vicinity, as one would expect near a town centre, are relatively low. Traffic approaching No.54 from the north, and south, would have clear visibility of the proposed access from some distance away.
7. Moreover, there are lots of existing places along Old Town, and beyond, from where vehicles already seek to gain access to, or from, the A358. A number of these will involve vehicles reversing. Some of the accesses may well not benefit from planning permission, but they appear well-established<sup>2</sup>, and there is no indication of whether the Council will, or indeed can, take action against them. The existence of all these points where vehicles might emerge from, turn into, or stop to reverse into, serves to put passing drivers on their guard.
8. In that overall context, it is very unlikely that a vehicle reversing into, or out of, the parking space proposed would come as a surprise to approaching motorists, or lead to any significant danger of collision. On that basis, I conclude that the proposal would not cause any significant difficulties in terms of highway safety, and the requirements of LP Policy ST5 are thereby satisfied.
9. For the reasons given above I conclude that the appeal should be allowed. Conditions are required to deal with commencement and to set out the approved plans.

*Paul Griffiths*

**INSPECTOR**

---

<sup>2</sup> Those at Nos.48, 50 and 52 Old Town for example

# Agenda Item 10

## Schedule of Planning Applications to be Determined by Committee

*Strategic Director:* Rina Singh, Place and Performance  
*Assistant Director:* Martin Woods, Economy  
*Service Manager:* David Norris, Development Manager  
*Contact Details:* david.norris@southsomerset.gov.uk or 01935 462382

### Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area West Committee at this meeting.

### Recommendation

Members are asked to note the schedule of planning applications.

***Planning Applications will be considered no earlier than 6.30 pm.***

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.20 pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
11	ILMINSTER	14/04748/FUL	The erection of a clubhouse/changing rooms, provision of a football pitch, floodlighting and formation of a new vehicular access and improved pedestrian access. (GR 335521/114357)	Land Adjacent Canal Way, Ilminster	Ms Joy Norris
12	ILMINSTER	14/03945/FUL	The erection of 6 No. dwellings with associated parking. (GR 337915/115596)	Land South of Hanning Close, Whitelackington	Mr Chris Wilson
13	TATWORTH & FORTON	14/04662/OUT	Outline application for the erection of 1 No. dwelling. (GR 332989/106020)	Land Adjoining Upper Springs, Tatworth Street, Tatworth	Mr Nicholas Aston

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

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

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

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

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

### **Human Rights Act Statement**

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

---

# Agenda Item 11

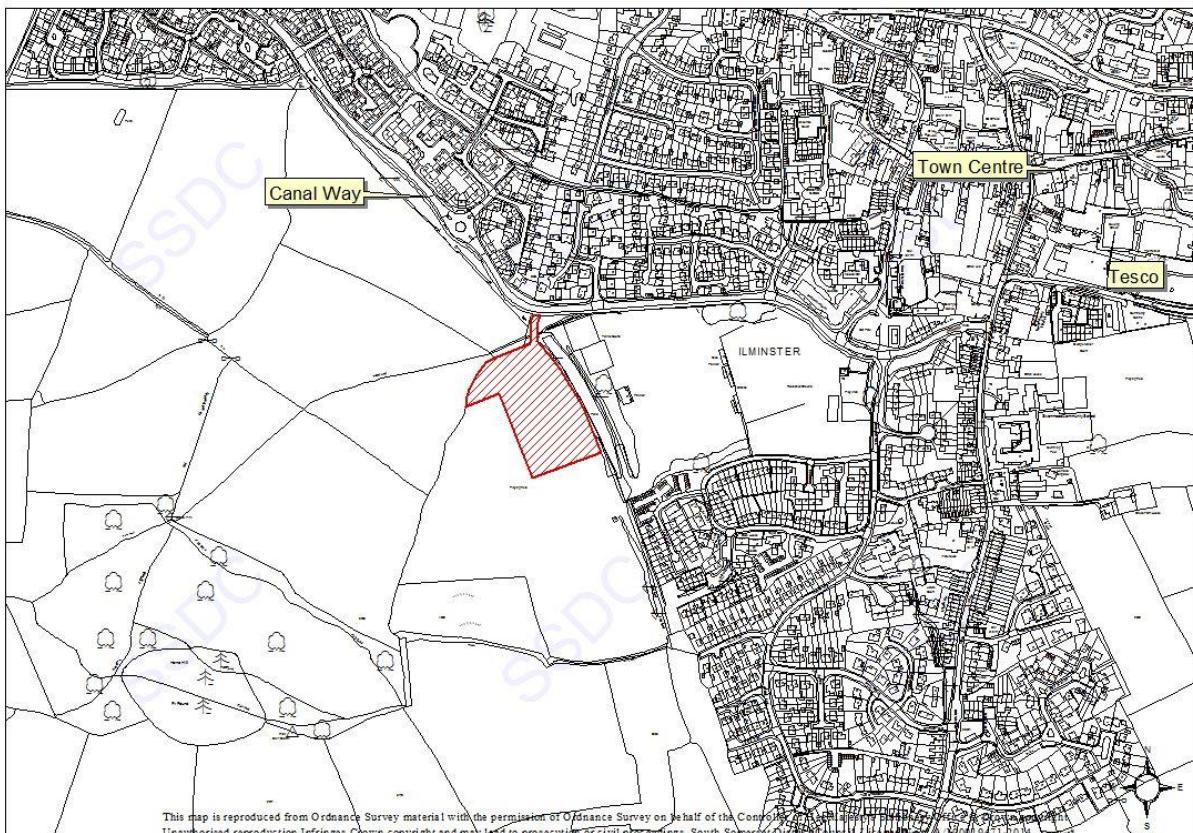
## Officer Report On Planning Application: 14/04748/FUL

<b>Proposal:</b>	The erection of a clubhouse/changing rooms, provision of a football pitch, floodlighting and formation of a new vehicular access and improved pedestrian access. (GR 335521/114357)
<b>Site Address:</b>	Land Adjacent Canal Way Ilminster Somerset
<b>Parish:</b>	Ilminster
<b>ILMINSTER TOWN Ward (SSDC Member)</b>	Cllr C Goodall Cllr K T Turner
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date:</b>	18th December 2014
<b>Applicant:</b>	Ms Joy Norris
<b>Agent: (no agent if blank)</b>	
<b>Application Type:</b>	Minor Other less than 1,000 sq.m or 1ha

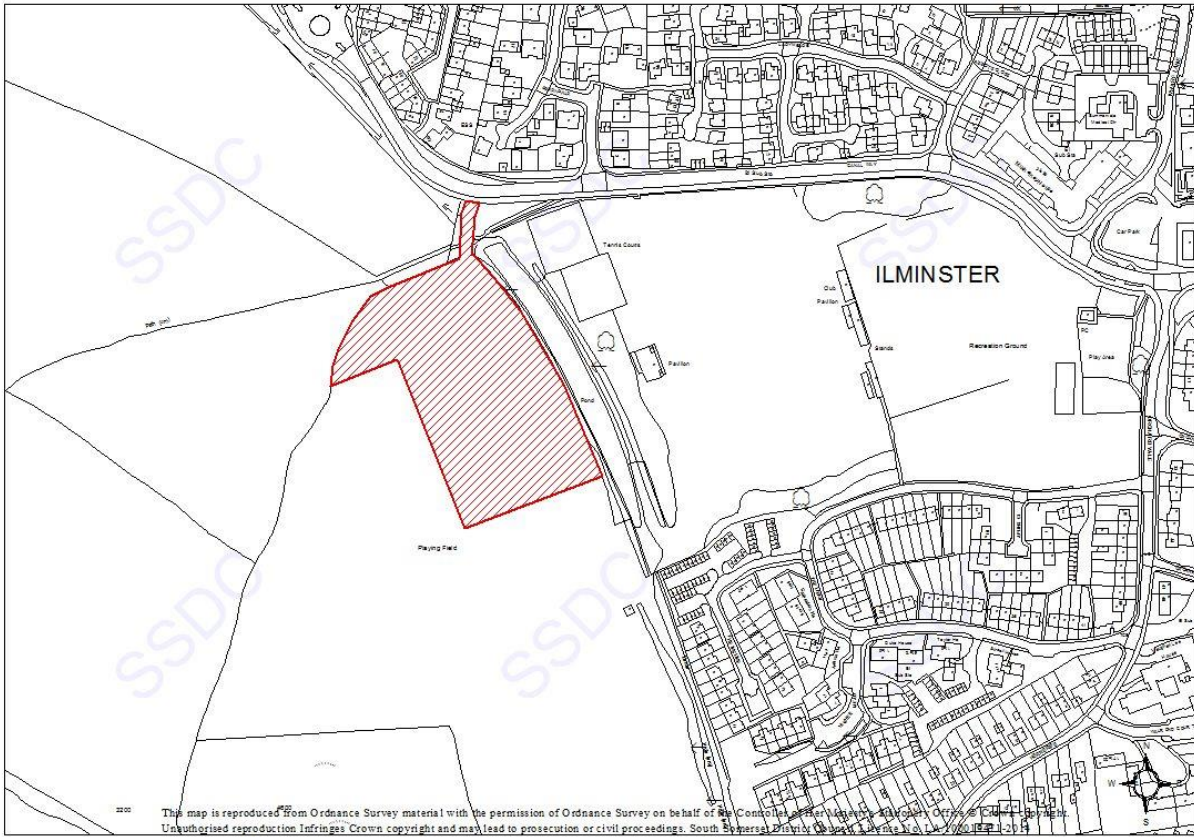
### REASON(S) FOR REFERRAL TO COMMITTEE

The application is referred to committee with the agreement of the Ward Member and Chair in order to discuss the relevant planning issues.

### SITE DESCRIPTION AND PROPOSAL







The site, known as Britten's Field, is located along the southern edge of Ilminster, to the south of Canal Way. The site is currently grassed and is bounded by hedgerows and trees. The main recreation ground, containing football, cricket and tennis facilities is located to the east of the site. Open fields exist to the west and south with Herne Hill to the south west. The northern part of the site is relatively flat but starts to rise up towards Herne Hill at the southern end of the site.

The proposal seeks consent for the erection of a new clubhouse with changing facilities and function room, vehicular/pedestrian access, a car park and floodlighting. The new building and car park will be located in the northern part with access gained from an existing point of access off Canal Way. 48 parking spaces will be provided, to include 3 disabled spaces.

The proposed building will measure 37.2 metres (length) x 16.4 metres (width including gable extension) with a ridge height of 5.5 metres. The building will contain 4 changing rooms, shower and lobby areas and 2 official's rooms. Those rooms will be served by a side entrance. The main entrance will be located on the northern elevation and contain an entrance lobby and store area. The rest of the building will contain a function room, seating area, store rooms, toilets, a bar and food preparation area. 6 floodlights are proposed around the new main football pitch, each 15 metres in height.

The supporting information submitted with the application states that the clubhouse has been designed predominately for the use of Ilminster Football Club. Their current facilities are in need of upgrading and improvement in order to meet Football Association Standards. The clubhouse however, will provide a function room with bar/food preparation facilities which will be made available for wider community use.

## **HISTORY**

No relevant recent history.

## **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,

### Relevant Development Plan Documents

South Somerset Local Plan (adopted April 2006)

Saved Policies:

ST5 - General Principles of Development

ST6 - Quality of Development

EC3 - Landscape Character

CR1 - Existing Playing Fields/Recreation Areas

Other Relevant Documents:

National Planning Policy Framework:

Core Planning Principles

Chapter 8 - Promoting Healthy Communities.

Chapter 11 - Conserving and Enhancing the Natural Environment

Somerset County Parking Standards

## **CONSULTATIONS**

### **Town Council:**

Ilminster Town Council are the applicant for this proposal.

### **Landscape Officer:**

The proposed football clubhouse with its associated parking, floodlit pitch and site access arrangement is noted.

Assuming it is accepted that there is a need for such a facility, then I can confirm;

1) The location of the club house, in close proximity to the current built edge of Ilminster, and over that area of the field which is at low elevation, is appropriately sited. Whilst the scale of the clubhouse at 37 x 14 metres is substantive, I note that its mass has been scaled down by (i) provision of a hipped roof, and (ii) creation of gabled projections to break-up the long elevations, and I similarly consider this to be appropriate.

2) Car parking is sited to both the north and east sides of the proposed club house, and is broadly acceptable. In most part, this siting will ensure views of parked cars from the elevated land to the south - primarily the footpaths and open space links to Herne Hill - are restricted, to thus reduce the potential for reflective glare. However, I consider there to be a need for visual containment of the parking area to the east of the club house, and suggest this is achieved by a line of trees between, and parallel with, the edges of both the pitch and the car park. This siting and species-choice should be agreed pre-determination, and

species-wise I would suggest something akin to field maple and/or hornbeam, due to its robust winter tracery.

3) The site access and car park edge lays close to a mature hedgerow, which is inclusive of individual specimen trees, and it is possible that their RPA may fall within the construction area. No construction works should be undertaken that would threaten the integrity of these woody features, and to that end, I would suggest a tree protection plan is required - you may wish to discuss the timing and detail of this with Phil.

4) Lighting in this area has the potential to be intrusive. I appreciate that pitch floodlighting can be strictly controlled, both in terms of its concentration; extent, and timing, and clearly these limits should be agreed. Car park lighting should similarly be minimal. On both fronts, we need to be satisfied that there will be no adverse impact upon the local bat population, and I suspect Terry will comment further on that. I also note that there is a proposal that the building is fixed with motion sensor lighting, to detect night-time movement. As animal movement can cause lighting to flick on at any time of darkness, which can be intrusive to both local residents and wildlife, I would suggest such sensors are strictly limited and contained if they are to be permissible.

Should you be minded to approve, please condition detailed landscape proposals and a tree protection plan, as (2) and (3) above. Any tree planting required by planning should be implemented in full in the first season following completion of the construction works.

#### **Ecologist:**

The application site lies adjacent to a mature hedge and tree line, and the former canal. These habitats could potentially be important to bats for foraging and as a commuting corridor.

Some species of bat are particularly sensitive to artificial lighting and the proposed floodlighting could cause significant disturbance and harm to bats, contrary to planning policy and legislation (Habitats Regulations 2010).

The Bat Conservation Trust's 'Bat Survey Guidelines 2012' (considered to be the industry standard) recommends bat surveys for: floodlighting proposals within 50 metres of woodland, water, field hedgerows or lines of trees with connectivity to woodland or water.

Natural England's Standing Advice makes reference to the above guidelines.

Government Circular ODPM 06/2005 ('Biodiversity and geological conservation - statutory obligations and their impact within the planning system') advises 'it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. The survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted.'

Furthermore, all bat species are subject to the strict provisions of The Habitats Regulations 2010 to which local planning authorities must have regard to in the exercise of their functions. To ensure any planning permission is legally compliant with these regulations, it will be necessary to establish any impacts or otherwise upon bats before permission is granted.

I therefore recommend against granting consent until bat activity surveys and an impact



assessment have been completed and submitted. As bats hibernate over the winter, it will not be possible to undertake the surveys until the main survey season of May to September 2015.

**Highway Authority:**

No comments received. An oral update will be given with regard to any comments received.

**Community, Health and Leisure Service:**

Our evidence base indicates that there is a shortfall in playing pitch and changing room provision within Ilminster, both in terms of quantity and quality.

The existing changing room provision on site is not fit for purpose and does not meet Football Association standards or the needs of Ilminster Town Football Club or Ilminster Youth Football Club. This development proposal will significantly reduce the identified quality and quantity deficiencies in the town and is also a priority project for the Football Association who is keen to see improved football facilities to support the growth and development of the clubs.

While the proposed development will result in the loss of a small part of the existing recreation ground, overall there will be better provision in term of quantity and quality of pitches and ancillary facilities and therefore the benefit will outweigh the loss and consequently is not considered contrary to the NPPF or saved Policy CR1. This project will also provide Ilminster Town Council with the opportunity to remove the old football changing accommodation and increase open space in the central part of the recreation ground.

The Community Health and Leisure team has, over the last 12 months, been working with Ilminster Town Council and a qualified landscape architect on the development of a master plan for their recreation ground in order to help prioritise future improvements. The Town Council has recently completed this master planning exercise with input from key local stakeholders and the general public and this development, if approved, would deliver a key component of the agreed master plan for the site.

Overall, given the benefits that this development will deliver and the deficiencies that will be addressed, the Community Health and Leisure service supports this planning application.

**Sport England:**

It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184). The consultation is therefore statutory and Sport England has considered the application in the light of the National Planning Policy Framework (in particular Par 74) and its policy to protect playing fields, 'A Sporting Future for the Playing Fields of England

The proposal is for the erection of a clubhouse/changing rooms, provision of a football pitch, floodlighting and formation of new access. The proposal has an impact on football and cricket. We have sought FA and ECB views on the proposal:

**FA**

The need for the new changing pavilion and club house are critical to ensure the continued success of this football club - the current facilities are in a really poor condition and will soon be condemned. The new football pitch is simply a switch from the existing 1st team site to

this new location with the same number of pitches remaining - the existing pitch will still be available for football use and is essential for the clubs proposed development. Permission for floodlighting is being requested as the club have aspirations to gain promotion in the near future. There is a cricket square that needs moving on the site for the new 1st team pitch that needs to be agreed.

The design is technically compliant as the club have been working with the Football Foundations technical advisor as well as the County FA and FA regional facilities manager.

No loss or gain of pitch provision - The provision of a new fit for purpose pavilion is essential for the club to remain compliant for adult and youth football provision and for its continued growth. Full backing from the Local Authority and Town Council with significant s106 money being provided.

## **ECB**

The site is used by Ilminster CC as a second ground. Last year it was used by the 3rd and 4th teams but next year they won't be able to run a 4th team. The club has a strong junior section and fully intends to restart the 4th team in the coming years and will do this by migrating juniors into senior cricket. The site is also available for junior cricket as an additional facility to their main ground.

As such the site is very important that cricket is retained as it provides an important facility for cricket in the town. The development is ok in principle but the cricket club do have some concerns about the development. Where the cricket ground is being proposed is on a hill so location of the cricket ground is important to make sure the ground is still usable. It is possible to 'move' a cricket square but there are some considerable challenges with this. None of the details were included in the planning application.

The key issues are as follows

- No detailed master plan was provided so unable to comment on the compliance to min dimensions for a cricket ground. There appears to be enough space but need a detailed site plan to comment fully.
- The orientation of the square in the draft site plan appeared to be on an east west orientation which is not compliant. It needs to be broadly on a north south orientation.
- Moving a cricket square means you will essentially need to construct a new square on the site. As such is a fine turf consultant being involved in this process and who is it, i.e. is it someone from the Sport England framework.
- Lastly who is paying for the work required to move the cricket ground and new square construction.

Current usage information is important as it will also determine the specification of the new cricket square. Last year the club started with four teams so the pitch was used every Saturday. Unfortunately the 4th team folded so the second half of the year it was only used every other Saturday. The pitch was also used every Wednesday in the Chard midweek community league by either Ilminster or two local community teams. The pitch was also used by junior teams at the club to ease the burden on the main pitch.

In summary before we cannot support this application at this time and we would need more information to understand how cricket will be retained on the site.

### **Police Architectural Liaison Officer:**

Regarding this application I make the following observations and recommendations:

The development itself is some way from Canal Way and would be considered isolated with existing hedgerow and trees/shrubs in the vicinity. This offers very little in the way of natural surveillance. There is a history of Anti Social Behaviour in this area. The proposed building design provides a covered area at the front which would offer a refuge for young people to congregate and protection from inclement weather.

With the lack of natural surveillance this could potentially lead to criminal damage/graffiti etc.

I would also recommend that consideration is given to using enhanced standard doors and windows made to PAS 24. 1012. These should also be fitted with Laminate glass to prevent access through windows. Any waste water down pipes should be protected from criminal damage as this is also common on public buildings.

Consideration should also be given to providing low level dusk to dawn lighting operated by photo electric cell in order to illuminate the area to allow for staff and visitors to be able to see their approach to the building.

I am pleased to see that access control is proposed at the entrance to the car park. It is important that this car park is not allowed to become a meeting place and catalyst for nuisance behaviour.

### **County Archaeologist:**

While there are no known archaeological sites recorded within the application area, recent investigations in the immediate vicinity have identified extensive evidence for previously unknown, prehistoric (Bronze Age) and Roman occupation activity. The site therefore lies within an area of high archaeological potential. There is however currently, insufficient information contained within the application on the nature of any possible archaeological remains to properly assess their significance.

For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This should comprise a field evaluation as indicated in paragraph 128 of the National Planning Policy Framework.

### **REPRESENTATIONS**

37 letters/emails of support have been received, 2 letters/emails making general observations and 13 letters/emails objecting to the proposed scheme. A petition has also been submitted with over 1300 signatures objecting to building of any permanent structures or car parks on Britten's Field.

The following objections have been made:

#### **Loss of recreation land**

- Loss of community space that is used for activities other than sport
- Lack of land for other sports to be played recreationally or for other sports (eg Hockey, Netball, bowls etc.) to have facilities at the site
- Concern that majority of football club members are not residents and so development would not represent wishes of the majority of the town

- Concerns over the provision for Cricket
- Support principle of new facilities but not supportive of the location.

#### Residential Amenity

- Harm to amenity - increased noise and light levels

#### Highways & Parking

- Inadequate Access (blind bend)
- Access considered inappropriate for GP Surgery - lack of consistency as access considered adequate for sports club which may have a greater volume of traffic than surgery
- Access conflicting with that of GP Surgery - particularly in regard to the elderly
- Existing Car Park facilities adequate for expansion of football club and currently underutilised - also agreement with GP surgery to use their parking at weekends when surgery is closed.
- New car park used inappropriately instead of drivers utilising underused existing car park

#### Ecology / Open space

- Loss of wildlife habitat for birds, badgers and bats
- Loss of hedgerows and trees
- Concerns over decreasing water/landscape quality of the canal section
- Damage to landscape and peaceful nature of site
- In light of new development direction; concerns over loss of a greater amount of green space than necessary in the area - particularly as it is currently community land

#### Flooding

- Significant Waterlogging and some flooding (particularly in winter) of the site of field requiring extensive drainage which is already in place at previous site.
- During recent significant flooding (2012-2014) the field was used as a major soakaway for floodwaters therefore protecting houses -concerns that this flood management strategy would be removed therefore increasing effects of flooding in residential areas.

#### Other issues

- Competing social clubs - and image that associating sports and drinking represents to younger society members
- Policing of Area - and costs associated with this
- Concerns over enclosure of part of the field restricting access for other residents
- Town Councils Consultation and notification of this process considered highly inadequate
- Lack of consistency with the Town Council's position of non-residents that petitioned against proposal being excluded whilst comments from non-residents that support proposal being included
- Financial issues not included in Town Councils Consultation
- Unsatisfactory consultation over the amendments to the scheme
- Lack of Sound business plan
- Use of Public money (& possible increase of council tax) to pay for the scheme
- Misrepresentation as community project as community rooms not available for most nights on 8 months of year (Football season)
- Covenants placed on the land at time of sale? - feeling that these have not been properly considered

#### Summary of supporting comments:

- Good facility for inclusive football club (which involves people of all abilities and ages) that the town can be proud of

- Existing facility inadequate for use
- Recreational uses for other clubs (e.g. fitness, darts skittles, bowls)
- Can be used for schools and significant youth team presence
- Enabling the accommodation of increasing population
- Floodlight design can be used to minimise light pollution
- Pitch some distance from badger sets and canal
- Large field can accommodate the development without a large impact
- Badgers do not seem bothered by light levels in neighbouring street areas

## **CONSIDERATIONS**

### **Need for the development**

The football club's existing changing facilities are located within the centre of the recreation field to the east of the application site, located adjacent to their main football pitch. As advised by the Community, Health and Leisure Manager, those facilities are not fit for purpose, do not meet Football Association (FA) standards nor meet the needs of Ilminster Town Football Club or the youth football teams. In addition, the proposal would make a significant contribution towards addressing the identified qualitative and quantitative sporting deficiencies in the town. Moreover, it is a priority project for the FA who are seeking improvements to football facilities in the town. On the basis of the above points, it is clear that there is an identified need for new facilities for the football club.

### **Location**

Having identified and concluded that there is a need for the new changing facilities, the choice of location is a key consideration. The proposed location is the key factor behind the objections to the scheme. In terms of visual impact, the landscape officer has not raised an objection subject to additional planting. In landscape character terms, the car park and clubhouse would sit in the northern corner of the site, around 100 metres to the south east of the medical centre. As a result, the clubhouse would sit in an area on the southern side of Canal Way where built form development has been accepted. The choice of location allows for sufficient car parking to be provided. In addition, concentrating match and training pitches in one area has practical and safety benefits.

### **Residential amenity**

It is considered that the proposed building will be sufficient distance from residential properties to avoid adverse impact to residential amenity. Moreover, the land is currently used for cricket and football matches. Whilst the level of matches/ training sessions may increase as a result of improved facilities, given this type of use is well established on this site, it is not considered that this use or possible increase of such use is considered to cause adverse harm to residential amenity to warrant refusal.

The introduction of floodlighting can be a source of light pollution and harm to residential and visual amenity. 6 floodlights, each 15 metres in height are proposed. The applicant has suggested the latest that these will be used is 9.30pm. A plan has been submitted showing the range of the lighting. However, for ecological reasons outlined later in this report, no consent will be granted for floodlighting at this stage, until a satisfactory bat survey has been undertaken and approved by the Council's Ecologist. Subject to this approval, details of the lighting will need to be submitted and approved by the Local Planning Authority. Along with control in terms of hours of use, these measures will ensure that the floodlighting does not cause any harm to residential amenity.

## **Design**

The building will be timber clad with rendered pillars and a tiled roof. The application has been amended to include the installation of solar panels on the south east facing roof. Whilst the scale of the building is substantive, it has been designed with a hipped roof and a gable projection on the north west elevation to break up the long elevation. The design of the gabled elevation originally included a covered open area at the front which has been amended in response to the Police Architectural Officer's comments. This section has now been fully enclosed. The gabled projection on the south east elevation has been deleted to provide for the solar panels. The design and materials are considered to be appropriate for this form of development in this context.

## **Highways/Parking issues**

Vehicular access will be gained from the north of the site off Canal Way, utilising an existing access point. This will serve the new car park which will contain 48 spaces which will be located around the north and east side of the clubhouse. It is understood from the applicant that in pre-application discussions between the applicant and Highway Authority that the principle of using this access point is acceptable. Concern has been raised that the proposed access would not be safe due its position on a bend. However, the Highway Authority have yet to formally comment on this application. Any comments received will be reported orally at committee.

One of the main reasons for the relocation of the football club is the ability to provide off road parking spaces. The supporting document explains that the football club does not have any allocated parking and as a result parking usually takes place on Canal Way and The Mead. Given the concerns about parking along one of the main roads in the town, it is considered appropriate that a development of this type has on-site parking. This would meet the needs of footballers as well as those attending any function at the clubhouse. The supporting document also states that the parking could be used as an overspill for the adjacent medical centre. However, it is considered that the medical centre has adequate parking and would unlikely need the use of this new car park.

## **Ecology**

Concern has been raised by local residents that the proposed development would have an adverse impact on local wildlife and associated habitat. Comments submitted particularly referred to impact on bats, birds and badgers. Whilst the proposal will not result in the loss of any trees or hedgerows, the advice of the Council's Ecologist was sought in relation those concerns. He identified a concern in respect of the potential impact on bats as a result of the floodlighting proposed to be installed around the perimeter of the football pitch. A bat survey and an impact assessment have therefore been recommended prior to the granting of consent.

The bat surveys would not be able to be undertaken until the main survey season of May to September as bats hibernate during the winter months. As this would result in a significant delay in the determination of the application, given that it is only the floodlighting that is providing the need for the survey, rather than any other aspect of the proposed development, the Ecologist has agreed to the imposition of a condition attached to any consent, that withholds permission for the installation of any floodlighting until the bat survey and impact assessment has been undertaken and agreed by the Council's Ecologist.

## **Landscaping**

The landscape officer has not raised an objection to the proposal but has sought visual containment of the parking area to the east of the clubhouse and suggests a line of trees, between and parallel with, the edges of the both the pitch and car park. Field maple and/or hornbeam is recommended. The applicant has agreed to undertake this planting and a relevant condition will be attached accordingly.

## **Impact on trees/hedgerows**

The proposal does not include the removal of any trees or hedgerows. However, as advised by the landscape officer, construction works may affect the closest trees and hedgerows. It is therefore proposed that a tree protection plan is attached to any consent to provide protection during construction.

## **Loss of Recreational land**

Whilst part of the field is currently used for cricket and football, and will continue to do so, the proposed development including the new building and car park area will clearly result in the loss of an area of informal open space used by local residents and visitors etc. However, given that the proposed area of built development constitutes a small area of land at the northern end of the site, it is not considered that this loss of green space outweighs the benefits that would be gained by the provision of improved facilities. There is no doubt that this is a popular area for local people to use for recreation purposes, either informal recreation or playing cricket or football. However, most of the field will still be available for people to use for recreation purposes.

## **Archaeology**

The County Archaeologist has advised that recent investigations in the immediate vicinity have identified extensive evidence for previously unknown prehistoric and Roman occupation activity. Due to the lack of information contained within the application on the nature of any possible archaeological remains, a field evaluation has been sought. This is requested prior to the determination of the application. However, an agent acting for the Town Council has spoken to the Archaeologist and advised that he would accept a condition seeking a field evaluation. The case officer is waiting for confirmation from the Archaeologist and an oral update will be given to members at committee.

## **Flooding/drainage**

Concern has been raised that the site suffers from waterlogging and flooding. The site is located within Flood Zone 1 which means that the site has a low probability of flooding. A Flood Risk Assessment is not required for this development. The applicant has outlined that soakaways will be used to dispose of surface water, details of which shall be sought via condition.

## **Impact on cricket**

It will be noted that Sport England has not been able to support the application until further information is submitted regarding how cricket will be retained on the site. A plan has been submitted with the application showing how the various pitches will be accommodated on the field. In response to Sport England's comments, further information has been submitted by the applicant. A response from Sport England is awaited. The additional information includes a further plan outlining the proposed location of pitches. The main football pitch would not

interfere with cricket pitch and outfield. However, it must be borne in mind that the cricket pitch is not contained within the planning application site and the arrangement of the cricket pitch and smaller youth/training pitches is outside the control of this planning application. In addition, the football club have made it clear that they are fully committed to working alongside the cricket club on issues of concern.

## **Other issues**

### **Covenants**

Comment has been received that covenants have been placed on the land that prevent development within the field. Moreover, that the land was gifted to the residents of Ilminster by the Britten family for recreational purposes. The Case Officer asked the Town Council about these points and was informed that there are no covenants pertaining to the site that prevent development. In addition, the land was purchased by the Town Council from the County Council. The field was named in honour of the Britten family. However, notwithstanding the existence or otherwise of any restrictive covenant, it must be stressed that covenants are not relevant to the consideration of the planning merits of any particular case. Moreover, the grant of any planning permission does not override the need to suitably address any other permissions or consents that may be required.

### **Cost of the development / Role of Town Council**

Concerns have been raised about the cost of the development, use of public money to help fund the development and the actions of the Town Council. However, none of these are valid planning considerations that can be taken into account when assessing the planning merits of the scheme.

## **SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING**

Not applicable to this application.

## **RECOMMENDATION**

Grant Consent

01. The proposed development by reason of its design, siting and location will provide a much needed improved facility for Ilminster Football Club and a community space for the town, would respect the character and appearance of the area, would not harm residential amenity, and make adequate provision for vehicular/pedestrian access and parking. The proposal would therefore accord with saved Policies ST5, ST5, and EC1 of the South Somerset Local Plan and Chapters 8 and 11 of the NPPF.

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

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

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

02. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external



walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the visual amenity of the area to accord with saved Policy ST5 of the South Somerset Local Plan.

03. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby approved.

Reason: In the interests of highway safety to accord with saved policy ST5 of the South Somerset Local Plan.

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

Reason: In the interests of visual amenity to accord with saved policy ST5 of the South Somerset Local Plan.

05. No floodlighting shall be installed within the application site until a bat survey and impact assessment has been undertaken, and the report and recommendations have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of ecology to accord with saved policy EC8 of the South Somerset Local Plan.

06. Subject to the approval of the Council's Ecologist that floodlighting may be installed, as required by condition 5, no floodlights shall be installed without the details of any such lighting being submitted to and approved in writing by the Local Planning Authority. Once agreed, the floodlights shall not be altered without the written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and ecology to accord with saved policies ST5 and EC8 of the South Somerset Local Plan and the NPPF.

07. The development hereby approved shall be carried out in accordance with the following approved plans:

Drawing numbers: ITFC9, ITFC10 REV1, ITFC11, ITFC13 REV 1, ITFC14 REV 1.

Reason: For the purposes of clarity and in the interests of proper planning.

08. Any floodlighting approved in connection with condition 6, shall only be operated between 16.00 to 21.30 hours.

Reason: In the interests of visual and residential amenity to accord with saved policy ST5 of the South Somerset Local Plan.

09. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of (IN) from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To protect existing trees/hedgerows on the boundary of the site during construction.

10. Any additional conditions that may be requested by the County Archaeologist and Highway Authority.
-

# Agenda Item 12

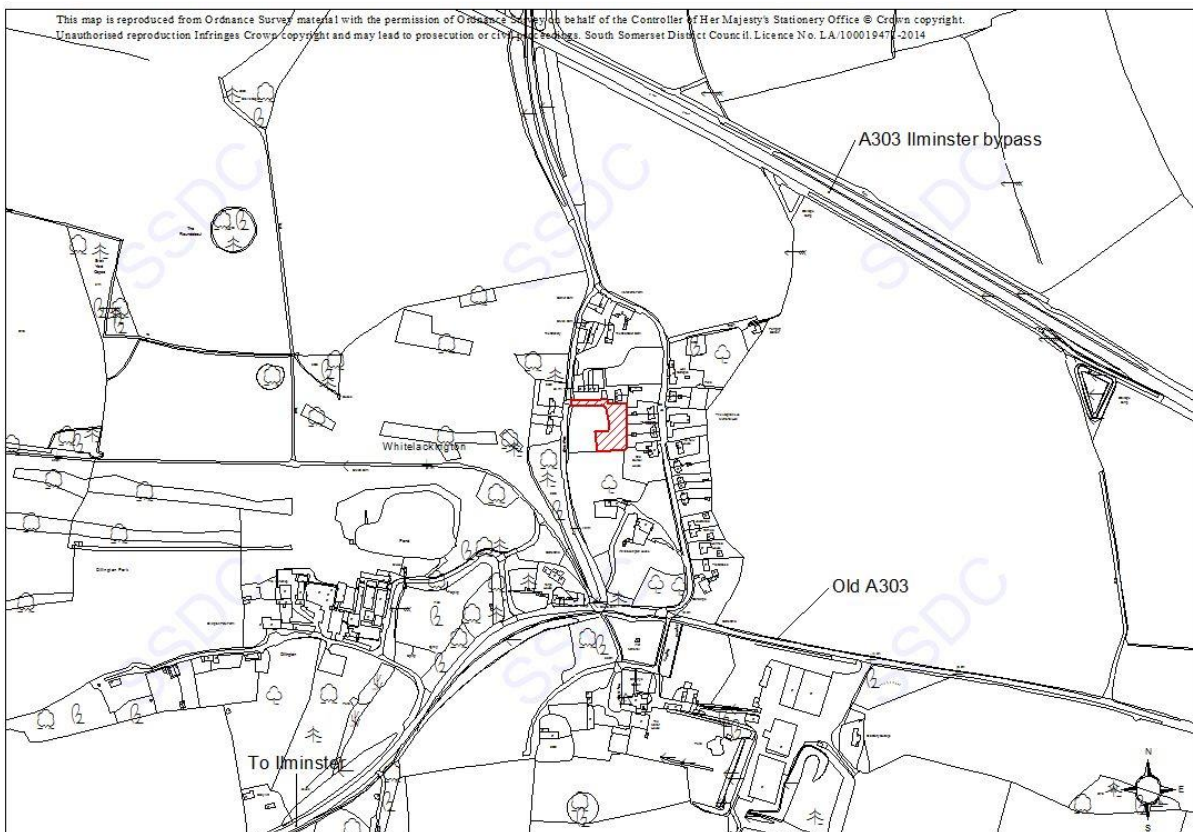
## Officer Report On Planning Application: 14/03945/FUL

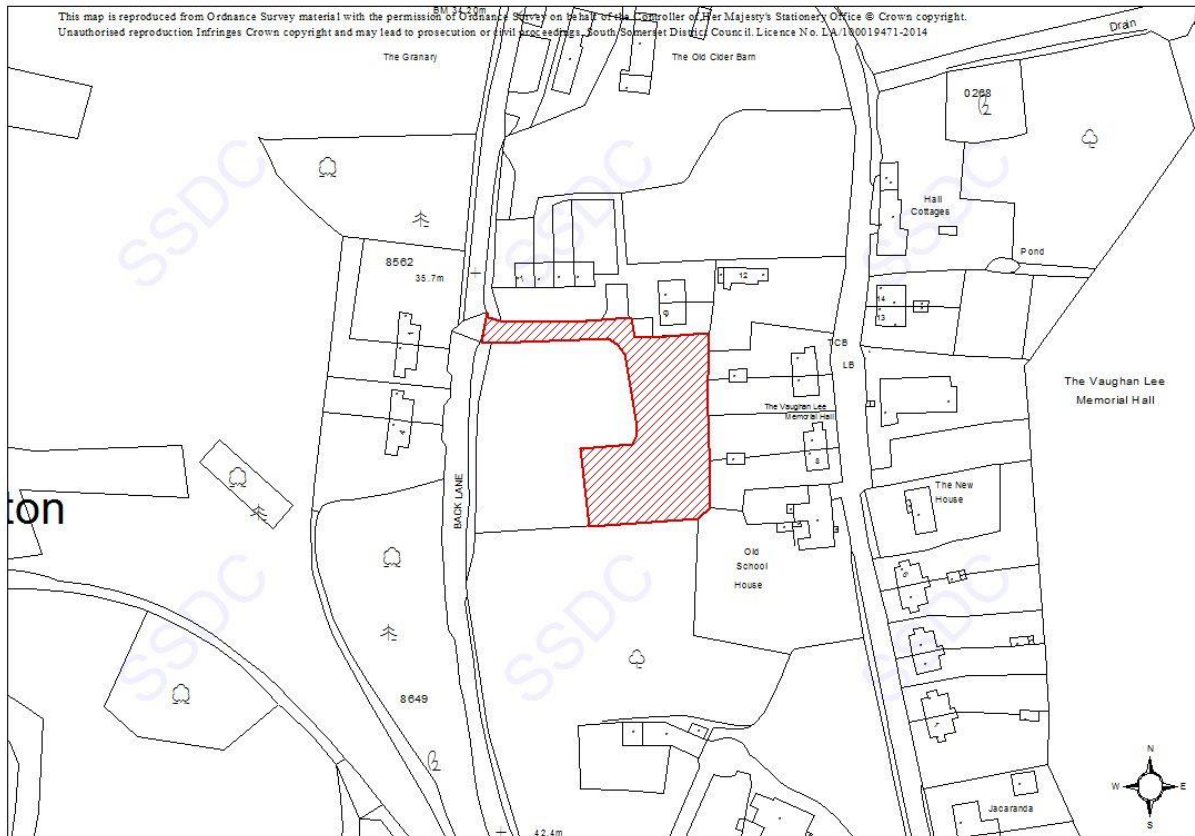
<b>Proposal :</b>	The erection of 6 No. dwellings with associated parking. (GR 337915/115596)
<b>Site Address:</b>	Land South Of Hanning Close Whitelackington
<b>Parish:</b>	Whitelackington
<b>ILMINSTER TOWN Ward (SSDC Member)</b>	Cllr C Goodall Cllr K T Turner
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date :</b>	29th October 2014
<b>Applicant :</b>	Mr Chris Wilson
<b>Agent: (no agent if blank)</b>	John Wratten Associates The Waggon Shed Flaxdrayton Farm, Drayton, South Petherton, TA13 5LR
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, the adopted local plan is increasingly out-of-date and policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need. Accordingly, the application is referred to Committee to enable the justification for the development to be considered in light of the issues raised locally.

### SITE DESCRIPTION AND PROPOSAL





The application site forms part of a small area of open land situated within the small village of Whitelackington. It is adjoined by residential gardens to the north and east with an orchard to the south. The site slopes gently from north to south siting on higher land than the surrounding residential properties.

The application proposes the erection of 6 one-bedroom properties (3 semi-detached pairs) to be accessed from Hanning Close, four would run along the eastern part of the site and two along the southern part of the site. The properties would be single storey in design with galleried accommodation within the roofspace. They would be constructed in brick and render with double Roman roof tiles. A parking area would be provided at the south-east corner of the site to provide eight parking spaces with turning.

## HISTORY

93653 - Reserved matters: Erection of six dwelling houses and provision of car parking spaces. Approved 1990.

890637 - Outline: Residential development (six dwellings). Approved 1989.

## 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 primarily comprises the saved policies of the adopted

South Somerset Local Plan (2006). However, the emerging Local Plan which will replace the adopted Local Plan is in an advanced stage of adoption. The proposed 'Submission South Somerset Local Plan (2006 - 2028)' was submitted to the Planning Inspectorate for Independent Examination in January 2013. A series of Examination Hearing Sessions were held during May and June 2013, which resulted in the Inspector issuing a Preliminary Findings Letter to the Council outlining some issues of concern. The Examination resumed in June 2014 following additional work being undertaken by the Council to address the Inspector's concerns. It is anticipated that the emerging Local Plan will be ready for adoption early in 2015. Having regard to the advanced stage in the adoption of the emerging Local Plan, emerging policies can be afforded some weight in determining the application.

**Relevant Development Plan Documents:**

**Government Guidance:**

National Planning Policy Framework

Chapter 6: Delivering a wide choice of high quality homes

Chapter 7: Requiring Good Design

Chapter 11: Conserving and enhancing the natural environment

**South Somerset Local Plan (2006) Saved policies:**

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

ST10 - Planning Obligations

EC3 - Landscape Character

EC8 - Protected Species

**Submission South Somerset Local Plan (2006 - 2028)**

**Policies**

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

SD1 - Sustainable Development

**Planning Practice Guidance 2014**

Updated 19 November 2014 to specify circumstances where s106 tariff style obligations can be sought. The guidance now states that such contributions cannot be sought from developments of 10 units of less.

**CONSULTATIONS**

**Whitelackington Parish Meeting:**

No response or request for extension of consultation period received.

**County Highway Authority:**

Advise that they have no highway objections subject to planning conditions in relation to formation of access; estate road details; and maintenance of parking area.

**Landscape Officer:**

No substantive landscape issues, requests a landscaping condition.

**Planning Policy:**

Support the application in principle as it accords with the thrust of Policy SS2.

**Community, Health and Leisure Service:**

Have calculated that the following contributions should be required:

Local Facilities (community hall)	£6,141
Strategic Facilities	£4,757
Total	£10,899.

(Officer note: The applicant has agreed to pay the required contribution.)

**Ecologist:**

Notes that a representation mentions a bat roost adjacent to the site but as the site is fairly open and there aren't any significant landscape features affected by the development than he doesn't consider that this is a significant constraint to the development. Ecologist does request a condition with regard to street lighting.

**Senior Historic Environment Officer (SCC):-**

Requested an archaeological evaluation but having visited the site during the evaluation confirms that there is only limited archaeology and, as such, has no further archaeological issues.

**REPRESENTATIONS**

One letter of representation has been received making the following comments:

- Concerned about the placement of the entrance adjacent to existing driveways; no pedestrian pathways are shown.
- There is already on-street parking in Hanning Close and further traffic movements will make the situation dangerous.
- Concerned about the potential loss of light to neighbouring dwelling as new properties will be on higher land.
- Concerned about drainage as existing garden is already boggy.
- There is a maternal nest of bats in existing roof.

**CONSIDERATIONS****Principle of Development**

The Council has presented a report on the five-year housing land supply position to its District Executive Committee on the 5th June 2014. This report stated that the Council can now demonstrate a five-year housing land supply, with appropriate buffer. The meeting accepted the conclusion. However, with or without a five-year housing land supply, it is important to judge an application on its merits, taking account of the impacts and benefits that the scheme provides. In this context the application must be considered in light of the existing Local Plan, the National Planning Policy Framework, and the emerging Local Plan.

It should be noted that the policy framework provided by the extant Local Plan (1991 - 2011) is increasingly out-of-date, with certain policies not in accordance with the National Planning Policy Framework. The proposal is contrary to Policy ST3; however Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need.

The LPA is currently in a period of transition where regard should be had to the emerging Local Plan. The policies within the emerging Local Plan have weight and should be borne in mind, particular where there are concerns as to the out-of-date nature of existing policies.

For this proposal, reference should be made to emerging Local Plan Policy SS2 which allows for housing in smaller, less sustainable settlements where the housing will meet a local need. In this case, the proposed units are small, one bedroom homes that will provide accommodation for retired estate workers (or their widows) or starter units for younger members of the community. Such accommodation is supported in the text (para 4.46) of the preamble to Policy SS2.

In summary, the focus should not be on whether the Council has a five-year land supply or not. It is more important that the impacts and benefits of the scheme are considered appropriately in light of the existing Local Plan, the NPPF and the emerging Local Plan. Particular reference should be made to NPPF Paragraph 14 where it states that where the development plan relevant policies are out of date, there should be a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Therefore, although the site is outside a defined development area it is considered that the principle of the residential development of this site is acceptable due to the type of accommodation that is proposed. The very modest size of the dwellings will ensure that they remain 'affordable' and conditions can be imposed to withdraw permitted development rights to ensure that the dwellings remain of a small size. In the circumstances, these dwellings will always remain of a size that will meet a local need and, as such, neither conditions nor a s106 agreement are considered to be required in this case. The application therefore falls to be determined on the basis of its impacts.

### **Landscape Impact**

The proposal will follow the form of the existing development in Hanning Close and whilst the land is slightly higher it is not considered that the dwellings will be overly intrusive especially as they are single storey in design. It is considered that due to the modest size of the dwellings they can be incorporated into this site without undue impact upon the landscape. The site is adjoined by residential development on two boundaries and is well screened on the third boundary, the Landscape Office has suggested that a landscaping condition be imposed to ensure appropriate planting is agreed on the new boundary. As such, it is considered that the proposal is acceptable in terms of its landscape impact.

### **Impact on residential amenity**

In terms of the impact upon residential amenity, it is considered that the distance between the properties and existing dwellings on the eastern boundary is acceptable and there will be no significant adverse impact upon amenity as the proposed dwellings are single storey with no openings in the roofspace.

Whilst the concerns of the neighbouring resident (6 Hanning Close) to the north are noted, it is considered that there will be a good separation between the proposed dwelling and this property (8.5m) and as such there will not be a significant loss of light to No. 6 as a result of this application. In terms of access, the Highway Authority note that the plans do not include for the

formation of a pedestrian pathway but given there is no pathway to link into, it is not considered appropriate to require that a pathway be provided. There is considered to be sufficient space between the access and the driveway of No. 6 and as such it is not considered that the plans could be refused on this basis. Due to the very modest size of the dwellings proposed it is felt that only limited traffic movements are likely to be generated by the proposal and, as such, existing users of the highway should not be unacceptably impacted by the development.

It is therefore considered that the proposal is acceptable in terms of its impacts upon neighbouring amenity.

### **S106 Contributions**

The government has recently made changes to the Planning Practice Guidance so that only developments of 10 units or more can now be subject to the need to pay contributions. As such, whilst the applicant has agreed to pay the contributions, it is no longer possible to require such a payment as this would not accord with the updated guidance.

### **Summary**

Given the limited weight that can be given to policy ST3 of the local plan and that the proposal is for housing that meets a local need, it is considered that, in principle, the proposal is acceptable. No adverse impacts on the landscape, ecology, residential amenity or highway safety have been identified that justify withholding planning permission.

Therefore, notwithstanding the various concerns raised, the proposed development is considered to be in accordance with policies ST3, ST5, ST6, ST10, EC3 and EC8 of the South Somerset Local Plan and the aims and provisions of the NPPF. As such the application is recommended for approval.

### **RECOMMENDATION**

Approve

01. Notwithstanding the local concerns, the provision of six local need houses would contribute to the council's housing supply without demonstrable harm to residential amenity, highway safety, ecology or visual amenity. As such the scheme is considered to comply with the saved policies ST3, ST5, ST6, ST10, EC3 and EC8 of the South Somerset Local Plan (2006) and the aims and objectives of the NPPF.

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

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 0139-PP01, 0139-PP03, 0139-PP04, 0139-PP05 and 0139-PP06 received 2 September 2014; 0139-PP02 Rev A received 3 September 2014; and 0139-PP07 received 22 September 2014.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.



03. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority;
- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
  - b. panels of brickwork and stonework shall be provided on site for inspection;
  - c. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
  - d. particulars of all boundary treatments and hard surfacing materials. Such details shall include the use of porous materials to the parking and turning areas;
  - e. details of meter cupboards and gas boxes;
  - f. internal floor levels of the buildings;
  - g. foul and surface water drainage detail to serve the development.

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

Reason: To safeguard the character and appearance of the area in accordance with policies ST5 and ST6 of the South Somerset Local Plan 2006.

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

Reason: To safeguard the character and appearance of the area in accordance with policies ST5 and ST6 of the South Somerset Local Plan 2006.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to these buildings without the prior express grant of planning permission.

Reason: To ensure that the dwellings remain available as affordable units and to safeguard the character and appearance of the area in accordance with policies ST5 and ST6 of the South Somerset Local Plan 2006.

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no dormer windows or other openings shall be formed within the roofs of these buildings without the prior express grant of planning permission.

Reason: To ensure that the dwellings remain available as affordable units and to safeguard the character and appearance of the area in accordance with policies ST5 and ST6 of the South Somerset Local Plan 2006.

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

Reason: To safeguard the character and appearance of the area in accordance with policies ST5 and ST6 of the South Somerset Local Plan 2006.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages/outbuildings shall be erected without prior express grant of planning permission.

Reason: To safeguard the character and appearance of the area in accordance with policies ST5 and ST6 of the South Somerset Local Plan 2006.

09. No street lighting will be permitted until surveys for bats, undertaken in the period May to September, have been completed and used to inform an impact assessment and the design of any lighting scheme. Such information and details to be submitted to Local Planning Authority for approval. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF, and of legally protected species in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

10. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 0139- PP02, and shall be available for use before occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety and in accordance with Policy ST5 of the South Somerset Local Plan (2006).

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

Reason: In the interests of highway safety and in accordance with Policy ST5 of the South Somerset Local Plan (2006).

12. The area allocated for parking on the submitted plan, drawing number 0139- PP02, shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with Policy ST5 of the South Somerset Local Plan (2006).

**Informatives:**

01. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer should contact the Highway Authority to progress this agreement well in advance of commencement of development.
-

# Agenda Item 13

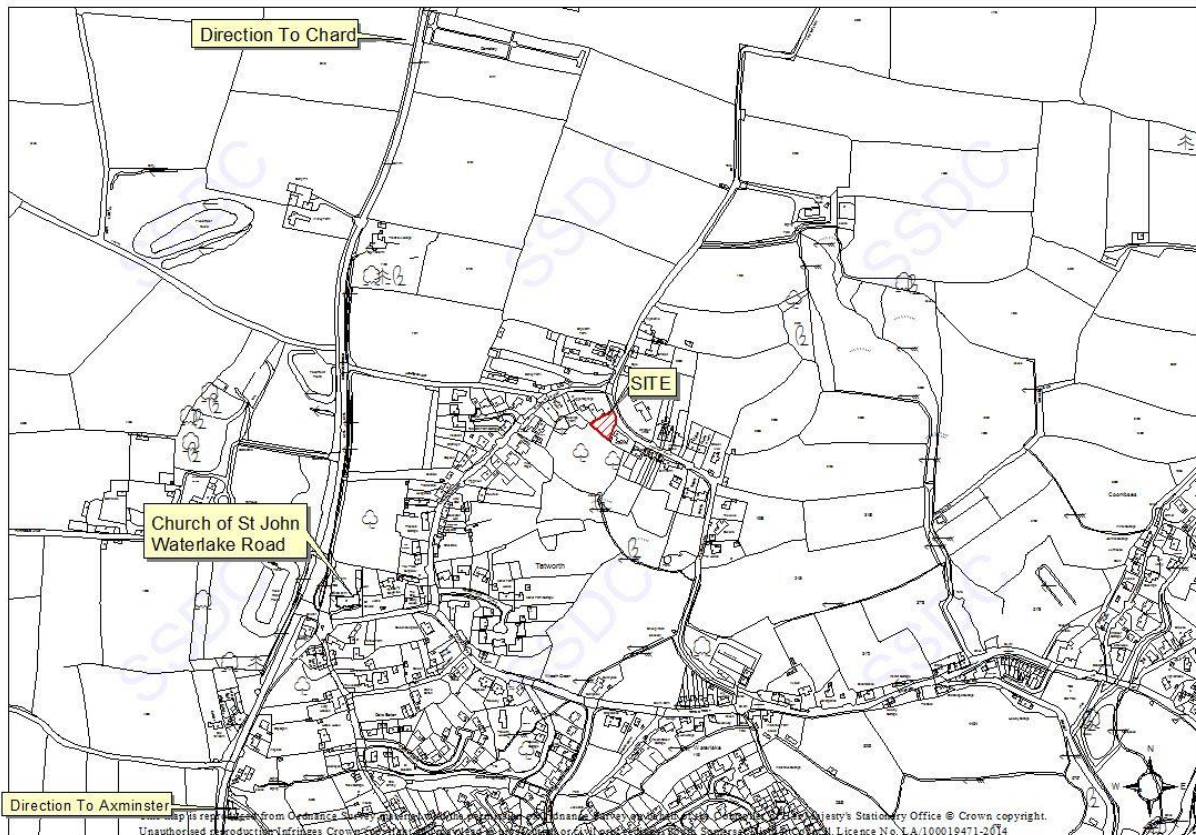
## Officer Report On Planning Application: 14/04662/OUT

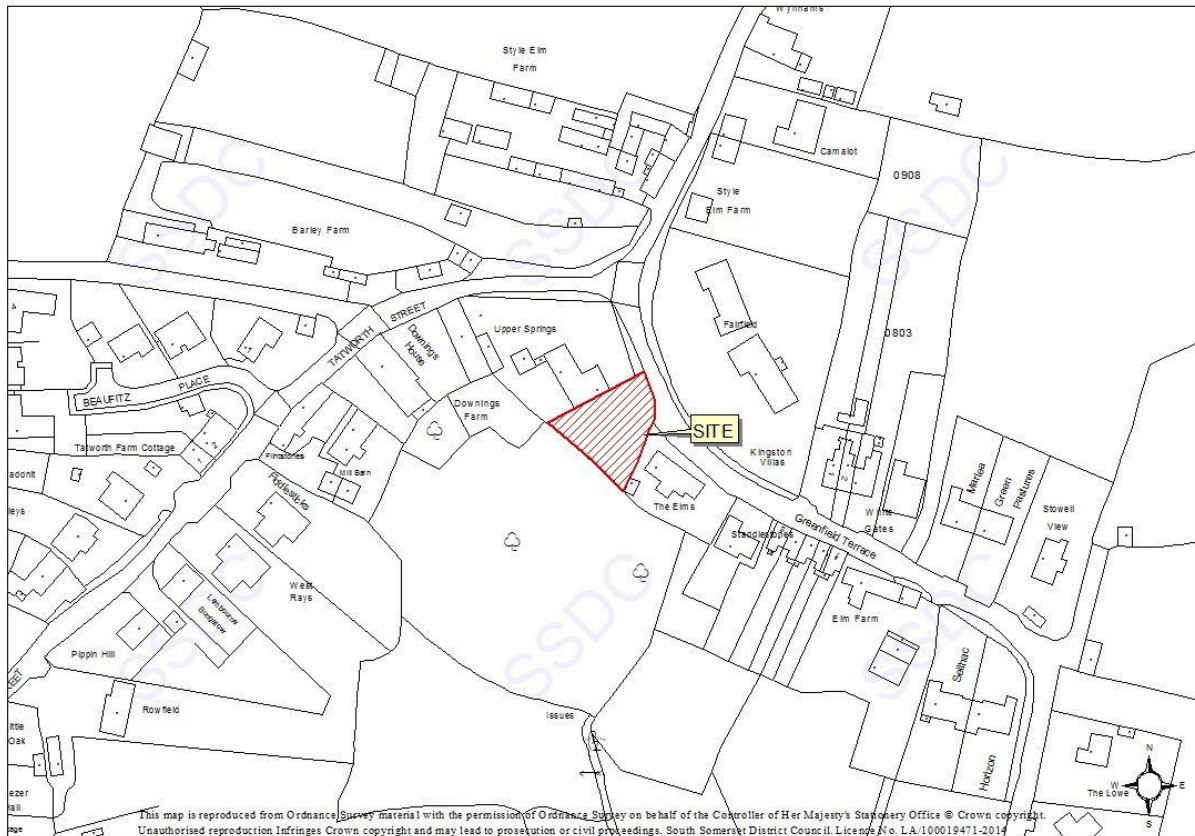
<b>Proposal:</b>	Outline application for the erection of 1 No. dwelling. (GR 332989/106020)
<b>Site Address:</b>	Land Adjoining Upper Springs Tatworth Street Tatworth
<b>Parish:</b>	Tatworth And Forton
<b>TATWORTH AND FORTON Ward (SSDC Member)</b>	Cllr A Turpin
<b>Recommending Case Officer:</b>	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
<b>Target date:</b>	17th December 2014
<b>Applicant:</b>	Mr Nicholas Aston
<b>Agent: (no agent if blank)</b>	
<b>Application Type:</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application is to be considered by Area West Committee at the request of the Ward Member, with the agreement of the Area Chair, to enable the change in recommendation by the Parish Council to be fully debate the issue of over development of the site.

### SITE DESCRIPTION AND PROPOSAL





The site lies to the south of Upper Springs, a bungalow accessed off Tatworth Street and forms part of its garden. The northern half (approx.) of the application site lies within the Development Area and the southern half falls outside.

The application seeks outline consent with all matters reserved. Indicative plans have been submitted illustrating how the site may be developed, including a block plan, front elevation, and streetscene elevations.

## HISTORY

96/02491/OUT - Erection of one dwelling and garage - refused and appeal dismissed - 280265. (principle, small site and detrimental impact on adjoining properties)

06/00017/OUT - Erection of detached dwelling and garage - refused and appeal dismissed - 2034068 - the Inspector concluded that it was an important gap in the developed frontage that makes a significant contribution to the character of the area.

11/04714/FUL - Erection of detached dwelling and garage - refused (position, scale, form, design, loss of important visual break, cramped and out of keeping, and loss of light and overbearing impact)

13/00174/FUL- The erection of 1 No. detached dwellinghouse with associated access and parking (Revised Application)- Appeal refused- 2199313 (cramped, contrived form of development, important visual break in streetscene).

14/03766/OUT- Outline application for the erection of 1 dwelling- Withdrawn.

## **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 primarily comprises the saved policies of the adopted South Somerset Local Plan (2006). However, the emerging Local Plan which will replace the adopted Local Plan is in an advanced stage of adoption. The proposed 'Submission South Somerset Local Plan (2006 - 2028)' was submitted to the Planning Inspectorate for Independent Examination in January 2013. A series of Examination Hearing Sessions were held during May and June 2013, which resulted in the Inspector issuing a Preliminary Findings Letter to the Council outlining some issues of concern. The Examination resumed in June 2014 following additional work being undertaken by the Council to address the Inspector's concerns. It is anticipated that the emerging Local Plan will be ready for adoption early in 2015. Having regard to the advanced stage in the adoption of the emerging Local Plan, emerging policies can be afforded some weight in determining the application.

### Relevant Development Plan Documents

South Somerset Local Plan (Adopted April 2006)

ST2 - Villages

ST3 - Development Area

ST6 - Quality of Development

ST5 - General Principles for Development

TP7 - Residential parking provision

EC3 - Landscape Character

Emerging Local Plan:

SS2- Development in rural settlements

EQ2- General Development

### Policy related material considerations

National Planning Policy Framework - March 2012

Chapter 6. Delivering a Wide Choice of High Quality Homes

Chapter 7. Requiring Good Design

Chapter 11. Conserving and enhancing the natural environment

## **CONSULTATIONS**

**Tatworth and Forton Parish Council:** - Recommended approval

### **Tree Officer:**

Two responses given. The first response provides informal comments and is included on the application file. However following additional viewing of the tree a second response which supercedes the first and is set out below:

Having had a closer look, I'm afraid that the tree has a disappointing form and is showing symptoms of poor vigour.

I do not recommend that it ought to constrain development.

**County Highway Authority** - Standing advice applies.

The following comments received in relation to the previous application (13/00174/FUL) are considered to be relevant to this application:

I would refer you to Mr Fellinghams letter dated 19th December 2011 in connection with planning application no. 11/04714/FUL, I consider that these comments apply equally to the present application in that no objection was raised subject to seeing drawings showing the visibility splays, drainage and surfacing details. Therefore the applicant is required to submit amended drawings showing these details.

Therefore subject to the submission of amended drawings showing the visibility, drainage and surfacing I raise no objection to this proposal and if planning permission were to be granted I would require the following conditions to be attached.

- Before the dwelling hereby permitted is first occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority.
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.
- The area allocated for parking and turning on Drawing No. AUSDHP3 shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.
- There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 33m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

**PLEASE NOTE:**

Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, South Somerset Area Highway Office, Mead Avenue, Houndstone Business Park, Yeovil, Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.

**REPRESENTATIONS**

Four letters of objections have been received from two adjoining occupiers. The following objections are made:

- The bedroom/living room of The Elms looks over the proposed site.
- Impact on views.
- The applications have caused stress to neighbours.
- Impact on sewerage infrastructure.
- Drainage is currently an issue- the systems are at full capacity.

- Concerns over safety of the access- 30 mph speed limit, no pavements, variety of users of the lane would be affected.

## **CONSIDERATIONS**

### **Principle**

The northern half of the site is located within the defined Development Area as defined in the adopted 2006 Local Plan whereas the remainder of the site is located outside development limits. It should be noted that the Local Plan is out of date and the Emerging Local Plan is at an advanced stage of adoption and is expected to be adopted early in 2015.

Having regard to the location of part of the site outside development limits, Saved Policy ST-3 would apply to the proposal and strictly controls development in such a location. However, paragraph 215 of the NPPF states that:

"due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

It should be acknowledged that the 2006 plan is now out of date and only those policies that are compliant with the aims of sustainable development as set out within the NPPF have been saved, furthermore where a saved policy isn't fully compliant with the NPPF it has diminished weight.

Whilst the emerging local plan has yet to be adopted, Policy SS2 designates Tatworth as a rural settlement. Development in Rural Settlements applies. Policy SS2 strictly controls development at Rural Settlements and limits it to that which provides employment opportunities of an appropriate scale and or, enhances community facilities and or meets identified housing need, particularly for affordable housing. SS2 has not been queried by the local plan inspector or challenged in the course of the local plan suspension and was not debated at the recent re-opening of the local plan inquiry. Accordingly, for the purpose of this application, it is considered that the general thrust of Policy SS2 and the NPPF's support for sustainable development should be balanced against the historic interpretation of Policy ST3 which weighs heavily against unwarranted development outside settlement boundaries.

Given these circumstances, the proposal to construct a single dwelling should be considered on its own merits. Paragraph 7 of the NPPF states that there are three dimensions of sustainable development, economic, social and environmental. Each dimension of sustainable development should not be considered in isolation and they are mutually dependant. Furthermore, Paragraph 6 of the NPPF states that paragraphs 18 to 219 of The NPPF should be taken as a whole and constitute the Government's view of what sustainable development means in practice for the planning system. In reaching a view as to whether the site is suitable for the development proposed a range of considerations are relevant.

There are some relatively basic services within Tatworth including a pub, a shop and a primary school. Whilst these are located within the lower portion of the village some walking distance from the site, it is nevertheless considered that they are adequately related to the subject site. Given the access some services and the scale of the development being commensurate with the village, it is considered that residential development is acceptable in principle within the village. However, the acceptability of the scheme depends on compliance with the relevant development plan policies.



## **Planning history**

An inspector dismissed an appeal against the refusal of outline planning permission for the erection of a dwelling and garage on the site in 1997. He concluded that the character of the village is of loose frontage development along narrow lanes, interspersed by landscaped green areas, which provide the area with a semi rural appearance. It was felt that the visual break that the site provides between buildings and its hedgerow and mature trees makes an important contribution to the character and appearance of the area.

An objection to the exclusion of the application site from the development area was considered at the Local Plan Inquiry. The Inspector commented that "this small site provides a break between development in an area of loosely spread housing. With its roadside bank it contributes to the balance between the built form and the open space that provides the semi rural character of this part of Tatworth". The Inspector also made reference to the appeal decision and agreed with the conclusions of the Inspectors appeal decision commenting that "there would be a major visual impact if the site were to be developed. I believe that there are strong landscape grounds not to alter the Development Area Boundary at this point". The Local Plan was adopted in April 2006.

In 2007, an Inspector dismissed a second appeal against the refusal of planning permission for the erection of a detached dwelling and garage on the application site. This site was slightly smaller than the current application site with its northern boundary being 1m further away from Upper Springs bungalow. It was an outline application with all matters reserved although a site layout plan indicated that a dwelling could be accommodated to the rear of the site and mainly within the northern half of the site. The Inspector concluded that it was an important gap in the developed road frontage that makes a significant contribution to the character of the area.

These appeal decisions and the Inspectors' consistent assessments of the value of the undeveloped site to the character of the area are a material consideration in determining the application.

A similar application to the current application was refused in 2011 (11/04714/FUL) on the grounds that the position of the house and its scale, form and design would result in the loss of an important visual break between the buildings, and would appear cramped and out of keeping. In addition, it was considered that, due to its position close to a south facing window on Upper Springs, the proposal would result in loss of light and an overbearing impact.

A further application was considered and refused at appeal in 2013. In dismissing the appeal the inspector concluded that the proposal would result in an "intensification in the use of the site, which currently continues to provide a break between development in an area that comprises loosely spread housing and, as such, contributes to the balance between built form and open space which add to the semi rural nature of the area."

## **Pattern of development and visual impact**

Whilst there is a variety of property styles and positions in Loveridge Lane, the immediate surroundings of the site are characterised by three large bungalows on spacious plots set well back from the road to the north-east and north-west, a sizeable house to the south-east and a large open area to the south-west. The Lane changes in character further to the south-east of the site where development becomes more dense and is characterised by two storey buildings.

The indicative plan is an improvement over the previously refused scheme. The proposed dwelling would be located in the centre of the plot with approximately equal spacing to the side boundaries. However, there are remaining considerations relating to site circumstances that weigh significantly against the proposal. The indicative layout indicates a dwelling approximately 9 metres in width and 9 metres in depth. This would be significantly smaller in scale when compared to surrounding properties such as Upper Springs to the north and The Elms to the south east which each have a width of approximately 17 metres. In addition the scale of the plot would be constrained in relation to the size of the proposed dwelling. For example, whilst indicative only, the proposed dwelling would be approximately 2 metres from the shared boundary with The Elms at its closest point.

The narrow frontage of the plot reinforces its cramped nature, which distinguishes it from other sites in the village (Pipping Hill, Tatworth Street 11/05114/FUL and Waterlake Road/Fore Street/Bulls Lane junction 12/03268/FUL) which have been given permission for new dwellings in 2011 and 2012. These other sites are also fully within the Development Area. Other dwellings in the locality by contrast have relatively regular shaped plots with wide frontages.

It is noted that the appeal inspector in 2013 concluded that the site continues to provide a break between development and contributes to the semi rural character of this part of Tatworth. It is acknowledged that the area to the south east is higher density, however it is considered that the site provides a visual buffer between the more spacious development consisting of single storey dwellings to the north and more dense two storey development, to the south east of the adjoining dwelling, The Elms. The provision of a vehicular access, necessary visibility splays and hard standing would erode the openness of this important gap to the detriment of the streetscene and the character of the locality.

It is noted that there is semi mature tree to the front of the site which would be located adjacent to the proposed access. A tree survey has not been submitted. The Councils tree officer has been consulted on the application. It is considered that the tree provides has significant amenity value to the appearance of the streetscene and therefore it would be beneficial to retain the tree. Based on the indicative plan, the tree would be located approximately 10 metres from the front of the proposed dwelling. The tree officer has assessed the tree and has concluded that the tree is a relatively poor specimen not worthy of protection.

### **Highway safety**

The indicative layout indicates that parking and turning can be provided to the side and front of the proposed dwelling. It is considered that in order to provide the required visibility splays, some trimming of plants to the front of the site would be required.

### **Residential amenity and neighbour objections**

The concerns of the neighbours in respect to amenity are noted. However, it is considered that an acceptable scheme can be achieved in this regard. There is a bedroom window at first floor level within The Elms that overlooks the site. The bedroom is not served by any other windows, however, it is considered that there would be an acceptable impact on light levels to this room provided that adequate spacing is provided between the proposed dwelling and the shared boundary and also subject to an appropriate overall size for the proposed dwelling.

There is a bedroom window to the side elevation of Upper Springs which would face the application site and is the only window serving the bedroom, however, it is considered that

there would be an acceptable impact on light levels to this room provided that adequate spacing is provided between the proposed dwelling and the shared boundary and an appropriate overall scale for the proposed dwelling.

Issues of drainage/sewerage should be addressed through Building Regulations. Subject to the provision of adequate visibility splays to satisfy the Highway Authority, it would be unreasonable to refuse permission on the grounds of increased traffic in this location.

### **Accuracy of plans**

The location plan is inaccurate in that it does not show the new house recently built to the north of Upper Springs and the second bungalow opposite the site.

The roof plan for Upper Springs on the block plan is incorrect.

### **CONCLUSION**

This part of Tatworth has a distinct semi-rural and spacious character. The proposed development would result in the loss of an important gap in the Lane between the buildings in this loosely developed frontage, which would detract from the character and appearance of the area. It is also considered that the plot is constrained in size and is irregular in shape with a very narrow frontage. As such a dwelling sited within this plot would appear cramped and out of keeping with its surroundings.

### **RECOMMENDATION**

Refuse Permission

01. The proposal, by reason of the constrained dimensions and irregular shape of the plot would result in a cramped and awkwardly sited development and would result in the loss of an important visual break between the buildings. The proposal would appear cramped and out of keeping with and detract from the character and appearance of the site and its surroundings. This would be contrary to saved policies ST5 and ST6 of the South Somerset Local Plan (Adopted April 2006) and paragraph 64 of the National Planning Policy Framework.

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

#### **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

The Local Planning Authority undertook pre-application negotiations following the previous refusal and positively engaged with the applicant to minimise the reasons for refusal. However, no satisfactory solution could be achieved and the applicant was advised of his right to appeal.

# Agenda Item 14

## **Date and Venue for Next Meeting**

The next scheduled meeting of the Committee will be held on Wednesday 21<sup>st</sup> January 2015 at 5.30pm. Venue to be confirmed

---