
Area West Committee

Wednesday 17th July 2019

5.30 pm

**The Guildhall, Fore Street
Chard, TA20 1PP**

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



The following members are requested to attend this meeting:

Jason Baker
Mike Best
Dave Bulmer
Martin Carnell
Brian Hamilton
Ben Hodgson

Val Keitch
Jenny Kenton
Paul Maxwell
Tricia O'Brien
Sue Osborne
Robin Pailthorpe

Garry Shortland
Anthony Vaughan
Linda Vijeh
Martin Wale

Consideration of planning applications will commence no earlier than 6.15pm.

For further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462055 or democracy@southsomerset.gov.uk

This Agenda was issued on Tuesday 9 July 2019.

Alex Parmley, *Chief Executive Officer*



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

Information for the Public

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

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

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

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

Meetings of the Area West Committee are held monthly, usually at 5.30pm, on the third Wednesday of the month (except December).

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

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

Public participation at committees

Public question time

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

Planning applications

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

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

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

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

The order of speaking on planning items will be:

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

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

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

Recording and photography at council meetings

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

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

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

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

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Area West Committee

Wednesday 17 July 2019

Agenda

Preliminary Items

- 1. To approve as a correct record the Minutes of the Previous Meeting held on 19 June 2019**
- 2. Apologies for Absence**
- 3. Declarations of Interest**

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

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

Planning Applications Referred to the Regulation Committee

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

Councillors Jason Baker and Sue Osborne.

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

- 4. Date and Venue for Next Meeting**

Councillors are requested to note that the next Area West Committee meeting is scheduled to be held on Wednesday 21st August 2019 at The Guildhall, Chard.

- 5. 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.

6. Chairman's Announcements

Items for Discussion

- 7. Area West - Council Plan Priorities 2020/21** (Pages 6 - 8)
- 8. Area West Committee Forward Plan** (Pages 9 - 11)
- 9. Planning Appeals** (Page 12)
- 10. Schedule of Planning Applications to be Determined by Committee** (Pages 13 - 14)
- 11. Planning Application 18/03454/OUT - Land Adj Winterhay Lane Farm, The Beacon, Ilminster** (Pages 15 - 21)
- 12. Planning Application 19/00564/DPO - Moorlands Farm, Broadway, Merriott** (Pages 22 - 27)

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

This does not apply to decisions taken on planning applications.

Agenda Item 7

Area West – Council Plan Priorities 2020/21

Service Manager: Jan Gamon, Lead Specialist Strategic Planning
Lead Officer: Jan Gamon, Lead Specialist Strategic Planning
Anna Maria Lenz, Specialist, Strategic Planning (East/South)/
Chereen Scott, Specialist, Strategic Planning (West/North)
Tim Cook, Locality Team Manager

Contact Details: anna-maria.lenz@southsomerset.gov.uk;
chereen.scott@southsomerset.gov.uk
tim.cook@southsomerset.gov.uk

Purpose of the Report

To present the priorities identified by Area West Committee for consideration in the Council Plan 2020/21, as agreed at a workshop in June 2019.

Public Interest

This report gives a summary of the priorities agreed by Members of the Committee at a recent workshop. These priorities will help to inform the development of the Council Plan 2020/21 including corporate strategic priorities and the priorities for the Area West chapter. This report details the next steps of this process.

Recommendation

1. That members agree the proposed corporate strategic priorities to be presented to District Executive for consideration for inclusion in the Council Plan.
2. That members agree that the other priorities raised at the workshop will be developed into the Area West Chapter in collaboration with the chair of the committee.

Background

One of the key objectives of the Council Plan is to ensure that the priorities of the Council align to the aspirations of Members and are supported by evidence, such as national policy and community need.

The development process begins with Area Workshops, which include all members, in order to base the development of Council priorities on local knowledge, insight and awareness of issues and challenges faced by our communities.

Draft priorities were identified by members of Area West at a workshop in June.

Draft Priorities for Area West

A number of challenges and issues were identified at the member workshop. Members were asked to give some weighting to identify emerging priorities for the 2020/21 period. The list below provides the outcome of this exercise:

There were four issues that were most highly ranked by members:

- Crime and community safety: The importance of supporting the multi-agency One Team approach in tackling community safety issues in the Area and District.
- To complete gateway highway improvement scheme (Chard Fore Street)

- Tourism: Attract tourists and increase spend in and visits to the Area and wider District
- “Protecting the Environment”: To develop an approach for protecting our environment and ensuring that the green agenda is at the forefront of what the Council does.

The following is a list of issues that had a moderate ranking:

- Community transport: Improving the provision and connectivity of community transport
- Rural isolation: Taking a strategic approach to identifying and tackling issues that relate to rural isolation
- Deliver (8) play days in towns and villages in Area West
- To improve pitch provision in Area West and in particularly in Chard
- Supporting rural diversification
- Develop Chard Reservoir as a destination

The following is a list of issues that had a lower level of ranking to those above:

- Maintaining pressure to deliver Stop Line Way
- Continue to support the Blackdown Hills AONB
- Parking strategy
- Increase the network of volunteer led health walks through promotion, training and support
- Continue to support individual businesses and Associations/Chambers of Trade/Town Teams
- Supporting our farming communities

Listed below are some of the priorities that were ranked with higher importance and could have a wider potential impact for the District. It is proposed that these are put forward for consideration as a corporate strategic priority in the Council Plan:

- Crime and community safety: The importance of supporting the multi-agency One Team approach in tackling community safety issues in the Area and District.
- Tourism: Attract tourists and increase spend in and visits to the Area and wider District
- Protecting the Environment: To develop an approach for protecting our environment and ensuring that the green agenda is at the forefront of what the Council does.
- Community transport: Improving the provision and connectivity of community transport
Priority 6: Rural isolation: Taking a strategic approach to identifying and tackling issues that relate to rural isolation

Next Steps

The process and timescale for the adoption of area priorities as council priorities are as follows:

Further work on developing these priorities will take place in collaboration with the chair of the committee with a view of bringing the draft Area West Chapter to committee later in the year for adoption.

There will be a period of time between August and November where priorities for consideration in the Council Plan are scoped and assessed against need and reviewed by members of the Senior Leadership Team (SLT) and District Executive as part of priority

setting. The outcome of this will form the content of the Council Plan for 20/21 which will be brought to Full Council early in the New Year with a recommendation to agree and adopt.

The SLT sponsor for Area West is Alex Parmley who will be an advocate for the Area through the development process and maintain an overview of progress. The SLT sponsor will provide high-level input into the development of Area Chapters, making sure that they contribute towards the broader aims of the council and take account of relevant regional and national policy.

Resourcing Area Chapters

Identifying the resources needed to deliver the Area Chapters will be done as an integral part of the planning process.

Area+ teams

Resources will be drawn from across the whole authority to deliver against the agreed priorities. Each project / priority will have a named officer who is responsible for monitoring progress and in some cases delivering a project. The group of individuals linked to priorities in the chapter are referred to as Area+ teams. Communities of Practice have been established for each area of focus and are able to help set direction and support delivery of priorities by problem solving and dealing with blocks.

Budgets

Previous area budgets have been carried forward and will be used alongside other, service specific budgets to support the delivery of area chapters. Other resource (e.g. capital programme, S106) can also be used where appropriate. There needs to be recognition that resources are finite and will be allocated according to need. Any new work that is requested within year will be assessed in order to establish relative priorities.

Financial Implications

There are no new financial implications arising directly from this report.

Corporate Priority Implications

The priorities have been developed taking into account the SSDC Corporate plan priorities.

Carbon Emissions & Climate Change Implications

This is considered on an individual project and programme basis as appropriate. The overall priority is to seek to create more balanced communities where people can live, work and get access to the services and facilities they need on a daily basis. Area working (Area+) helps to improve access to facilities, activities and services, reducing the need to travel.

Equality and Diversity Implications

This is considered on an individual project and programme basis as appropriate. All Area Plans will have an Equality Impact Assessment.

Background Papers: *Area+ proposal, Area + Implementation Plan*

Agenda Item 8

Area West Committee Forward Plan

Director: Netta Meadows, Strategy and Support Services
Agenda Co-ordinator: Jo Morris, Case Services Officer (Support 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.
 (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

Meeting Date	Agenda Item	Lead Officer(s) SSDC unless stated otherwise
18th September 2019	<i>Chard Regeneration Scheme Update Report</i>	<i>Rebecca McElliott, Property and Development Project Manager</i>
	<i>Grant Application – Merriott Village Hall</i>	<i>Adrian Moore, Locality Officer</i>
16th October 2019	<i>Historic Buildings at Risk</i>	<i>Specialist – Development Management</i>
20th November 2019	<i>Area Chapter for the Council Plan</i>	<i>Chereen Scott, Specialist, Strategic Planning</i>
11th December 2019	<i>Blackdown Hills Area of Outstanding Natural Beauty (AONB)</i>	<i>Adrian Moore, Locality Officer</i>
	<i>Blackdown Hills AONB</i>	<i>Cllr. Martin Wale</i>
	<i>Chard and District Museum Society</i>	<i>Cllr. Jenny Kenton</i>
22nd January 2020	<i>Crewkerne Heritage Centre</i>	<i>Cllr. Robin Pailthorpe</i>
	<i>Ile Youth Centre Management Committee</i>	<i>Cllr. Brian Hamilton</i>
	<i>Avon & Somerset Constabulary</i>	<i>Sgt. Rob Jameson</i>
19th February 2020	<i>Ilminster Forum</i>	<i>Cllr. Val Keitch</i>
	<i>Meeting House Arts Centre, Ilminster</i>	<i>Cllr. Val Keitch</i>
18th March 2020	<i>Stop Line Way Steering Group</i>	<i>Cllr. Sue Osborne</i>
	<i>A Better Crewkerne & District (ABCD)</i>	<i>Cllr. Mike Best</i>

Meeting Date	Agenda Item	Lead Officer(s) SSDC unless stated otherwise
<i>TBC</i>	<i>Highways Authority Update</i>	

Agenda Item 9

Planning Appeals

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

Purpose of the Report

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

Recommendation

That the report be noted.

Background

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

Report Detail

Appeals Received

18/03923/FUL - Proposed retirement housing development of 4 No. bungalows and alterations to existing access and parking facilities.

Land Adjacent To Rose Cottage School Lane, South Chard, Chard, Somerset TA20 2SA
(Officer delegated decision)

18/03339/HOU - The demolition of existing railings and the erection of two boundary walls
Inkwell House Lower Chillington, Ilminster Somerset TA19 0PU
(Officer delegated decision)

Background Papers

None

Agenda Item 10

Schedule of Planning Applications to be Determined by Committee

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

Purpose of the Report

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 6.15pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.05pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
11	ILMINSTER	18/03454/OUT	Outline application for the erection of two dwellings with garaging	Land Adj Winterhay Lane Farm, The Beacon, Ilminster	Mr G Pearce
12	EGGWOOD	19/00564/DPO	Application to vary Section 106 Agreement dated 27 March 2013 between South Somerset District Council and Clipper Development Partners LLP in relation to removing provision for GP surgery and pharmacy	Moorlands Farm Broadway Merriott	Mr & Mrs Passey

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

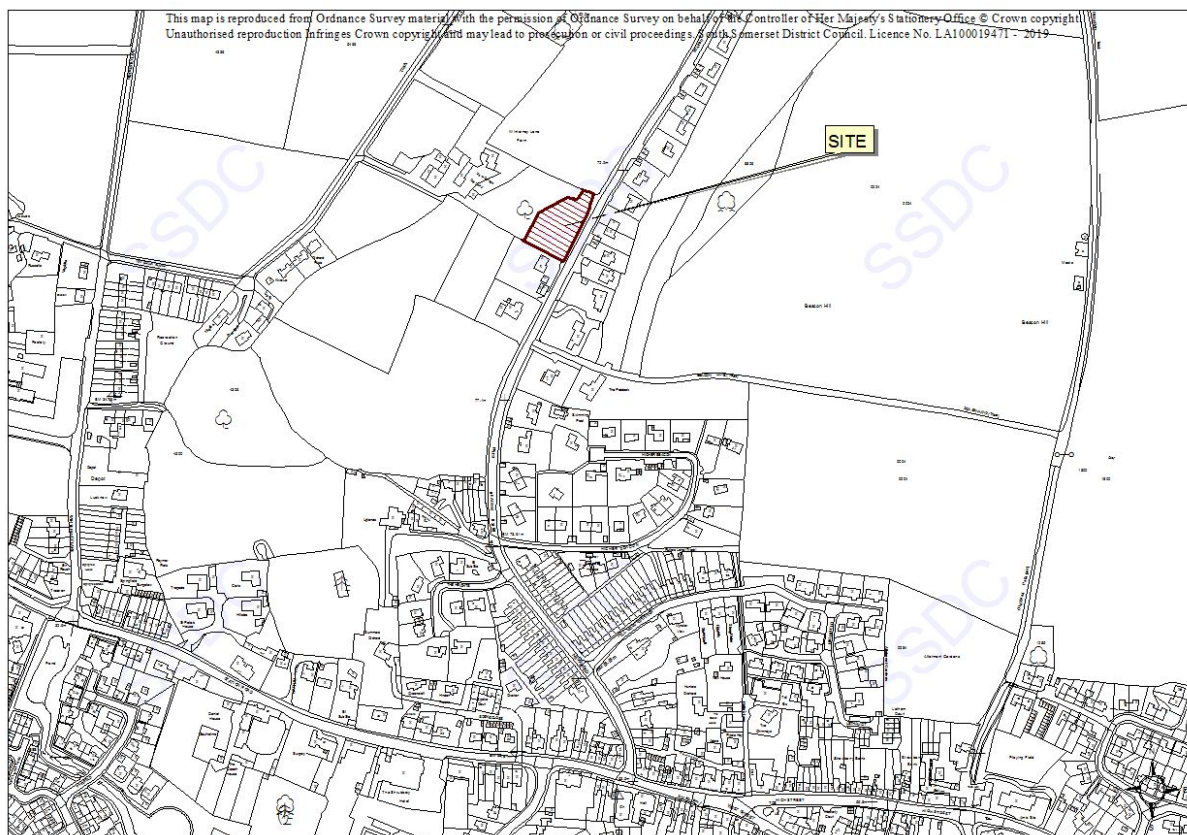
Officer Report On Planning Application: 18/03454/OUT

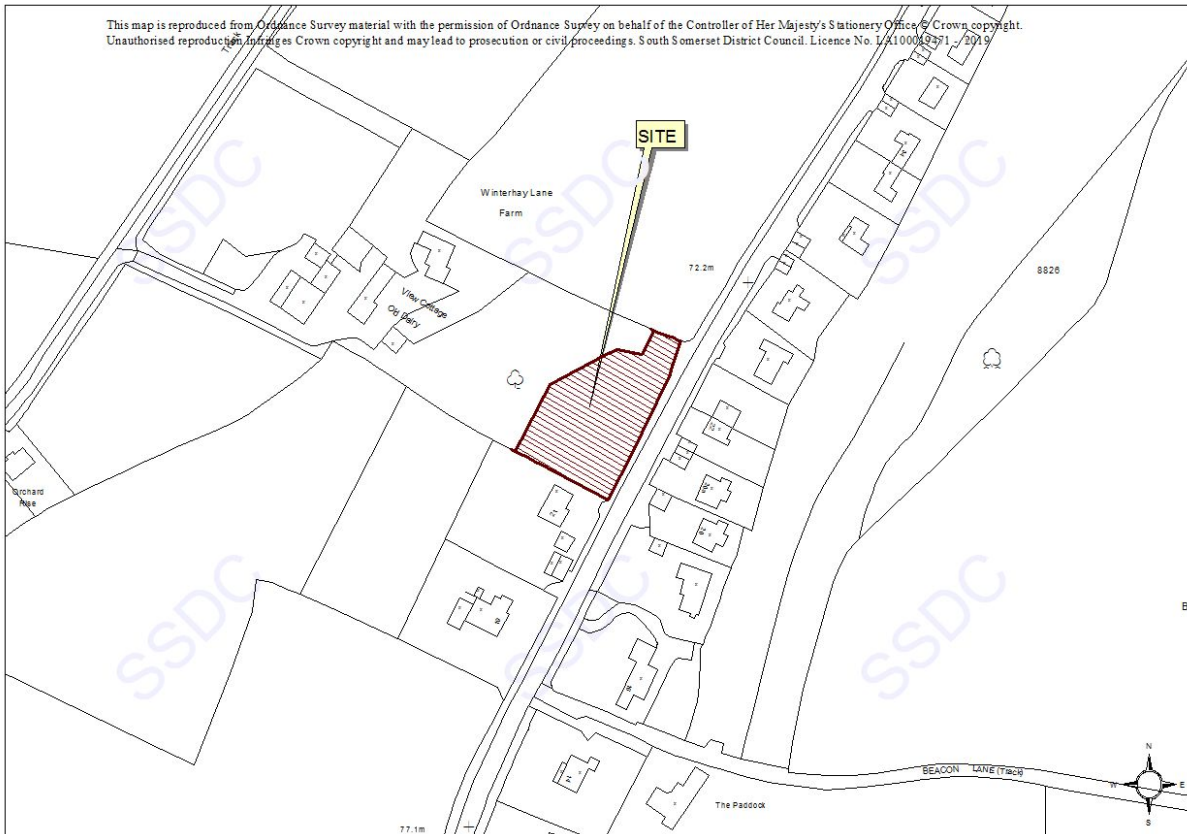
Proposal :	Outline application for the erection of two dwellings with garaging
Site Address:	Land Adj Winterhay Lane Farm The Beacon Ilminster
Parish:	Ilminster
ILMINSTER Ward (SSDC Member)	Cllr V Keitch Cllr B Hamilton
Recommending Case Officer:	Louisa Brown
Target date :	18th December 2018
Applicant :	Mr G Pearce
Agent: (no agent if blank)	Paul Rowe Architectural Services CAPARO 11 Mervyn Ball Close CHARD TA20 1EJ
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE:

The application has been referred to Committee by the Ward Member with the agreement of the Area Chair to allow discussion of the planning issues.

SITE DESCRIPTION AND PROPOSAL





This is an application seeking outline planning consent with all matters reserved except access for the erection of 2 no. dwellings at Land adj. Winterhay Lane Farm, The Beacon, Ilminster.

The site is located on the western side of the main highway on a steeply sloping site, running down from the highway to Winterhay Lane Farm.

There are two detached dwellings to the southwest of the site and opposite the site to the southeast the street is made up of predominantly detached dwellings of various styles and age.

The site is on the fringes of Ilminster and to the north of the town centre.

HISTORY

No planning history for applications at the site.

POLICY

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

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

South Somerset Local Plan (2006-2028) Policies:

SD1 - Sustainable Development

SS1 - Settlement Strategy - identifies Horton as a Rural Settlement

SS2- Development in rural settlements

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG4 - Affordable housing contributions

TA1 - Low Carbon Travel

TA5 - Transport Impact of New development

TA6 - Parking Standards

EQ2 - General development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

National Planning Policy Framework

Chapter 2: Achieving sustainable development

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: promoting sustainable transport

Chapter 12: achieving well designed places

Chapter 15: conserving and enhancing the natural environment

National Planning Practice Guidance

Design

Other Material Considerations

Somerset County Council Parking Strategy (March 2012)

Somerset County Council Highways Development Control - Standing Advice (June 2013)

ENVIRONMENTAL IMPACT ASSESSMENT

None required

CONSULTATIONS

Iminster Town Council:

Recommend approval

SCC Highways:

Referred to standing advice

Tree Officer:

No comments received

Ecologist:

No objection raised, recommended conditions.

South West heritage trust (Archaeology):

No objection

REPRESENTATIONS

Twelve neighbours were notified and a site notice displayed. One letter of representation was made raising concern of visibility to be looked at and hedge height. Seven letters of support have been

received referring to the development being good on this unused land, the need for housing and the proposal will enhance the area and landscaping.

Four letters of objection have been received, in summary the issues raised were:

- Site is a green field site and too small for the development
- Will set a precedent for further housing in this location
- Adversely affect landscape character
- Ilminster has just had new housing approved
- Difficult and dangerous access
- Doubtful that the new orchard would be planted and maintained
- Engineering works required would be a challenge and as a result a lot of concrete
- Concern over foul drainage
- Loss of agricultural land
- Not within a designated area for housing expansion in Ilminster
- If hedges reduced in height then development will be seen from the road

CONSIDERATIONS

The main issues to assess as part of this application is the principle of housing in this location and the proposals impact on visual amenity, landscape character, residential amenity, and highway safety.

Principle of housing in this location:

The starting point for decision-making is the statutory development plan, which is the South Somerset Local Plan (2006 - 2028). Adopted in March 2015, this provides the policy framework through which to make decisions on whether or not to grant planning permission for development in the district.

However, the lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development fall to be determined in light of Paragraph 11 which states that where development plan policies are out-of-date planning permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.

Having regard to the above, the planning merits of the proposal are considered against the aims of the NPPF and these considerations are set out below:

Sustainability of the settlement:

The general principle of additional housing within Ilminster is acceptable and complies with policies SD1, SS1, SS4 and SS5 of the South Somerset Local Plan, as it will contribute to housing provision and growth in a primary market town. This is subject to its compliance with other local plan policies.

It is considered that the principle of the development would comply with the NPPF and thus policies SD1, SS1, SS4, and SS5 of the South Somerset Local Plan.

Visual amenity and Landscape character:

The plans show an indicative layout for two dwellings utilising the existing access to the field. In order to facilitate the works it is considered that extensive engineering works will be required due to the steep slope within the site, this is demonstrated on the submitted concept section plan.

There has been no topography plan submitted and it is considered that it has not been demonstrated that the dwellings can be located on this site whilst creating a quality of place, given the extensive

engineering required which would have a detrimental impact on the visual amenity and landscape character.

The submitted Landscape Statement states; 'Housing is less prominent to the west of Beacon on the steeply sloping hillside. A number of fields provide a degree of separation between the ribbon development along the road from the linear development at Winterhay Lane, on the lower ground below the hill. This maintains the relatively open character of Beacon Hill.' This statements reinforces the importance of the open character of the area on the western side of the Beacon. To mitigate some of the impact the Landscape Statement states, 'Hedgerow trees are proposed within the plot boundaries and a reinstatement of the orchard in the lower part of the field.' The conclusion states 'there is a degree of visual exposure in the surrounding landscape to the south west, west, north west and north,' and that with additional planting mitigation 'the effect on the views can be moderated.' However the plan on the front cover of the Design and Access Statement shows the orchard area to be planted within the red site line, this is not shown on the submitted location plan. On the submitted plans the red site line does not go around the area to have the orchard planting in and as such landscaping within this area is not within control of this application or any future reserved matters application.

The comments made within the Landscape Statement have been taken into consideration, however it is considered that even though the views may be moderate with additional landscaping the development would still be visible within this sensitive location and some of the landscaping proposed is not shown within the red site line. Advice has been given at pre-application stage that the site is particularly sensitive in landscape terms, being on elevated and sloping land.

A landscape study by SSDC has been undertaken in the past as part of the emerging Local Plan to assess if this area of Ilminster could be developed and at that time the land was identified as being particularly sensitive, and in landscape terms, is not a site that would be supported for development. The site has far reaching views from the A303. Additional land was identified for housing in Ilminster and this has been allocated within the adopted Local Plan, for which housing of 400 units has been approved at committee.

This outline is submitted with the access to be considered. There is concern that the necessary changes required to the existing access point in regard to engineering works and implementation of visibility splays will have a detrimental impact on the character of the area and landscape. There are no plans submitted showing how works to the access will be undertaken or the extent of the visibility splays required and as such the level of impact this would have.

Notwithstanding comments received it is considered that there is a lack of information to demonstrate that the access would not be harmful to the character of the area and landscaping, by reason of the engineering works required and visibility splays. Furthermore it is considered that the principle of two dwellings in this location could not be designed in such a manner as to not adversely affect visual amenity, the character of the area and landscape character, in this elevated and visually sensitive location and as such is not in accordance with policy EQ2 of the South Somerset Local Plan and the NPPF.

Residential Amenity:

The proposed plans are indicative only and as such the layout of the properties and detailed matters such as the position of windows will be considered at the reserved matters stage. However it is considered that 2 no. dwellings could be accommodated within the site without adversely impacting upon neighbouring residential amenity, given the size of the site and the indicative layout shown.

It is not considered that a development of two dwellings would result in unacceptable levels of noise and disturbance to neighbouring properties.

Notwithstanding comments received it is considered that this site can be developed without adverse impact upon neighbouring properties and is therefore in accordance with Policy EQ2 of the South

Somerset Local Plan 2006-2028.

Ecology:

The ecologist has raised no objection subject to recommended conditions to address biodiversity.

It is considered that the proposal is in accordance with policy EQ4 of the South Somerset Local Plan.

Highway safety:

This outline application has been submitted with the access to be determined. The plans show that the existing access will be utilised, however there are no plans submitted showing the extent of work to the access in regard to visibility splays and gradient of the access, which is considered essential in this sensitive location.

The Design and Access statement refers to the application having engaged the services of a highway consultant and that they have adhered to the advice given, however no formal highway report has been submitted or plan showing detailed work to the access.

Somerset County Council Standing Advice requires for this site the following:

- a gradient of the access not in excess of 1:10
- an access width of 5 metres for the first 6 metres of the access
- visibility splays based on traffic speeds of 30mph

The agent has been sent new guidance as part of the Agents Forum in regard to SSDC Highway Access and Parking Guidance, within that guidance it states;

"The following guidance is provided to assist applicants to ensure that their submitted plans whether at pre-application stage or formal application submission show the appropriate levels of detail in respect of the proposed access arrangements and on-site parking/turning facilities for new development schemes. The guidance also applies to both Full and Outline (where 'access' is not a reserved matter) applications.

Failure to provide the requisite level of detail may result in the planning application being refused without negotiation on the grounds that insufficient information has been submitted to the local planning authority for it to properly assess the highway safety implications of the development proposal."

It is considered that it has not been demonstrated that the proposed access, that forms part of this outline application, accords with the relevant highway standards.

In regard to sustainability it is considered that the site is within a sustainable location as the town is within walking distance and there are pavements to provide safe access.

It is considered that there is insufficient information to demonstrate that the access does not adversely affect highway safety in accordance with the Somerset County Council Highways Development Control - Standing Advice (June 2013), Policy TA5 of the South Somerset Local Plan 2006-2028 and the NPPF.

Affordable Housing Contributions and CIL:

Following the recent court of Appeal decision, South Somerset District Council will not be seeking affordable housing contributions from schemes of 10 or less dwellings or where the gross floor area of buildings is less than 1000 sq. m. in line with the statement made by the Minister for Housing and Planning.

The proposal will be liable for CIL at reserved matters stage.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASONS

01. The principle of two dwellings in this location could not be designed in such a manner as to not adversely affect visual amenity, the character of the area and landscape character, in this elevated and visually sensitive location and is contrary to the aims and objectives of policy EQ2 of the South Somerset Local Plan. The adverse impacts of the proposal would significantly and demonstrably outweigh the benefits and the development is contrary to advice contained within the NPPF.
02. There is insufficient information to demonstrate that the access will not adversely affect highway safety and is contrary to the Somerset County Council Highways Development Control - Standing Advice (June 2013), Policy TA5 of the South Somerset Local Plan 2006-2028 and the NPPF.
03. There is insufficient information to demonstrate that the access would not be harmful to the character of the area and landscaping, by reason of the engineering works required and visibility splays and is contrary to the aims and objectives of policy EQ2 of the south Somerset Local Plan (2006-2028) and the NPPF.

Informatives:

01. In accordance with paragraph 38 of the NPPF, the council, as local planning authority, approaches decisions on proposed development in a positive and creative way, working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area by:
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case pre-application advice was sought in 2013, 2016 and 2018 and it was stated that as a Local Planning Authority an application to develop the land would be resisted, based on its adverse impact on the landscape character. The most recent pre-application advice further stated the need to demonstrate that the improvements to the access would not be detrimental.

Agenda Item 12

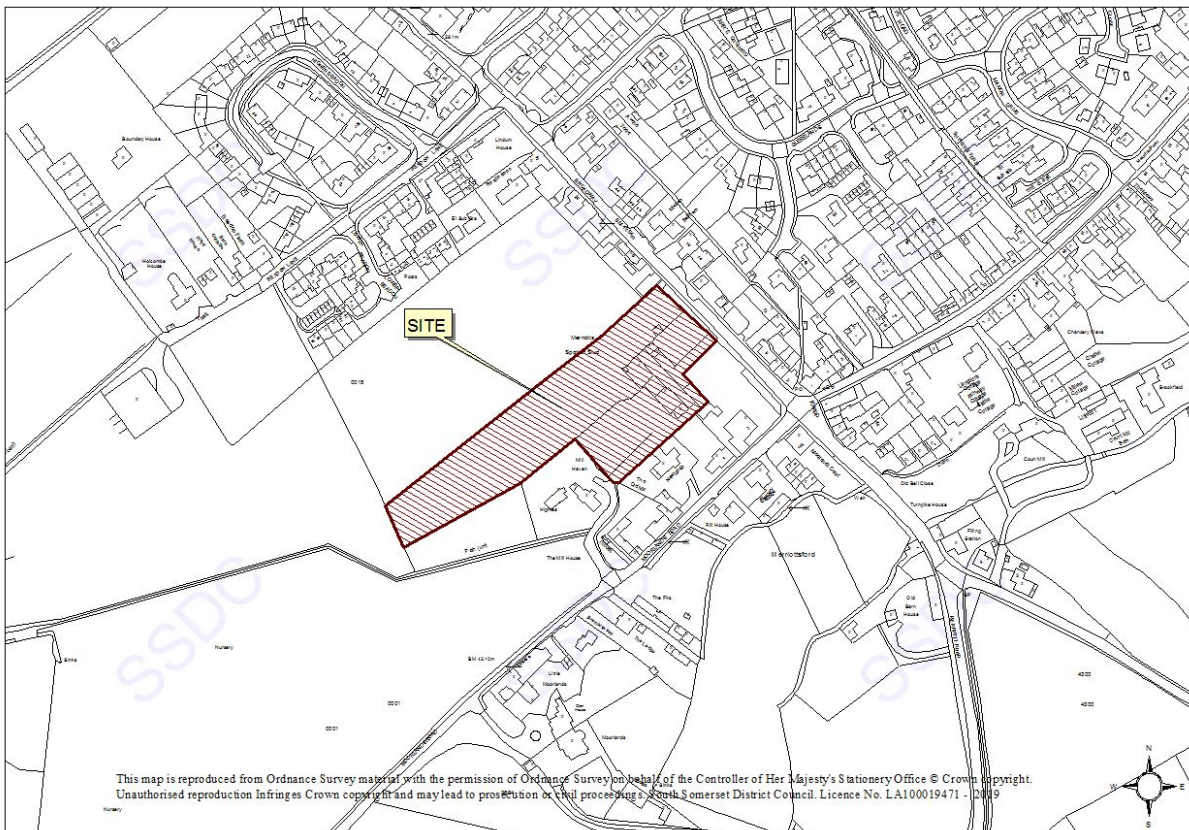
Officer Report On Planning Application: 19/00564/DPO

Proposal :	Application to vary Section 106 Agreement dated 27 March 2013 between South Somerset District Council and Clipper Development Partners LLP in relation to removing provision for GP surgery and pharmacy
Site Address:	Moorlands Farm Broadway Merriott
Parish:	Merriott
EGGWOOD Ward (SSDC Member)	Cllr Paul Maxwell
Recommending Case Officer:	Andrew Gunn
Target date :	15th April 2019
Applicant :	Mr & Mrs Passey
Agent: (no agent if blank)	John Wratten Chartered Architect The Apple Store Flaxdrayton Farm South Petherton Somerset, TA13 5LR
Application Type :	Non PS1 and PS2 return applications

REASON FOR REFERRAL

This application is referred straight to Area West Committee due to the nature of the proposal and the fact the planning obligation is related to a major application that Members previously considered and approved.

SITE DESCRIPTION AND PROPOSAL



This application relates to land at the former Moorlands Farm, located on the western side of Broadway Road, towards the southern side of Merriott.

Planning permission was granted on the 27th March 2013 (Application no: 12/02126/FUL) for a mix of 24 residential units comprising both conversion and new build dwellings, and a GP surgery and pharmacy.

This DPO (Discharge/Variation of Planning Obligation) application seeks consent to remove Paragraph 7 of Schedule 1, Part 1, of the Section 106 Agreement agreed as part of the above planning approval. This section of the legal agreement sought to prevent the construction of any other buildings on the medical centre/pharmacy plot of land for a period of 10 years unless otherwise agreed with the Council. A separate planning application (pending) has been submitted by the applicant for a dwelling and garage on the plot.

The medical centre land is located along the north western boundary of the original development site with 22 parking spaces. A pharmacy would be attached to its eastern end. The centre will provide for 2 consulting rooms, 1 nurse room and waiting, staff and meeting rooms.

The residential element of the scheme is nearing completion with most of the units now occupied.

The applicant has submitted a supporting statement with their application and is attached at Appendix A.

Members attention is drawn to the submission of a current and pending application from the applicant for 1 dwelling and garage on the medical centre site (planning application no: 18/03719/FUL).

POLICY AND GUIDANCE

Section 106A of the Town and Country Planning Act 1990 allows a developer to submit an application to vary or discharge the requirements of a planning obligation.

South Somerset Local Plan
SS6 - Infrastructure Delivery

DCLG: The National Planning Policy Framework 2019 has replaced Circular 5/05 - Planning Obligations

HISTORY

12/02126/FUL - The erection of a doctors surgery with attached pharmacy, the conversion of existing farm buildings into 12 no. residential units, the erection of 12 No. dwellinghouses and the erection of garaging and associated works (approved 2013).

Since the approval of the above application, there have been other applications submitted and approved in regard to the design and layout of the residential part of the scheme, plus a variation to the approved affordable housing element. However, none of these are relevant to the current DPO application.

The application below has been submitted on the medical centre land. It is pending subject to the outcome of this DPO application:

18/03719/FUL - Erection of a dwellinghouse and garage, land North East of 23 and 25 Orchard Drive, Merriott (application pending).

CONSULTATIONS

Merriott Parish Council:

The PC feels in light of the level of development proposed for the village the need for a health centre remains and the agreement should stand until the agreed date. If this is not to be enforced, and the land

is not earmarked for a health centre, the land should be used for the benefit of the community, as the land was aside for a benefit to the village.

REPRESENTATIONS

5 letters/emails have been received. 3 supporting and 2 objecting to the application.

A summary of the supporting comments are as follows:

- Wholeheartedly support the proposal
- The number of patients would outweigh the number of parking spaces provided for the centre and this would result in parking elsewhere blocking private drives and on local roads giving rise to highway issues
- There are 2 GP surgeries available nearby in Crewkerne
- With GP practices closing and GP/nursing recruitment at an all time low, there is a risk that if the surgery is built it would soon close due to lack of funding and staff shortages.

A summary of the objections are as follows:

- It is increasingly difficult to book a doctors appointment in Crewkerne - with increased housing this problem will only become worse.
- Poor public transport in Merriott makes it difficult to access the surgeries in Crewkerne, particularly for those who can't drive.
- No need for another dwelling.
- Developers made a great play on the provision of the surgery hence the overall development received village support.
- Land should remain as a benefit to the community - for example education/welfare facilities.
- Covenant on the land is a matter between the applicant and current covenant owners.

CONSIDERATIONS

Under Section 106A of the Town and Country Planning Act 1990, applicants are able to apply to vary and/or remove all or certain obligations. The key point to consider is whether the requirements of all or certain elements of the agreement are considered to no longer serve a useful purpose.

In this case, the medical centre and pharmacy were granted consent as part of a mixed use scheme also comprising provision of residential development. Whilst discussions about redevelopment of the site originally focused upon conversion of the barns and new build units, the surgery was included as part of the eventual application as a result of discussions with the developer and desire of a local GP to establish a practice in Merriott.

The surgery clearly formed an important part of the overall consideration of the mixed use scheme. Notwithstanding concerns about the development, on the basis of the community benefit that would be gained by a new surgery in the village, the scheme was granted consent.

At the time of the application, there was a clear intention to provide a medical centre and a pharmacy with a local GP keen to establish a practice in the village. On this basis, it was concluded that the relevant section of the legal agreement seeking to protect the medical centre plot from other development was reasonable and clearly served a useful purpose.

Post planning approval, and at the current time, the residential element of the approved scheme is nearly complete but the medical centre has not been developed. It is clear that since the first discussions about building a medical centre and pharmacy on site around 8 or so years ago and the subsequent grant of planning permission in March 2013, the world of GP provision, recruitment and accessibility to GP's has changed. The retention and recruitment of GP's is national issue affecting both urban and rural areas.

In an ideal world, availability of a GP in Merriott would clearly be of great community benefit. However, the reality is that the trend is towards providing larger practices with existing practices merging in order

to remain sustainable and to provide a range of medical services. In this case, a Crewkerne based GP was leading the project in Merriott but ultimately this wasn't progressed and it is understood that this doctor has retired from practice.

The case officer has not been aware of any other doctor(s) or pharmacists expressing an interest in progressing this project in Merriott. Moreover, whilst it is accepted that due to the poor availability of public transport, accessibility to other practices out of the village is not easy for all residents, there are other practices in Crewkerne and West Coker.

Standing outside of the planning system, there is also a restrictive legal covenant relating to the plot prohibiting use of the land for commercial /business purposes. It is understood that the owners of this covenant have not agreed to release / vary this covenant.

On the basis of the above, an assessment and conclusion has to be reached about the genuine likelihood of a medical centre being developed on site and, thus whether since the signing of the legal agreement, the clause restricting other buildings on the plot still serves a useful purpose. It cannot be denied that the provision of a GP practice on site would be a great asset to the village and the desire of the Parish Council and local residents to retain it for such until the 10 years has expired is fully understandable. It was clearly a very important element of the mixed use application.

On the other side of the case, the officer is not aware of any current active interest in providing a medical centre or pharmacy on site, the national trend for GP services is larger/merged practices and the national issue in regard to recruitment/retention of GP's, casts doubt as to whether a new service in rural village would realistically be developed. There is also the matter of the legal covenant.

On balance, it is considered that it is now unlikely that a medical centre will be developed on site within the 10 years set aside for the plot. The Parish Council and an objector to the application have suggested that if the site isn't used for a medical centre, it should alternatively be used for other community type uses. From a planning point of view, alternative uses may be acceptable but are likely to require a separate grant of planning permission and, importantly, it is not what is being sought by this DPO application.

In regard to other issues raised, mention has made about the inadequate size of the car park provided with the medical centre. 22 car parking spaces were approved for the medical centre. Given the proposed relatively small scale of the medical centre ie 2 consulting rooms, 1 nurse room and waiting, staff and meeting rooms, this was considered to provide an acceptable number of spaces. In addition, it was considered that the traffic impact of the medical centre would not give rise to adverse highway safety issues or result in a severe highway impact. On the basis of the acceptability of the highways/parking issues, it is considered that these highway issues do not justify the removal of the DPO.

CONCLUSION

For the reasons set out in this report, it is considered that it is now unlikely that a medical centre will be developed on site within the 10 years set aside for the plot. Therefore, the relevant clause restricting other buildings on the plot no longer serves a useful purpose. The recommendation is therefore to agree to the DPO application.

RECOMMENDATION

1. To approve the modifications as requested.
2. To instruct the Council's Solicitor to modify the planning obligation.

Additional information relevant to the determination of our application for the modification or discharge of planning obligations.

We are applying for the variation of a Section 106 agreement made together with a planning permission granted in 2013 (12/02126/FUL). The Section 106 agreement was for a period of 10 years. The planning permission allowed for residential development of former farm buildings that had fallen into disrepair, together with the building of new housing, some 24 properties altogether. We are applying to remove that part of the Section 106 agreement which requires the building of a GP surgery and pharmacy on a plot in the centre of the development.

Concurrently with this application we are applying for planning permission to build a residential house and garage on the plot in question.

We believe that the Section 106 agreement should be varied for the following reasons:

After 6 years, South Somerset Planning confirm that the only interest in establishing a Merriott GP practice was shortly after the development was approved. This was from a Crewkerne GP who decided not to proceed and has since retired. Subsequently, a second GP practice has opened in nearby Crewkerne, 10 minutes from Merriott.

There is already an established Merriott pharmacy situated on Broadway. This pharmacy turned down the opportunity to move away from its position on the main thoroughfare, alongside the Co-op store, into a residential development.

We know that there is increasing pressure on NHS funding and a workforce crisis across the country. Rural practices in particular are struggling to recruit doctors when the incumbent retires. Additionally, operational and maintenance costs are high and difficult to meet.

The Royal College of General Practitioners is looking to provide large, multidisciplinary teams of primary care doctors in sites offering a range of ancillary medical services. Sustainability of existing practices is already an issue, as can be seen in nearby Crewkerne where the two GP practices have recently merged. If Crewkerne's West One Practice, with several thousand patients, proved untenable, it seems unlikely that the NHS would fund a GP practice in Merriott with a smaller population.

In addition to the GP centres in Crewkerne, Merriott residents can take advantage of other medical services available nearby: another GP practice in West Coker, cottage hospitals in both Crewkerne and South Petherton and a District Hospital in Yeovil.

As to the site itself. It is situated in a residential area accessed by one side road. The site is too small to provide adequate parking for a surgery and pharmacy. Further, it would create heavy traffic in and out of the development at all times of the day, especially if evening appointments were made available. This would effectively transform the centre of the development into a car park which would be an impediment to the residents' quiet

enjoyment of their homes. Access from Broadway to Orchard Drive is subject to traffic calming measures, which can lead to delays when entering/exiting the development, particularly at peak times. It is not unfeasible to imagine queues of cars at this junction if a surgery was to be built.

The development itself is almost complete. It consists of a variety of housing, mainly with small garden areas and little greenery. In building a single house at its centre we would provide a green space instead of, essentially, a car park. We would plant trees, shrubs and flowers to bring some life to a rather urbanised space. The gardened areas would also link the development to the open field on its northern boundary.

Lastly, we would draw your attention to a legal matter. A restrictive covenant was placed on the land by its former owners, prohibiting use of the land for commercial/business purposes. This restrictive covenant has not been removed and clearly contradicts the GP/Pharmacy provision of the Section 106 agreement.

Ruth and Martin Passey

1.2.2019