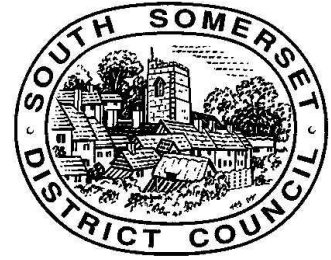


South Somerset District Council

Notice of Meeting



Area South Committee

Making a difference where it counts

Wednesday 7th August 2013

2.00 pm

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

The public and press are welcome to attend.



Disabled Access is available at this meeting venue.

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

This Agenda was issued on Tuesday 30th July 2013

Ian Clarke, Assistant Director (Legal & Corporate Services)



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

Area South Membership

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

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

Wes Read
David Recardo
John Richardson
Gina Seaton
Peter Seib

South Somerset District Council – Corporate Aims

Our key aims are: (all equal)

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

Scrutiny Procedure Rules

Please note that decisions taken by Area Committees may be "called in" for scrutiny by the Council's Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.

Consideration of Planning Applications

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

Highways

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

Members Questions on Reports prior to the Meeting

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

Information for the Public

The Council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning

recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by Area Committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. Members of the public can view the council’s Executive Forward Plan, either online or at any SSDC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

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

attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;

at the area committee chairman’s discretion, members of the public are permitted to speak for up to 3 minutes on agenda items; and

see agenda reports.

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

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

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

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

Public Participation at Committees

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

Public Question Time

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

Planning Applications

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

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

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

At the committee chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

Town or Parish Council Spokesperson
Objectors
Supporters
Applicant/Agent
County Council Division Member
District Council Ward Member

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

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

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

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

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

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

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Area South Committee

Wednesday 7th August 2013

Agenda

Preliminary Items

1. **To approve as a correct record the minutes of the meeting held on 3rd July 2013**
2. **Apologies for Absence**
3. **Declarations of Interest**

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

Planning Applications Referred to the District Council's Regulation Committee

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

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

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

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

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

4. Public Question Time

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

5. Chairman's Announcements

6. Reports from Representatives on Outside Organisations

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

	<i>Items for Discussion</i>	<i>Page Number</i>
7.	Planning Applications	1
8.	Area South Committee Forward Plan.....	115

**Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.
This does not apply to decisions taken on planning applications.**

7. Planning Applications

The schedule of planning applications is attached.

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

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

Human Rights Act 1998 Issues

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

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

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

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

2. The First Protocol

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

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

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

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

Planning Applications – 7th August 2013

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

Members to Note:

*The inclusion of asterisks ** as part of the Assistant Director (Economy) recommendation indicates that the application will need to be referred to the Regulation Committee if the Area Committee is unwilling to accept that recommendation. The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to Regulation Committee even if it has not been two starred on the Agenda.*

Page	Ward	Application/ Case Officer	Proposal	Address	Applicant
7	Yeovil (West)	13/01191/FUL/ Simon Fox	Replacement of existing Redgra area with a synthetic multi use surface, replacement and extension of existing fencing with new 3.06m high fencing, and the installation of 8x12m high floodlight columns and lights.	Westfield Academy Stiby Road Yeovil	Westfield Academy
21	Yeovil (West)	13/01477/FUL/ Simon Fox	The creation of an all-weather sports pitch with fencing and floodlighting, the re-levelling and re-orientation and levelling of existing football pitch using spoil from all-weather pitch excavations and associated works.	Preston Academy Monks Dale Yeovil	Mr Gary French
43	Yeovil (Central)	13/00541/OUT/ Andy Cato	Application for the renewal of extant permission 05/01416/OUT for the residential development of land	Goldcroft Allotments Milford Road Yeovil	Yeovil Town Council
53	Coker	13/01869/OUT/ Simon Fox	Residential development, associated landscaping, open space and new	Land Adj Bunford Hollow Roundabout West Coker	Abbey Manor Group

Page	Ward	Application/ Case Officer	Proposal	Address	Applicant
			vehicular access.	Road Yeovil	
73	Yeovil (South)	10/04822/FUL / Andy Cato	Single storey sales and cafe extension to north elevation, in-fill extension under existing canopy to east elevation, single storey extension to south elevation and warehouse extension to west elevation with part first floor mezzanine plant room with associated works to external areas and car park	Morrisons Lysander Road Yeovil	Wm Morrison Supermarkets Plc
81	Yeovil (West)	13/01923/ADV/ Jane Green	The display of 2 No. externally illuminated fascia signs, 2 No. non illuminated entrance signs, 2 No. non illuminated welcome/goodbye signs and 3 No. non illuminated car parking signs	Picketty Witch 147 Ilchester Road Yeovil	Tesco Stores Ltd
88	Yeovil Without	13/02350/FUL/ Jennie Roberts	The erection of a single storey orangery/extension to rear and a front entrance porch	41 Raleigh Road Yeovil Somerset	Mr D Wheeler
92	Coker	13/02088/FUL/ Diana Watts	Change of use and conversion of barn to holiday let/seasonal workers accommodation	Hyde Farm Sutton Bingham Yeovil	Mr W Rawlings
103	Yeovil (West)	13/00558/DPO/ Neil Waddleton	Application to discharge requirements to Strategic Sports contribution in relation to planning approval	Larkhill Garage Site Yeovil Somerset	Mark Dillon
107	Yeovil (East)	13/00564/DPO/ Neil Waddleton	Application to discharge	Land At Greenhill Road	Mark Dillon

Page	Ward	Application/ Case Officer	Proposal	Address	Applicant
			requirements to Strategic Sports contribution in relation to planning approval	Yeovil	
111	Yeovil (Central)	13/00553/DPO/ Neil Waddleton	Application to discharge requirements to Strategic Sports contribution in relation to planning approval 09/03801/FUL	Land At St Georges Avenue Yeovil	Mark Dillon

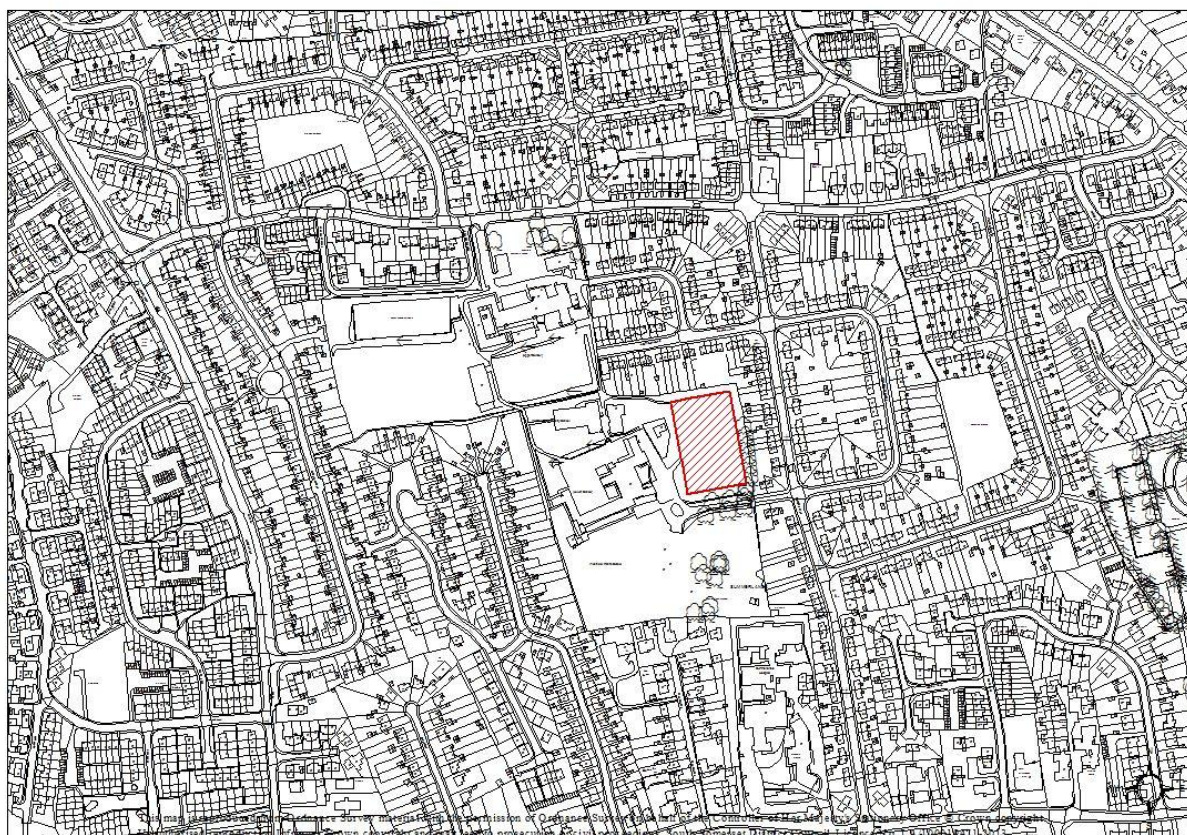
Officer Report On Planning Application: 13/01191/FUL

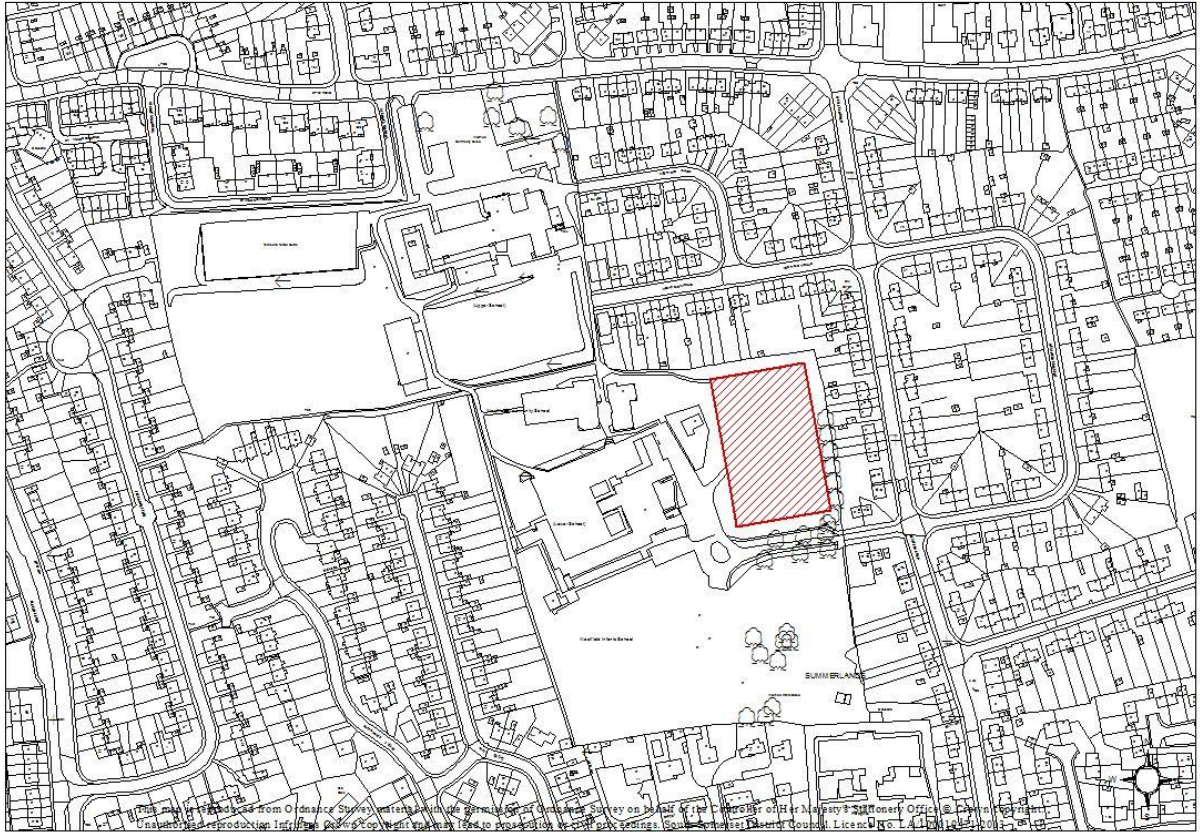
Proposal :	Replacement of existing Redgra area with a synthetic multi use surface, replacement and extension of existing fencing with new 3.06m high fencing, and the installation of 8x12m high floodlight columns and lights. (GR 354515/116820)
Site Address:	Westfield Academy Stiby Road Yeovil
Parish:	Yeovil
Yeovil (West) Ward (SSDC Member)	Cllr T Carroll Cllr W Read Cllr I S Martin
Recommending Case Officer:	Simon Fox Tel: (01935) 462509 Email: simon.fox@southsomerset.gov.uk
Target date :	14th June 2013
Applicant :	Westfield Academy
Agent: (no agent if blank)	
Application Type :	Minor Other less than 1,000 sq.m or 1ha

Reason for Referral to Committee

This application has been referred for Committee consideration at the request of the Development Manager in accordance with the scheme of delegation and with the agreement of the Chairman in the interests of probity.

Site Description and Proposal





The application site comprises an existing Redgra surfaced sports pitch located to the east of the school site adjacent to properties at Westfield Road and Westfield Avenue. The Redgra surface is an all-weather surface installed years ago and was designed for multi-purpose sports but now as technology has improved the synthetic turf industry has evolved.

This application seeks to effectively lay a 88.50m by 56.50m synthetic pitch over the existing surface. Initially the proposed type of synthetic surface was a sand based surface but during the course of the application this was changed to a Third Generation (3G) all-weather sports pitch (AGP). The facility would be used by the school and also available outside school hours for community use.

The pitch will be enclosed with fencing at 3.06m high to the long side and 5.06m at the goal ends. All fencing and support posts are proposed to be finished with a green powder coating. There is no increase to the size of the current surfaced area.

Floodlighting is the other significant part of the proposal. In total eight 12m high columns are proposed to provide illumination at an average 236lux (this was reduced during the course of the application). During the course of the application rear cowls have been included to reduce spill further and a 2.8m high acoustic fence has been proposed along the eastern edge to further mitigate lateral light spill.

It is proposed that the AGP would operate from 08:30 to 21:00-lights out by 21:15 (reduced from 21:30 during the course of the application) Monday to Friday and 09:00 to 18:00 (lights out by 18:15) Saturdays, Sundays and Bank Holidays. A lighting assessment is included within the application.

The applicant is happy to provide additional planting where necessary through discussions with the LPA. A protected species tree assessment has been submitted during the course of the application.

The site is within the development area as defined in the South Somerset Local Plan.

Due to the fact that this school is now an Academy the District Council as Local Planning Authority is the determining body for applications on this site and not the County Council.

HISTORY

11/03685/FUL: The installation of floodlighting to existing netball courts and the erection of replacement fencing: Approved: 04.11.2011

- This related to the former tennis courts adjacent to St Anne's Gardens in the north-west part of the school site. The proposal sought 10m high floodlighting columns and use until 9.30pm. Neither adjacent neighbours or YTC raised any objections at the time.

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.

In March 2012 the existing national Planning Policy Statements and Guidance Notes (PPS's and PPG's) were superseded by the publication of the National Planning Policy Framework.

National Planning Policy Framework - March 2012

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

The Secretary of State confirmed The Regional Strategy for the South West (Revocation) Order 2013 on 20 May 2013. This had the effect of revoking the Regional Strategy for the South West and the partial revocation of the Somerset and Exmoor National Park Joint Structure Plan (all policies except policy 6 - Bristol/Bath Green Belt).

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

The policies of most relevance to the proposal are:

South Somerset Local Plan (adopted April 2006):

ST5 - General Principles of Development

ST6 - The Quality of Development

ST9 - Crime Prevention

EC3 - Landscape Character

EC8 - Protected Species

EH10 - No Development Area

EP2 - Pollution and Noise

EP3 - Light Pollution

CR1 - Existing Playing Fields/Recreation Areas

Other

Somerset County Council Parking Strategy (March 2012)

The South Somerset Needs Assessment for Artificial Grass Pitches (updated March 2012)

CONSULTATIONS

Yeovil Town Council:

At the meeting of YTC 08 May 2013 councillors resolved to support the application on the proviso a positive response was received from Environmental Protection regarding the floodlighting.

Highways Authority (Somerset CC):

No observations.

Sport England:

"The site forms part of or constitutes a playing field as defined in The Town and Country (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184).

Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches".

"The Council has looked recently at the future strategic need of AGPs in the district and have identified one sand (hockey) and one 3G (football) as meeting the identified need. The Yeovil/Mudford Rec AGP (sand) is currently under construction. A proposal for a 3G AGP is currently in for consideration at another site. This strategic analysis does not include the need to deliver the curriculum. However it should be noted that AGPs generally need to generate income to pay for annual maintenance and provide for a new artificial playing surface when needed".

Consultation with the FA shows demand in Yeovil is for 3G surfaces; the size does not meet any recommend sizes for football and this may limit usage, and changing room and toilet facilities are questioned. The FA object to the proposal as its stands (at that time).

Sport England are satisfied that the proposal meets one of the exceptions within the playing field policy (policy E.5) in that:

- The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

"This being the case, Sport England does not wish to raise an objection to this application providing that the said facility is open to the wider community in perpetuity and adequately maintained including a 'sinking fund' to replace the synthetic surface when worn out. However, given the concerns raised in this letter further discussion is needed regarding the strategic need of AGPs in the district".

SSDC Community, Health and Leisure Service:

The application was assessed alongside a pending application for an AGP at Preston Academy (ref 13/01477/FUL).

CHLS is supportive of the principle of dual use sports facilities where there is clear community benefit and need.

Comments provided relate to how the facility may address community needs as identified in local Needs Assessment only.

"The South Somerset Needs Assessment that the Community Health and Leisure Service has conducted for Artificial Grass Pitches (updated March 2012 and compliant with the National Planning Policy Framework) indicates that by 2028 there will be a shortfall of 11,459m² or 1.79 full size pitches in Area South.

In addressing this shortfall, the council has set out strategic policy proposals (AGP4 and AGP5) to provide two new AGP's (1 x sand based and 1x Third Generation (3G)) to meet the needs for hockey and football in Yeovil/Area South. One of the two required AGP's is about to be delivered at Yeovil Recreation Centre; this will be a sand based facility which will primarily meet hockey need (Policy AGP 4).

This means that the future delivery of one additional 3G AGP in Yeovil would meet the remaining identified deficiency in community provision that will exist by 2028. This shortfall however, does not include the status of the existing Yeovil Town Football Club (YTFC) provision which is an important consideration.

The quality of YTFC provision has deteriorated resulting in the pitch being unsuitable for use since 2004. Within the Needs Assessment, the council has set out an option to work with YTFC to develop a new 3G AGP at their site. However given that the quality deficiency still exists in 2013, it is the view of the Community Health and Leisure service that there is a low likelihood of any scheme coming forward in the foreseeable future.

On this basis, we are of the view that the need for two additional 3G AGP's in Area South can be justified".

A full sized football pitch would need to be 106x71m with the surface being 3G. The proposed surface will be suitable for football and recreational hockey but will not meet National Governing Body guidelines for quality due to size.

"It is unclear from the information provided with the planning application whether the applicant has fully appraised the community demand for the proposed facility or whether consideration has been given to programming and sports development in order to maximise future community usage.

It is unclear whether users will have adequate access to changing rooms/toilets.

Recommendation that a sports development programme is submitted which secures the delivery of a development programme for football and/or other sports during periods of community use.

SSDC Environmental Protection Unit:

"From an Environmental Protection perspective, sports pitches generally raise 2 concerns; that of noise and, if there is artificial lighting, light spill. This application is for the installation of new artificial lighting and replacement of the surface only. The lights and new surface will not therefore create noise themselves and as a sports pitch already exists, albeit not in current use, the issue of noise cannot properly be considered as part of this application. Whilst new lighting will allow for more extended use of the pitch in the winter months, having discussed the matter with planning colleagues, this is not considered to be materially different from the existing situation.

Having considered the application I had some concerns regarding the amount of light spill into the adjoining garden areas. The light spill onto the actual dwellings was within the levels suggested by the Institute of Lighting Engineers, however, the level of spill into the far end of the gardens was of some concern. We have therefore conducted a site meeting at the school and discussed options to reduce the light spill. This has resulted in a revised lighting scheme being submitted on 3rd June 2013, with a further revised plan submitted on 10th June 2013.

This scheme has been based on lower lux levels on the pitch itself, reducing the number of lighting heads from 16 to 12, mounted on 8 columns. The scheme also incorporates back cowls to the light heads to reduce line of sight, and also proposes the erection of a close boarded fence adjacent to the pitch of 2.8m height. Whilst this won't reduce the line of sight to the light columns, it will reduce line of sight to the illuminated pitch and it is

believed this will improve the subjective impact of the lighting. The light spill into the garden areas has been reduced as a result of this revised scheme and I believe it is the best that can be achieved in this location. Whilst the lights and pitch will be visible I do not believe there will be a material loss of amenity to the nearby residential properties and therefore I have no objection to the proposal. I have however recommended that the use of the lights and pitch cease at 9pm. This has been agreed by the applicant. I would recommend that if permission is granted, conditions be attached to require the following:

- a) The scheme that has been submitted and agreed to be implemented in full prior to any use of any artificial lighting on the pitch and retained thereafter, and
- b) That use of the artificial lighting is restricted to 08.30 to 21.00 hrs. Mon to Fri as agreed, 09.00 to 18.00 hrs. Sat, Sun and bank holidays as per the application.

Whilst not specifically considered as part of this application, both the hours of use restriction and the provision of the fence will help reduce any noise impact from the facility as well".

SSDC Ecologist:

Further to assessment of the protected species tree assessment - no objections or recommendations to make.

SSDC Tree Officer:

The development will have a minimal impact on existing trees. There is an opportunity to improve the screening values of the trees by clearance of undergrowth and also providing areas for new trees. Suggestions for a planting scheme are given.

SSDC Landscape Architect:

"...the application seeking to establish a synthetic pitch with floodlighting is noted. I see that the area is already used for sports, and that it is fenced. Consequently the prime impact will be that of the floodlighting, which will have a time limitation placed upon it, and has strong downward deflection. Given the wider urban context of this site, with its street lighting and other sources of urban light, I do not see this as an unduly adverse addition, and hence raise no landscape issues".

AgustaWestland:

Floodlights at 12m will be acceptable and will not affect safeguard areas. Reference should be made to the Air Navigation Order (CAP 393), Articles 221 & 222 which cover lights liable to endanger and lights which dazzle or distract to ensure that the development will not contravene legislative requirements. AgustaWestland cannot foresee that there will be a problem but sodium lights will not be allowed as they may be confused with airfield lights.

SSDC Technical Services:

No comment.

REPRESENTATIONS

Neighbouring properties to the site have been notified and a site notice has been displayed.

1 letter of objection has been received; comments include:

- The floodlighting will cause an unacceptable impact.
- The proposal will cause unacceptable disturbance in the evenings.
- "The north and east boundaries of the application site runs tight up against the rear boundary fencing of a number of homes off Westfield Road and Westfield

Avenue. Existing planting within the small margin between the outer edge of the sports pitch and the houses rear garden fences is sparse and, I would suggest, unviable to accommodate any meaningful and necessary screen planting. The proposed lighting columns will appear anomalous and stark on the skyline; a situation significantly exacerbated when illuminated. I do appreciate that the lighting will be shielded and directed towards the sports pitch. However, light will still spill into the neighbouring properties gardens due to the very close relationship. The number of light columns and the amount of light that will be generated will significantly light up the sports pitch and the night sky above the pitch. Whilst I appreciate the need for such a high level of illumination, the impact on the rear of the near neighbouring houses will be deleterious-it will be appreciated that these are two-storey family houses and that the rear windows serve bedrooms. Bats circle over the rear gardens and I would have thought that the lighting will not prove conducive to their wellbeing also".

- "The existing sports pitch is used of an evening by the Academy during school hours. This proposal will allow the pitch to be used of an evening by outside clubs etc. for competitive games. The noise generated by players and their supporters/coaches will significantly impact on the enjoyment of the neighbouring houses-young children/shift workers sleep will be disturbed in particular-windows and doors will need to be closed during the summer months".
- "Whilst I wish to support the Academy, in submitting this application they appear to be unappreciative of their near neighbours living conditions. This proposal, if allowed, will result in significant and detrimental harm, as explained above. The adverse resulting impact, in my view, cannot be addressed or ameliorated by the impositions of planning conditions. As such the proposal is contrary to Local Plan policy ST5, ST6, ST8, EP2 and EP3 and contrary to the core planning principles set out in the NPPF and part 123 and 125".

CONSIDERATIONS

The application raises several key considerations and as such will be assessed in turn:

Principle of Development

The determination of this application must be considered on its own merits and it is not material to the decision to suggest 'it would be better elsewhere'. It is a case of assessing those issues that can be afforded weight and can clearly be identified as planning issues.

The first two issues revolve around the designation of a 'no development area' and the 'loss' of playing field.

The areas of the site not containing buildings are defined as a 'No Development Area' in the South Somerset Local Plan and so Policy EH10 is relevant. A 'No Development Area' recognises open areas of land within villages and towns that are an important part of the street scene or character of the settlement; sometimes allowing views out of settlements to the open countryside, providing a setting for the built environment and creating a feeling of space.

It is understood that officially the school playing fields are not for public use, in the sense of general recreation, like say Yeovil Recreation Centre, and are there to provide formal recreation for the school. In addition this situation is unique in so far as this part of the site already accommodates a Redgra surface and therefore is not a formal natural grass pitch or area of land used for informal play.

Policy EH10 states, *"Development which would have an adverse impact on the amenity or recreational value of open land identified on the proposals map will not be permitted unless a special community, educational or recreational need is identified"*.

From the local needs assessment it is accepted that a need for additional AGP provision is required in Yeovil. As such with an identified recreational need demonstrated it is considered Policy EH10 is met. The Redgra surface is also an artificial surface and will be simply replaced by a different type of artificial surface.

Saved Policy CR1 of the Local Plan seeks to protect playing fields unless certain criteria are met. Whilst the criteria appear to relate to non-recreational development it does ensure that alternative provision of equivalent community benefit is made available, which it is and so it is considered Policy CR1 is satisfied.

The Government's National Planning Policy Framework (NPPF) states (paragraph 74): Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus of requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in term of quantity and quality in a suitable location; or
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

In line with legislation, where the site forms part of, or constitutes a playing field the LPA has consulted Sport England. Sport England has been consulted on the application and do not object to the application.

The Community, Health and Leisure unit have requested the imposition of a condition referring to a Sports Development Programme to secure the delivery of a development programme for football and/or other sports during periods of community use to ensure the facility meets the SSDC standards for AGPs. No such requirement is set out in local planning policy and this request is more likely to be achieved via a condition of a grant application where the Council may assist. Often funding criteria or other legislation gets confused with planning policy. The LPA support this application on the basis it is set to be used by the school and the community but importantly would also support it if it were only to be used by the school.

In conclusion it is considered the proposal is broadly consistent with the aims and objectives of the NPPF and Policies ST5, EH10 and CR1 of the South Somerset Local Plan.

Landscape Impact, Floodlighting, Noise and Residential Amenity

The comments of the Council's Landscape Officer are noted and Policy EC3 is relevant. Clearly the principle difference from a landscape point of view is the introduction of floodlighting. The Redgra pitch has historically required an area to be levelled and fencing to be erected around its perimeter. Whilst the surface and fencing will be replaced this will have a very low visual impact. The applicant has added an acoustic fence to the proposal during the course of the application to further mitigate, but not remove, all visual, noise and lighting concerns. All the existing trees along the northern and eastern boundaries will be retained. The applicant has indicated willingness to

landscape further and this can be secured via a planning condition. This is not an answer to any one issue in itself but will help diffuse some of the issues.

The floodlighting columns themselves, unlit, will be seen but are slimline features and would appear like any form of street lighting and therefore will cause limited harm in terms of visual impact.

The impact of the proposed lighting and perception of noise are two significant areas of objection and clearly constitute planning considerations. As such each matter is discussed here, at all times the key question is whether any one substantive issue would warrant refusal of the application.

The school intends to use the facility for internal school activities but, crucially, also wish to make the facility available for local community use thus promoting local well-being and healthy lifestyles. The decision to include floodlighting was made to offer the maximum value to the local community and sports teams. This means the facility will be accessible to the community outside school hours and provide much needed revenue to maintain the facility and cross subsidise the school use. Without floodlighting community use would be restricted to holiday times and summer evenings and obviously restrict rental streams.

As a guide the nearest house at Westfield Road is approx. 12m away from the playable part of the pitch and 38m from the nearest property at Westfield Avenue. It should be pointed out that the majority of properties at Westfield Road are approx. 27m distant.

The application is accompanied by a Light Spill diagram. The lighting design, to be ratified/controlled by condition, is such so as to avoid light spill, in order to concentrate light on the pitch and not elsewhere and to minimise sky glow. Inevitably the lit columns will be seen and some lateral spill is predicted from the lighting modelling exercise the average LUX level has been reduced during the course of the application and rear cowls have been introduced and the time of operation reduced and the result is a scheme in accordance with advice published by the Institute for Lighting Engineers. Local Plan policies ST6 and EP3 seek to protect residential amenity from light trespass. The Council's Environmental Protection Officer gives a detailed assessment and concludes that demonstrable harm would not result. The application now suggests the lighting will be turned off by 21:00 every week day but the planning condition will state 21:15 in order for the users to vacate the pitch and the operator to conduct any visual check and/or preparation for the next day's use.

The reduction in average LUX levels to 236lux, the inclusion of a solid timber fence to further reduce lateral spillage from that shown on plan and the curfew for use are seen as appropriate and enforceable measures that mean there will be no material loss to residential amenity. The site benefits from some existing mature landscaping along its northern and eastern boundaries. This with the proposed landscaping will, in time, provide increased diffusion of the facility and its perceived lighting/noise impact.

By comparison the floodlighting at Yeovil Recreation Ground was approved at max 500lux for hockey with the system switchable down to 350lux for recreational football, at Bucklers Mead Academy the floodlighting was approved at 371lux. Switch-off for lighting at Yeovil Recreation Ground is 22:15 Monday to Friday and 18:15 weekends and at Bucklers Mead Academy its 22:00 on any day.

The issue of noise is an awkward one to assess given the existing Redgra pitch. The pitch is still currently usable and could be used/is used well into the evening during the summer months and so therefore lighting is not required and some degree of noise is already being created. The summer months are those times when local residents are more likely to be enjoying their gardens and would therefore experience noise during the school use and later in the evening during community use. The lighting will only allow additional use in the evening during the winter months and so there is the potential for greater noise generation but this is when local residents are less likely to be enjoying their gardens and windows will be closed to retain heat. Mitigation for noise is in the form of the curfew and the acoustic timber fence. One other point to bear in mind is the fact that the Redgra surface could arguably be replaced with a synthetic surface pitch with no floodlighting without the need for planning permission. It is the new perimeter fencing at over 2m high and the floodlighting that requires planning permission.

Noise assessments will normally talk about noise character. It is generally accepted that the introduction of a new noise source, that is wholly different in character to the existing noise environment will be perceived as more disturbing by local residents than a new noise source that is similar to the existing environment. In this case the site is already an all-weather Redgra pitch and so the character of noise created by the lit all-weather pitch will be similar, if not identical to that which local residents already experience.

Noise levels are unlikely to be continuous as levels will go up and down related to the play, and also vary depending on who is using the pitch, the intensity and significance of the activity, and the precise location of the activity.

The application does not take into account the use of the pitch with different levels of spectatorship and therefore the applicant has not to date demonstrated that spectators will not cause harm. Defining and restricting a spectator, from somebody who may watch the whole game/session, to somebody who watches part of a game/session to a parent arriving 10 minutes from the end to pick up their child pose enforcement difficulties regardless of whether a league fixture or a training session or a casual get together. 10 spectators could conceivably make as much noise as 50 and it seems unreasonable to stop a parent or guardian watch their child undertake football practice.

The school are not keen for a condition which restricts any form of school tournament or inter school tournament at any level, and given the fall-back position it has been agreed that some reasonable provisions be imposed to safeguard amenity via condition. This will restrict activity by time. This in itself will not prevent 'spectators' from a planning point of view. If a later stage the school decided that league fixtures and tournaments at different times were required then an application under Section 73 of the Act could be made to vary the restriction but this would need to be evidenced that any extra associated noise with such would remain within acceptable levels, which if proved could mean such a request (with further parameters perhaps) is granted.

Due to the specific nature of hockey a ball damper board has been requested around the edge of the pitch to mitigate some noise impact, the details of which would be agreed by planning condition. The applicant has commented that this is unnecessary given hockey will only be played during the school day. It is felt the condition is necessary and reasonable given hockey will be played and the potential for ball strike noise to be potentially audible to those residents during the day.

It is not felt therefore that the need for floodlighting to allow use during the winter months would bring about demonstrable harm from noise to those adjacent neighbours who will

have purchased properties knowing an all-weather pitch was located at the bottom of their garden.

Hours of construction could be conditioned to temper the impact on residential amenity however given the works to be carried out it is not considered this is a significant issue.

Transport

The proposed point of access for vehicles using the AGP is via the Westfield Road lower entrance to the school where 30 parking spaces exist. All spaces will be made available for the AGP users. This entrance will also be used by pedestrians and cyclists. Changing rooms are located within the sports hall and toilets are located adjacent to the AGP.

It is considered the proposal will not have a detrimental effect on the existing highway network and furthermore that the site is considered to be in a highly sustainable location in terms of transport choices. No physical works to the highway network are required.

Given the fall-back position of the Redgra surface or a synthetic surface being laid without lighting arguably without the need for planning permission, being opened for community use, the proposal is seen to comply with the aims and objectives of the NPPF.

Hours of construction could be conditioned to temper the inevitable impact of traffic but again given the nature of the work to be undertaken it is not envisaged significant volumes of heavy machinery will be required.

Trees and Ecology

No trees need to be felled as part of the proposal. The Council's Tree Officer has reviewed the potential impact upon those existing trees and concludes the scheme can take place and not harm the trees. Suggestions for a planting scheme are given to diffuse views of the pitch, its lighting and act as a visual foil to the activity.

The application is accompanied by a Protected Species Tree Assessment which sets out a ground level visual assessment of surrounding trees and habitats for the potential to support bat roosts. This was a point raised within the representation received. The assessment did not identify suitable features for roosting bats however the habitats surrounding the site would sustain foraging bats although the impact of the development is seen as negligible.

The potential for breeding birds was also assessed. It is recommended any clearance of undergrowth takes place outside the bird nesting season.

There are no other known wildlife issues or implications.

The NPPF suggests consideration should be given to create new habitats or features of biodiversity gain within a sustainable development. This may involve installing bat and bird boxes on suitable trees.

The Council's Ecologist has assessed the survey and is satisfied with its conclusions. The development is said to comply with the NPPF and Policy EC8 of the South Somerset Local Plan.

Flooding and Surface Water Drainage

The application is of a scale that does not require a flood risk assessment.

The proposed surface water strategy builds on that already in situ for the Redgra surface which appears to function adequately, with additional drainage being proposed. A condition will ensure the details of the drainage are known and comply with modern day standards/policy regarding betterment.

Other

The comments of AgustaWestland are noted with regard to the safeguard area, the representation has been forwarded to the agent for information but from reading the relevant articles and the fact the proposed lights are facing down onto the pitch and are cowed then it is not envisaged to be a significant issue given the general environment.

The entrance to the site benefits from CCTV and an evening caretaker/Sports Development Officer will provide supervision. The proposed timber fence will also satisfy any security concerns and policy ST9 of the Local Plan.

RECOMMENDATION

Grant permission for the following reason:

01. The proposal maintains the visual characteristic of the area whilst safeguarding residential amenity and enhancing a recreational/sporting facility for school and community use in accordance with the aims and objectives of the National Planning Policy Framework (March 2012), Somerset County Council Parking Strategy (March 2012) and Policies ST5, ST6, ST9, EC3, EC8, EP2, EP3, EH10 and CR1 of the South Somerset Local Plan (adopted April 2006).

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 and documents:
 - a) Ordnance Survey, Drawing No. NSWA003c
 - b) Location Plan (Scale 1:200), Drawing No. NSWA002c, received 25 March 2013
 - c) Location Plan (Scale 1:500), Drawing No. NSWA002d, received 16 April 2013
 - d) Location Plan (Light Spill), Drawing No. NSWA002b, received 10 June 2013
 - e) Pitch layout and Fencing Cross Profiles, Drawing No. NSWA001

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

03. The floodlights hereby permitted shall not be illuminated and the pitch shall not be used except between the hours of 08:30 and 21:15 hours Monday to Friday and 09:00 and 18:15 hours Saturdays, Sundays and Bank Holidays.

Reason: To minimise any potential nuisance and disturbance to neighbours and the surrounding area to accord with the NPPF and policies ST6 and EP3 of the South Somerset Local Plan (adopted April 2006).

04. Hockey is not to be played on the pitch hereby permitted except between the hours of 08:30 and 18:00 hours Monday to Friday and 09:00 and 18:00 hours Saturdays, Sundays and Bank Holidays.

Reason: To minimise any potential nuisance and disturbance to neighbours and the surrounding area to accord with the NPPF and policies ST6 and EP3 of the South Somerset Local Plan (adopted April 2006).

05. Prior to the first use of the development hereby permitted full details of the floodlighting scheme inclusive of light pollution measures (cowling and shielding) shall be submitted to and approved by the Local Planning Authority. The lighting shall thereafter be fully installed in accordance with those approved details and any future amendments, alterations or replacement lighting equipment shall be first agreed in writing by the Local Planning Authority.

Reason: To ensure that local residents are afforded the same protection in perpetuity to accord with policies ST6 and EP3 of the South Somerset Local Plan (adopted April 2006).

06. The development hereby approved shall not be used for any non-school, district or county league appointed fixture or organised tournament outside of the hours 9:00 to 18:00 on any day of the week.

Reason: To safeguard residential amenity to accord with policies ST6 and EP3 of the South Somerset Local Plan (adopted April 2006).

07. Details of the acoustic fence to be installed along the eastern edge of the pitch and the ball damper board, to be installed around the perimeter of the pitch to mitigate the impact of hockey balls, plus rubber dampening grommets to fencing shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be fully installed and maintained in accordance with such agreed details prior to the first use of the facility hereby approved. The bottom of the proposed acoustic fence shall be set so as to be level with that of the finished floor level of the synthetic pitch.

Reason: To minimise any potential noise/light nuisance and disturbance to neighbours and the surrounding area to accord with the NPPF and policies ST6, EP2 and EP3 of the South Somerset Local Plan (adopted April 2006).

08. No works shall be carried out unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping; all planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the facility or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten 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 maintain the character and appearance of the area to accord with policies ST5 and ST6 of the South Somerset Local Plan (Adopted April 2006).

09. Prior to the first use of the facility a surface water drainage scheme for the pitch, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first used. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system to accord with the objectives of the NPPF.

10. Prior to the first use of the facility hereby approved a scheme of ecological enhancement based on the recommendations of the submitted protected species assessment (Colmer Ecology Ltd, June 2013) shall have been submitted to and approved by the Local Planning authority and shall have been fully implemented in accordance with that approved scheme.

Reason: To enhance ecological biodiversity to accord with the aims and objectives of the NPPF.

Informatives:

01. With regards to Condition 08 the applicant is advised to consider the comments of the Council's Tree Officer, which are contained on the application file.
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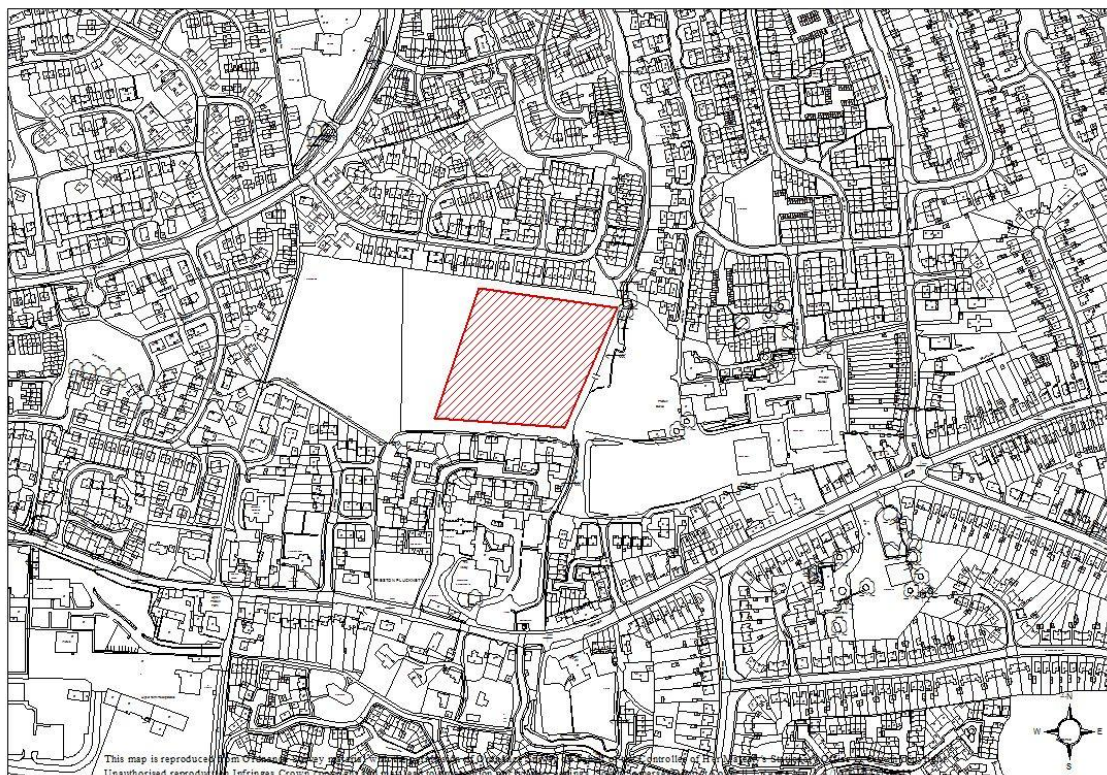
Officer Report On Planning Application: 13/01477/FUL

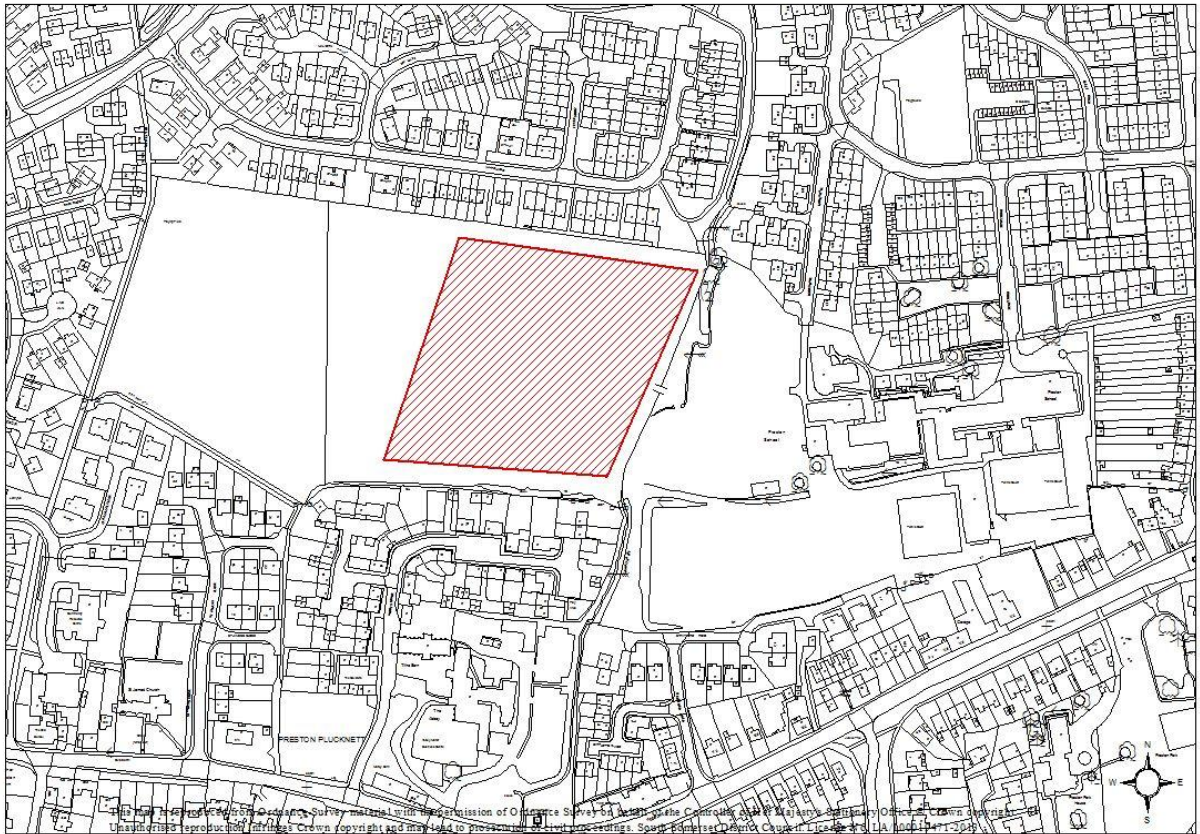
Proposal :	The creation of an all-weather sports pitch with fencing and floodlighting, the re-levelling and re-orientation and levelling of existing football pitch using spoil from all-weather pitch excavations and associated works. (GR 353945/116410)
Site Address:	Preston Academy Monks Dale Yeovil
Parish:	Yeovil
Yeovil (West) Ward (SSDC Member)	Cllr T Carroll Cllr W Read Cllr I S Martin
Recommending Case Officer:	Simon Fox Tel: (01935) 462509 Email: simon.fox@southsomerset.gov.uk
Target date :	24th June 2013
Applicant :	Mr Gary French
Agent: (no agent if blank)	Savernake Property Consultants Ltd 2 Cedar House The Parade Marlborough Wiltshire SN8 1NY
Application Type :	Minor Other less than 1,000 sq.m or 1ha

Reason for Referral to Committee

This application has been referred for Committee consideration at the request of the Development Manager in accordance with the scheme of delegation and with the agreement of the Chairman due to the extent of local objection and the comments of the Town Council.

Site Description and Proposal





The application site comprises a steeply sloping part of an existing school playing field. The playing field is located beyond a stream to the west of the main school complex. Properties at White Mead back onto the field to the north and properties at Abbots Meade, St James's Close and Old School Close back onto the field to the south. To the west are properties at Long Mead, Lime Kiln and Broadleaze, with a public footpath linking Abbey Manor Park to Preston Road. The playing field is separated into two halves divided by a hedge, and the whole field is bounded by hedging and in the case of the southern boundary mature, semi-mature trees and under-storey planting.

The proposal seeks to install a Third Generation (3G) all-weather sports pitch (AGP) with fencing and floodlighting. The surface extends to an area measuring 62.5m by 102m, with a marked pitch measuring 54.5m by 91.5m.

The facility would be used by the school and also available outside school hours for community use. Due to the ground levels significant excavations are required; indeed the north-west corner of the proposed pitch will be some 5m below the existing field level. A geo-technical assessment has been submitted. The ground will be retained with gabion structures of descending heights on the west and northern sides. Fencing is proposed on top of these structures for safety reasons. Surrounding the pitch green galvanised fencing is proposed; 5m high on the south and east sides and 3.6m high on the north and west sides. No spectator seating is proposed.

In total eight 15m high floodlighting columns are proposed. A light spill diagram and an acoustic report have been submitted with the application. The average lux level would be 254lux, reduced during the course of the application.

It is proposed that the AGP would be available for use between 08:30 to 21:00 (lights out by 21:30) Monday to Friday (reduced from 22:00 during the course of the application) and 10:00 to 17:00 (lights out by 17:30) Saturdays, Sundays and Bank Holidays.

In addition spoil arising from the excavations will be deposited adjacent to the new pitch to create a level natural turf sports pitch.

A preliminary ecological report, geo-technical report, flood risk assessment, acoustic assessment, light spill diagram and transport assessment have also been submitted with the application.

The site is within the development area as defined in the South Somerset Local Plan.

Due to the fact that this school is now an Academy the District Council as Local Planning Authority is the determining body for applications on this site and not the County Council.

HISTORY

No relevant 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.

In March 2012 the existing national Planning Policy Statements and Guidance Notes (PPS's and PPG's) were superseded by the publication of the National Planning Policy Framework.

National Planning Policy Framework - March 2012

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

The Secretary of State confirmed The Regional Strategy for the South West (Revocation) Order 2013 on 20 May 2013. This had the effect of revoking the Regional Strategy for the South West and the partial revocation of the Somerset and Exmoor National Park Joint Structure Plan (all policies except policy 6 - Bristol/Bath Green Belt).

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

The policies of most relevance to the proposal are:

South Somerset Local Plan (adopted April 2006):

ST5 - General Principles of Development

ST6 - The Quality of Development

ST9 - Crime Prevention

EC3 - Landscape Character

EC8 - Protected Species

EH10 - No Development Area

EP2 - Pollution and Noise

EP3 - Light Pollution

EP4 - Building Waste
CR1 - Existing Playing Fields/Recreation Areas

Other

Somerset County Council Parking Strategy (March 2012)

The South Somerset Needs Assessment for Artificial Grass Pitches (updated March 2012)

CONSULTATIONS

Yeovil Town Council:

At the meeting of YTC 22 May 2013 councillors resolved to object to the proposal on the grounds of the development causing harm to neighbouring amenity by way of noise and floodlighting; potential flood risk and the adverse impact upon ecology.

Brympton PC (Neighbouring Parish):

At the meeting of BPC 21 May 2013 councillors resolved to support the application in principle but to raise the following concerns - depth of retaining wall, potential flooding, traffic impact and premature given the recent classroom approval.

Highways Authority (Somerset CC):

No comments received. An oral update will be given.

Sport England:

"The site forms part of or constitutes a playing field as defined in The Town and Country (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184).

Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. "The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches".

The South Somerset Needs Assessment conducted for Artificial Grass Pitches (updated March 2012) indicates that by 2028 there will be a shortfall of 11,459m² or 1.79 full size pitches in Area South.

The provision of two new AGP's (1 x sand based and 1x Third Generation (3G)) will address the quantitative shortfalls and meet the needs for hockey and football in Yeovil/Area South. One of the two required AGP's is about to be delivered at Yeovil Recreation Centre; this will be a sand based facility which will primarily meet hockey need.

This means that the future delivery of one additional 3G AGP in Yeovil would meet the remaining identified deficiency in community provision that will exist by 2028".

The Rugby Football Union, Football Association and England Hockey Board were consulted. Concerns were raised about the apparent loss of a rugby pitch and that the pitch did not meet FA recommendations.

Sport England object to the proposal because it is not considered to accord with any of the exceptions in Sport England's playing fields policy.

Should the LPA be minded to approve the application the case would have to be referred to the National Planning Casework Unit (NPCU).

Following further information from the applicant:

The comments acknowledge the sloping site will be altered to make better use of the field for sport. The existing natural pitch will be rotated and should be laid out in line with SE guidance.

The FA remains concerned about the design and still object.

The English Cricket Board note the replacement wicket.

On the basis of the information supplied SE are now satisfied that the proposal meets one of the exception policies and raises no objection subject to the imposition of conditions relating to the natural pitch construction, the production of a public use agreement and the AGP being built in full accordance with the submitted details.

The comments of SE do not commit it to any support for future funding.

SSDC Community, Health and Leisure Service:

The application was assessed alongside a pending application for an AGP at Westfield Academy (ref 13/01191/FUL).

CHLS is supportive of the principle of dual use sports facilities where there is clear community benefit and need.

Comments provide relate to how the facility may address community needs as identified in local Needs Assessment only.

"The South Somerset Needs Assessment that the Community Health and Leisure Service has conducted for Artificial Grass Pitches (updated March 2012 and compliant with the National Planning Policy Framework) indicates that by 2028 there will be a shortfall of 11,459m² or 1.79 full size pitches in Area South.

In addressing this shortfall, the council has set out strategic policy proposals (AGP4 and AGP5) to provide two new AGP's (1 x sand based and 1x Third Generation (3G)) to meet the needs for hockey and football in Yeovil/Area South. One of the two required AGP's is about to be delivered at Yeovil Recreation Centre; this will be a sand based facility which will primarily meet hockey need (Policy AGP 4).

This means that the future delivery of one additional 3G AGP in Yeovil would meet the remaining identified deficiency in community provision that will exist by 2028. This shortfall however, does not include the status of the existing Yeovil Town Football Club (YTFC) provision which is an important consideration.

The quality of YTFC provision has deteriorated resulting in the pitch being unsuitable for use since 2004. Within the Needs Assessment, the council has set out an option to work with YTFC to develop a new 3G AGP at their site. However given that the quality deficiency still exists in 2013, it is the view of the Community Health and Leisure service that there is a low likelihood of any scheme coming forward in the foreseeable future.

On this basis, we are of the view that the need for two additional 3G AGP's in Area South can be justified".

A full sized football pitch would need to be 106x71m with the surface being 3G.

The proposed surface will be suitable for football and recreational hockey. The surface will be suitable for competitive junior football only but is of as size that cannot accommodate senior football.

"It is unclear from the information provided with the planning application whether the applicant has fully appraised the community demand for the proposed facility or whether consideration has been given to programming and sports development in order to maximise future community usage.

The facility will not be located close to changing facilities (desirable for operational reasons) and given the topography of the site, access to the facilities for some users or spectators may be difficult. It is not clear if consideration has been given to these issues and whether there would be concerns about the site layout from a user's perspective".

The applicant is proposing to locate the new facility on existing playing space which is not suitable for formal pitch sport.

The Government's National Planning Policy Framework (NPPF) which states (paragraph 74): Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus of requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in term of quantity and quality in a suitable location;
or
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

It is the view of CHL that any 'loss' of pitches will be outweighed by the addition of a new AGP which overall will allow greater use of the playing fields.

Recommendation that a sports development programme is submitted which secures the delivery of a development programme for football and/or other sports during periods of community use.

SSDC Environmental Protection Unit:

Initial concerns were raised concerning the lighting scheme but following the submission of a revised scheme the Lux levels are reduced.

"According to the applicant this is the lowest level achievable whilst maintaining an even level of lighting on the pitch. The scheme has also taken into account the effect of the retaining structure and topography.

The result is a significant reduction in levels of light spill which are within the limits recommended by the Institute of Lighting Engineers. I believe it is the best that can be achieved in this location. Whilst the lights and pitch will be visible I do not believe there will be a material loss of amenity to the nearby residential properties and therefore I have no objection to the proposal.

A noise assessment has been submitted by the applicant. This has been done by assuming that the noise generated by sport activities on the pitch will be equivalent to a fixed point source. This is a reasonable assumption which becomes more robust when the "averaging" period becomes longer. However it should be recognised that any noise impact is likely to come from short term impulse noise. Some activities, for example hockey, have the potential for greater impulse sounds, with fast moving, hard balls, striking boards.

Taken as an average, the noise impact is unlikely to represent a material loss of amenity. However in order to minimise any impact I would recommend that potentially more noisy activities, for example hockey, should be restricted to before 18:00hrs".

The applicant was asked to consider the use of a screen/acoustic fence to reduce sound levels further.

No fundamental objections.

SSDC Ecologist:

"Increased light levels can have a detrimental impact on commuting and foraging by bats. Whilst foraging habitat isn't specifically subject to legal protection, significant disturbance to an important commuting corridor could potentially have an impact that would be contrary to NPPF. Local Plan Policy EC7 (networks of natural habitats) is also applicable.

The stream and associated woody vegetation adjacent to the application site forms part of a more or less continuous corridor of natural habitat, of a type likely to be favoured by bats, from Preston Road to the south, northwards to almost the urban edge and open countryside. Should there be a significant bat roost nearby to the south, this route has high potential to be an important bat commuting route and there doesn't appear to be any comparable alternative routes in this part of Yeovil.

I therefore recommend this application isn't permitted until a bat activity survey, comprising a minimum of 2 visits between May and September, has been completed. A bat activity survey is also recommended by the consultant ecologist, Somerset Wildlife Trust's consultation response, and Bat Conservation Trust guidance.

Stream and water voles-

Evidence of water voles was noted along the stream. Water voles are legally protected by the Wildlife and Countryside Act 1981 (as amended).

Their burrows can extend up to 3 metres from the water's edge. Direct impacts could arise from use of heavy machinery causing incidental damage to their burrows, and/or from associated works (e.g. bridge works for access or drainage to the stream).

I recommend a fenced 3 metre buffer from the top of the stream bank is installed prior to, and maintained throughout, the period of construction.

Following the above, any further associated works (drainage and/or bridge) are likely to have an impact over a relatively small area of water vole habitat which wouldn't be sufficient enough to justify an objection. However, there would still be potential for some harm contrary to legislation, and such works should be preceded by further detailed assessment and mitigation as appropriate".

Somerset Wildlife Trust:

There is agreement over the findings and recommendations in the ecology report. The recommendations should be carried out.

Surveys required for bats and water voles

English Heritage:

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

SSDC Conservation Officer:

"I have had a look at the proposal to consider whether it has a harmful effect on the setting of the historic Abbey Farm complex, mainly in relation to the proposed floodlights. This is a very significant group of Grade 1 buildings made up of the Abbey Farmhouse and Tithe Barn.

The application site is set some distance away to the north, separated from the historic farm complex by the Abbots Meade housing development and a belt of trees. I understand from the plans that two floodlights will be at the southern end of the site, in either corner of the pitch. Taking this into account I do not think the proposal will harm the setting of the historic farm complex, and therefore I raise no objection to the proposal".

SSDC Landscape Architect:

"I note the site to lay over ground that falls toward the course of the Larkhill stream, with housing to 3 sides, the main academy complex to the fourth (east). There is also a watercourse running west to east along the southern boundary of the playing field, which results in the rising ground forming a shoulder in relation to the stream. This shoulder of grassland is a natural landscape feature that contributes to the character of the Larkhill stream corridor, and has some prominence in local views from around the site.

I note that the existing cross-fall of the land proposed for the pitch and its earth modelling, is circa 9.25 metres. To accommodate this change in level, the proposal intends a make-up of ground of 5.1 metres in its southeast corner, whilst it cuts into the ground 3.45 metres in the northwest corner, to provide a level playing surface. The cut faces are to be retained by gabion structures.

I view the proposal as a considerable intervention into the local landscape, where the extent of the engineering works have little scope for mitigation. As such, it both impacts

upon the character of the local landscape, and has an incongruous landform and mode of retention when viewed against the undeveloped grassed valley sides. This is exacerbated by fence enclosure and floodlighting standards. As a consequence, there is no landscape support for this proposal".

Environment Agency:

No objections subject to conditions covering surface water drainage and informatives concerning surface water drainage, pollution measures during construction and waste management.

SSDC Technical Services:

The FRA submitted dated January 2013 mentions that there had been no ground investigation to assess groundwater levels and/or permeability of the soil and that no drainage details of the site had been prepared. Although the general drainage strategy set out in the FRA is reasonable these particular elements are vital to the determination of appropriate control measures so we will require further details in due course. This could be conditioned but I am a little nervous about what groundwater/drainage issues may be identified in the significant excavation proposed.

AgustaWestland:

Floodlights at 12m will be acceptable and will not affect safeguard areas. Reference should be made to the Air Navigation Order (CAP 393), Articles 221 & 222 which cover lights liable to endanger and lights which dazzle or distract to ensure that the development will not contravene legislative requirements. AgustaWestland cannot foresee that there will be a problem but sodium lights will not be allowed as they may be confused with airfield lights.

REPRESENTATIONS

Neighbouring properties to the site have been notified and a site notice has been displayed.

26 individuals/couples have lodged objections. Objectors reside at Monks Dale, Abbots Meade, St James Close, Old School Close or White Mead. Whilst some contributors support the principle of developing sporting activities at the school there are substantive concerns expressed with the proposed community use and several areas of the scheme. Comments received by Ward Members and the MP have also been forwarded to the department.

The nature of the objections fall into various categories, these include:

Need

- The proposal pitch is not essential.
- There is sufficient AGP provision in the town. The YTFC pitch should be brought back into use instead, the Bucklers Mead pitch is under capacity and there is an application at Westfield School.
- The existing natural pitches are not well utilised.
- This is a 'trophy acquisition' and a case of 'keeping up with the Jones' between the Yeovil academies.
- How many days of use of the playing field have been lost due to wet weather?

Floodlights

- Light nuisance (the unwelcome intrusion into habitable rooms)
- Sky glow (damage to the night sky environment)

- The Clean Neighbourhoods and Environment Act 2005 controls artificial light which means it is a statutory nuisance if artificial light emitted from the premises is prejudicial to health or is a nuisance.

Noise

- It will be noisy due to the nature of the activity and this will disrupt the peace and quiet of our neighbourhood.
- The noise and activity will impact on quality of life and cause stress and anxiety.
- There will be no controls over bad language.

Duration and Nature of Use

- The proposed hours of use (then until 22:00) exacerbates the concerns about noise and lighting above.
- The use of the pitch for league fixtures with spectators exacerbate concerns about noise, lighting and parking.
- Who wants to play past 9pm?
- What restrictions will be applied to usage on times of religious observance?

Visual Impact

- The development will affect views to the rear of our property with the erection of fencing, floodlighting and the removal of green space.
- The pitch will be an eyesore and will be difficult to blend in with the existing landscape.
- The pitch could be turned 90degrees to limit the impact.

Construction Traffic

- Concerns regarding the volume, speed and nature of construction traffic in Monks Dale.

Ecology

- There are bats, badgers, squirrels, snakes, slowworms, weasels, hedgehogs, woodpeckers, wild bird and bee activity in the area likely to be affected by the proposal.

Flooding and Drainage

- The pitch is to be located above properties at Abbots Meade and so water will run-off causing flooding.
- The stream will flood
- Who is responsible if houses flood as a result of works? Has the impact been fully assessed?
- Has the sewerage infrastructure been investigated?

Highways and Parking

- There is insufficient car parking.
- There is already congestion in Monks Dale.

Other

- The development will impact upon the setting of the Grade I listed Abbey and Tithe Barn.
- Exception taken to the school circulating letters to parents and pupils asking them to write to SSDDC supporting the application.
- The well-being, safety and security of local residents is more important.
- The proposal is ill-thought out and with little consideration for the local community.
- Pupils and members of the public already cut through the properties at Abbots Meade and St James Close to access the school and the field. Complaints to the school have not eradicated this problem.
- The pitch could have been built elsewhere on the site.
- The money should be spent on other things.
- The temporary access road will impact upon trees.
- There will be noise, dirt and dust from the construction.

- The pitch is sited too far away from the school buildings, changing rooms, emergency access etc.
- Residents specifically chose to live at Abbots Meade due to its quietness.
- The development will not allow rugby or cricket to be played.
- The increase in public use of the site will lead to anti-social behaviour.
- Coupled with a recent consent for a new classroom there will be on-going building works and neighbours will be inconvenienced for a long time.
- Has the potential for spoil, resulting from the excavations, being used to mitigate noise and light pollution, been fully considered?
- Not all the people affected by this development have been notified.
- There is no funding for this facility.
- Will there be a reduction in council tax as a result of allowing this development?
- The development will devalue properties, and houses in the area will be harder to sell.
- Will the profits from the facility be used to compensate local residents?
- If approved will SSDC and Preston School be liable for damage and devaluation or if insurance policies increase?

In addition 41 letters of support have been received.

20 representations are from staff members or parents, 1 from an employee at Yeovil College, 17 from current pupils and 3 others whose allegiance is unknown. None of the supporters reside at Monks Dale, Abbots Meade, St James Close, Old School Close or White Mead.

A summary of comments:

- There is a curriculum need.
- The proposal builds on the legacy of the Olympics and the success of YTFC.
- The proposal supports healthy lifestyles for pupils and members of the public.
- The grass pitches are often unusable. This facility allows year round use.
- Levelling the other half of the field will make another natural surface pitch more usable.
- The government are encouraging schools to diversify and develop community provision.
- A feasibility study has demonstrated a need.
- All the specialist surveys show no harm will result.
- Our students deserve the best facilities and best opportunities.
- Refusing this application will disadvantage young people and their sporting opportunities
- Preston students have the right to the same standard of sporting facilities as other schools.
- The pitch will contribute to a positive sense of community.
- The Bucklers Mead pitch is very busy and so local clubs travel to Sherborne or Yeovilton to train.
- The facility will ensure the school maintains and improves its Ofsted rating.

CONSIDERATIONS

The application raises several key considerations and as such will be assessed in turn:

Principle of Development

This application must be considered on its own merits and it is not material to the decision to suggest 'it would be better elsewhere'. Whilst there have been many objections to this application (all of which have been listed under the representations section) many comments relate to material planning considerations that cannot be

afforded weight. Whilst these will be highlighted at the end of this section it is a case of assessing those issues that can be afforded weight and can clearly be identified as planning issues.

The first two issues revolve around the designation of a 'no development area' and the 'loss' of playing field.

With the exception of the westernmost area of playing field the remaining area inclusive of the application site and that field nearer to the school complex is defined as a 'No Development Area' in the South Somerset Local Plan and so Policy EH10 is relevant. A 'No Development Area' recognises open areas of land within villages and towns that are an important part of the street scene or character of the settlement; sometimes allowing views out of settlements to the open countryside, providing a setting for the built environment and creating a feeling of space.

It is understood that officially the school playing fields are not for public use, in the sense of general recreation, like say Yeovil Recreation Centre, and are there to provide formal recreation for the school. Nonetheless the open space as an undeveloped area contributes to the visual amenity of a locality. Consequently the loss of any of these important areas of open space would damage the character of settlements and development will generally be resisted unless a special community, education or recreation need is identified.

Policy EH10 states, *"Development which would have an adverse impact on the amenity or recreational value of open land identified on the proposals map will not be permitted unless a special community, educational or recreational need is identified"*.

From the local needs assessment it is accepted that a need for additional AGP provision is required in Yeovil. As such with an identified recreational need demonstrated it is considered Policy EH10 is met. The only reservation would be regarding an interpretation of 'special' within the policy wording; there is no commentary in the Local Plan to advise where a 'special recreational need' is different from just a 'recreational need'. It is considered Policy EH10 is satisfied.

Saved Policy CR1 of the Local Plan seeks to protect playing fields unless certain criteria are met. Whilst the criteria appear to relate to non-recreational development it does ensure that alternative provision of equivalent community benefit is made available, which it is and so it is considered Policy CR1 is satisfied.

The Government's National Planning Policy Framework (NPPF) states (paragraph 74): Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus of requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in term of quantity and quality in a suitable location; or
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

In line with legislation where a grass surface is being replaced with an artificial surface the LPA has consulted Sport England (SE). Despite an initial objection, additional

information has led SE to withdraw that objection and conclude that although the facility is not ideal the 'loss' of the playing field is justified.

SE has acknowledged and accepted the rotated natural pitch and the relocated cricket wicket. The natural pitch should be laid out in accordance with best practice and SE guidance to ensure it is constructed properly and is drained properly. This should counter some of the issues encountered with the current natural pitch.

Three conditions have been proposed the first concerns the natural pitch being constructed and drained properly. This can be adequately controlled by condition and is reasonable given the construction of the AGP would otherwise mean the loss of the existing natural pitch if spoil was not to be retained and levelled to create a replacement. It is therefore equitable that the replacement meets a decent/recognised standard. Local residents have also raised concerns regarding drainage and so this will also be considered.

The second concerns the desire to see a community use agreement. The need for this condition has been raised with SE as such an agreement would cover matters such as pricing policy, access by non-school users, management responsibilities and review mechanisms.

The Community, Health and Leisure unit have similarly requested the imposition of a condition referring to a Sports Development Programme to secure the delivery of a development programme for football and/or other sports during periods of community use to ensure the facility meets the SSDC standards for AGPs.

There is no requirement for a community use agreement or sports development programme set out in local planning policy and this request is more likely to be achieved via a condition of a grant application where another part of the Council or Sport England may assist. Often funding criteria or other legislation gets confused with planning policy. The LPA support this application on the basis it is set to be used by the school and the community but importantly would also support it if it were only to be used by the school. Requirements, standards, recommendations, criteria and conditions could all be controls imposed on or applied to the facility by funders outside the scope of the planning act.

The third suggested condition is covered elsewhere because it requires the development to be carried out in accordance with the approved plans and specifications.

In conclusion it is considered the proposal is broadly consistent with the aims and objectives of the NPPF and Policies ST5, EH10 and CR1 of the South Somerset Local Plan.

Landscape Impact, Floodlighting, Noise and Residential Amenity

The comments of the Council's Landscape Officer are noted and Policy EC3 is relevant. Notwithstanding the lighting, which is not at issue in the officers comments, clearly the physical excavations to create the cut and the arising's being used to create areas of fill for the AGP and the natural pitch will be very significant, and there is no hiding that fact, but the flip side is that the impact is localised and there are no significant or sensitive public vantage points. In addition existing landscaping and proposed landscaping plus the use of solid timber fencing for its acoustic properties will also help contain the engineered part of the AGP. The floodlighting columns themselves, unlit, will be seen but are slimline features and given the landform will cause limited harm in terms of visual impact. It is clear a landscape impact of some degree will result but the benefits of the scheme outweigh that harm.

It is proposed to retain some of the spoil, created from digging the AGP into the rising land, on the site to re-contour the remainder of the field so as to improve the usage of a natural pitch which will be orientated to run in the opposite direction. This explains the extent of the application red line. This will create an (overly) engineered edge facing south but with limited visibility into the site is not felt this is totally unacceptable. Additional landscaping will also diffuse this edge in time. The retention of spoil and reuse on the site prevents all the material being trucked away and so safeguards some concerns from residents at Monks Dale and Policy EP4 promotes the use of inert waste/spoil being used on site.

The impact of the proposed lighting and perception of noise are two significant areas of objection and clearly constitute planning considerations. As such each matter is discussed here, as at all times the key question is whether any one substantive issue would warrant refusal of the application.

The school intends to use the facility for internal school activities but, crucially, also wish to make the facility available for local community use thus promoting local well-being and healthy lifestyles. The decision to include floodlighting was made to offer the maximum value to the local community and sports teams. This means the facility will be accessible to the community outside school hours and provide much needed revenue to maintain the facility and cross subsidise the school use. Without floodlighting community use would be restricted to holiday times and summer evenings and would obviously restrict rental streams.

As a guide the nearest house at Abbots Meade is approx. 36m away from the playable part of the pitch and 32m from the nearest property at White Mead. It should be pointed out that due to the diagonal boundary arrangement the other properties at these respective areas are further away.

The application is accompanied by a Light Spill diagram. The lighting design, to be ratified/controlled by condition, is such so as to avoid light spill, in order to concentrate light on the pitch and not elsewhere and to minimise sky glow. Inevitably the lit columns will be seen and some lateral spill is predicted from the lighting modelling exercise but this is largely contained within the site. The average LUX level has been reduced during the course of the application and the results is a scheme in accordance with advice published by the Institute for Lighting Engineers. Local Plan policies ST6 and EP3 seek to protect residential amenity from light trespass. The Council's Environmental Protection Officer gives a detailed assessment and concludes that demonstrable harm would not result. The application now suggests the lighting will be turned off by 21.45pm every week day and this will form a planning condition.

The reduction in average LUX levels to 254lux, the inclusion of a solid acoustic timber fence to further reduce lateral spillage from that shown on plan and the curfew for use are seen as appropriate and enforceable measures that mean there will be no material loss to residential amenity. The site benefits from existing mature landscaping along its southern and eastern boundaries with a maintained hedge along the northern boundary. This with the proposed landscaping will, in time, provide increased diffusion of the facility and its perceived lighting impact.

By comparison the floodlighting at Yeovil Recreation Ground was approved at max 500lux for hockey with the system switchable down to 350lux for recreational football, at Bucklers Mead Academy the floodlighting was approved at 371lux. Switch-off for lighting

at Yeovil Recreation Ground is 22:15 Monday to Friday and 18:15 weekends and at Bucklers Mead Academy its 22:00 any day.

The application is accompanied by an Acoustic Assessment. Local Plan Policy EP2 is relevant. Working on the basis of BS8233:1999 "Sound insulation and noise reduction for buildings code of practice" which sets the design range for noise inside residential properties. There are also guidelines for gardens. These guidelines are complemented by "Guidelines for Community Noise" (1999) published by the World Health Organisation. These guidelines do not set a maximum noise level for daytime and evening activity. With regard to noise character the reports states, *"It is generally accepted that the introduction of a new noise source, that is wholly different in character to the existing noise environment will be perceived as more disturbing by local residents than a new noise source that is similar to the existing environment"*. In this case the site is already a school playing field and so the character of noise created by the new pitch will be similar, if not identical to that which local residents already experience.

One may reasonably ask how a noise assessment can be provided judging noise for a facility that has not been built? The report uses data collected from several other AGPs to find an average. The report interestingly points out that noise levels are unlikely to be continuous as levels will go up and down related to the play, and also vary depending on who is using the pitch, the intensity and significance of the activity, and the precise location of the activity. A indicative model taking into account the particulars of this site has been produced.

The report concludes that the absolute level is generally predicted to be within guideline levels from BS 8233 and EHO. This means that as well as acceptable absolute noise levels in gardens, residents, even with open windows would experience internal noise levels at levels within BS 8233 and WHO guidelines inside their properties.

Due to the specific nature of hockey a ball damper board will be required around the edge of the pitch to mitigate some noise impact, the details of which will be agreed by planning condition. The aforementioned acoustic fence will also reduce noise in real terms and the perception of noise beyond that detailed in the report. In addition the hours of operation have also been reduced so there should be no noise generation past 21:00.

There was controversy at the meeting of Yeovil Town Council when the applicant stated league fixtures would be played on the pitch. This was met with derision from the assembled audience of local residents due to the potential for extra noise from spectators. The noise surveys do not explicitly take into account the use of the pitch with different levels of spectatorship and therefore the applicant has not to date demonstrated that spectator noise will not cause harm.

Since that time the Design and Access Statement has been revised to explicitly state that no league fixtures or tournaments are going to be played and spectators will not be allowed to view sports on the pitch. If this intention is carried through then local residents may rest slightly easier. However defining and restricting a spectator, from somebody who may watch the whole game/session, to somebody who watches part of a game/session to a parent arriving 10 minutes from the end to pick up their child pose enforcement difficulties regardless of whether a league fixture or a training session or a casual get together. 10 spectators could conceivably make as much noise as 50 and it seems unreasonable to stop a parent or guardian watch their child undertake football practice. The school's intention to prevent league fixtures and tournaments can form a condition but this in itself will not prevent 'spectators' from a planning point of view and

would require the policing by the school to reasonably enforce what would be their own rule.

If at a later stage the school decided that league fixtures and tournaments were required then an application under Section 73 of the Act could be made to vary the restriction but this would need to be evidenced that any extra associated noise with such would remain within acceptable levels, which if proved could mean such a request (with parameters perhaps) is granted.

Construction will take place over a period of 21 weeks. Hours of construction could be conditioned to temper the impact on residential amenity.

Transport

The application is accompanied by a Transport Statement which examines the current usage of the site, existing traffic conditions, parking provision and public transport linkages.

The main point of access for vehicles is via the main entrance to the school where 90 parking spaces exist. All spaces will be made available for the AGP users. The main entrance will also be used by pedestrians and cyclists. The other access off Monks Dale is reserved for emergencies only. Changing rooms are located adjacent to the car park and then users will access the AGP via a footpath.

The report states that even in a worst case scenario of four mini-pitches being used and all users arriving individually in cars then there would be enough spaces even taking into account use of the sports centre. This would also allow some capacity for overlap.

The report states that the proposal will not have a detrimental effect on the existing highway network and furthermore that the site is considered to be in a highly sustainable location in terms of transport choices. It also advises that no physical works to the highway network are required.

Comments have been sought from the Highway Authority but unfortunately at the time of writing no representations had been made. An oral update will be given but at this time it is considered the proposal is policy compliant.

Construction will take place over a period of 21 weeks. Hours of construction could be conditioned to temper the impact of traffic.

Trees and Ecology

The proposed landscaping scheme will mitigate the perceived landscape impact by providing some visual foil/barrier to local residents, increase wildlife potential and counter the perceived loss of greenery. It is not an answer in itself to the concerns raised but will help diffuse a direct view.

No trees need to be felled as part of the proposal. The Council's Tree Officer has reviewed the potential impact upon those existing trees and concludes the scheme can take place and not harm the trees subject to the erection of protective fencing and a protective access route to ensure the trees are not damaged during the construction period.

The application is accompanied by a preliminary Ecological Appraisal and latterly by a Protected Species Survey for Bats, Badgers and Water Vole which set out current

wildlife activity and assesses the impact of the proposed development. Only scattered trees and the stream have moderate ecological value.

The bat survey found foraging activity on the site was confined predominately to two species serotines and common pipistrelles, which were active along the scrubby stream corridor and the western, tree-lined boundary hedgerow. Light overspill from the playing fields will affect some parts of these features but the times at which lighting will coincide with bat activity is limited. The reports goes on to say that although light spill would be best avoided pipistrelle and serotine bats are amongst the species most tolerant of artificial light and there is similar alternative habitat adjacent to the foraging areas.

Whilst there is some evidence of past water vole activity around the stream the most recent survey showed no evidence of water vole.

Some neighbour representations have referred to badgers. Following assessment there are no setts on site, either past or present nor were any other signs of badger detected during the course of the survey.

Whilst the impact on wildlife is considered low it is advised that precautionary measures are carried out. Recommendations have been given and these are imposed via a condition. Such recommendations include the removal of giant hogweed, an invasive species, from the stream banks. Should the development not proceed with 12 months then a resurvey will be required - July 2014. It is considered the initial comments of the Council's Ecologist and those from the Somerset Wildlife Trust have been satisfied by the Protected Species Survey. The development is said to comply with the NPPF and policy EC8 of the South Somerset Local Plan.

Flooding and Surface Water Drainage

The application is accompanied by a Flood Risk Assessment and Geo-technical Report.

Whilst this states the site is not at risk from fluvial (stream)/pluvial (run-off) flooding as the Monks Dale stream is considered to be a minor watercourse. The proposed site is several metres above the stream.

It suggests the development will require the discharge of surface water from the site to be controlled and appropriate infiltration and/or storage systems to be incorporated to handle any excess stormwater to ensure compliance with the NPPF that the run-rate from the existing site should not exceed pre-development Greenfield rate.

The proposed plan shows land (French) drains along the northern and western edges of the pitch to collect surface water and direct it to soakaways. This is the same method as employed at Yeovil Recreation Ground. The comments of the Council's Engineer are noted by the applicant who has stated that the geo-technical report does address the issue of ground water levels although permeability testing was not carried out. It is also stated that the pitch would be built upon a type 3 open graded sub-base acting as a large soak-away that can be used for attenuation purposes. In such a situation it is considered reasonable to impose a condition requiring a scheme of drainage in the knowledge that there will be a technical solution to whatever the permeability testing shows.

It is therefore considered the AGP can be developed without causing surface water drainage issues subject to the details of a suitable Sustainable Urban Drainage scheme being agreed by planning condition. The EA concur with this approach.

Local residents have raised the question of flood impacts at Abbots Meade. This is an existing issue and as part of the scheme it will be ensured the new area of natural turf pitch is also afforded drainage via a planning condition. There may be a maintenance issue with the existing ditch also, but as far as the AGP and is concerned it should not impact further on this issue.

Other Issues

The comments of AgustaWestland are noted with regard to the safeguard area, the representation has been forwarded to the agent for information but from reading the relevant articles and the fact the proposed lights are facing down onto the pitch and are cowled then it is not envisaged to be a significant issue given the general environment.

The proposal does include the provision of a lit footpath for users to access the AGP from the school complex. No specific details have been submitted but permitted development rights exist for schools to create a 50m path at 1m wide. As such it is considered reasonable to impose a condition so the finer details can be considered.

Various concerns have been raised concerning unfettered use of the school playing fields by members of the public and the use of the field as a short cut to the school. Indeed, there have also been accounts of members of the public and pupils allegedly gaining access to the field via properties at Abbots Meade/St James's Close. This existing problem has been brought to the attention of the applicant because local residents are concerned that the installation of the AGP will make these events occur more regularly with users seeking a short cut to the facility. Whilst trespass on private property cannot be condoned, it should not be a reason to refuse the application. In response to the issue a revised plan has been submitted showing fencing around the perimeter of the excavated area. This is primarily for the containment of noise and for safety reasons but it does have the effect, coupled with a fence spur to the boundary with White Mead and a padlocked access gate in the southeast corner adjacent to Abbots Meade the effect will be to prevent access from the wider field to the facility or the school. The wider issue of trespass on the field is a matter for the school to resolve separately but it is considered the approval of this facility will now not make this issue any worse. The pitch will also be afforded CCTV coverage for supervision from the leisure centre and so in combination it is considered the proposal satisfies policy ST9 of the Local Plan.

Finally, although not constituting a material planning consideration to which significant weight can be given, some representations refer to funding. The planning issues and those referring to funding criteria can become intertwined when various bodies provide a planning consultation response and are also bodies the applicant may look to for funding. If the applicant, at this stage, has not proposed a sufficiently sized pitch with the necessary infrastructure or to specification that is required for funding then so be it. It would be regrettable if future amendments were required but based on the planning issues alone a recommendation has been reached.

Devaluation of property is not a material planning consideration to which any weight can be given.

RECOMMENDATION

Grant permission for the following reason:

01. Notwithstanding the objections received the proposal maintains the visual characteristic of the area whilst safeguarding residential amenity and meets a proven special recreational need in accordance with the aims and objectives of the National Planning Policy Framework (March 2012), Somerset County Council Parking Strategy (March 2012) and Policies ST5, ST6, ST9, EC3, EC8, EP3, EP4, EH10 and CR1 of the South Somerset Local Plan (adopted April 2006).

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 and documents:

- a) Location Plan (Scale 1:2500), received 29 April 2013
- b) Proposed Site Plan, Drawing No. 2522/L-01 P1
- c) Proposed Sections, Drawing No. 2522/X-01 P1
- d) Details, Drawing No. 2522/X-01 P1
- e) Outdoor Playing Space, Existing and Proposed, Drawing No. AS/092/08B
- f) Landscape Proposals, Drawing No. AS/092/09B
- g) Proposed Lighting Design, Drawing No. UKS8766/3
- h) Position of Fill from AWP and Reposition Existing Football Pitch, Drawing No. SPC/01
- i) Email from Agent dated 24 and 25 July 2013 regarding fencing.

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

03. The floodlights hereby permitted shall not be illuminated and the pitch used except between the hours of 08:30 and 21:30 hours Monday to Friday and 10:00 and 17:30 hours Saturdays, Sundays and Bank Holidays.

Reason: To minimise any potential nuisance and disturbance to neighbours and the surrounding area to accord with the NPPF and policies ST6 and EP3 of the South Somerset Local Plan (adopted April 2006).

04. Hockey is not to be played on the pitch hereby permitted except between the hours of 08:30 and 18:00 hours Monday to Friday and 10:00 and 17:30 hours Saturdays, Sundays and Bank Holidays.

Reason: To minimise any potential nuisance and disturbance to neighbours and the surrounding area to accord with the NPPF and policies ST6 and EP3 of the South Somerset Local Plan (adopted April 2006).

05. The development hereby approved shall not be used for any non-school district or county league appointed fixture or any organised tournament.

Reason: The applicant has not demonstrated that noise levels inclusive of spectators normally associated with such activities would not harm the residential amenity of local residents and that sufficient car parking exists for such to accord

with the County Parking Strategy and policies ST6 and EP3 of the South Somerset Local Plan (adopted April 2006).

06. Prior to the first use of the development hereby permitted full details of the floodlighting scheme inclusive of light pollution measures (cowling and shielding) shall be submitted to and approved by the Local Planning Authority. The lighting shall thereafter be fully installed in accordance with those approved details and any future amendments, alterations or replacement lighting equipment shall be first agreed in writing by the Local Planning Authority.

Reason: To ensure that local residents are afforded the same protection in perpetuity to accord with policies ST6 and EP3 of the South Somerset Local Plan (adopted April 2006).

07. Details of the ball damper board to be installed around the perimeter of the pitch to mitigate the impact of hockey balls shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be fully installed and maintained in accordance with such agreed details prior to the first use of the facility hereby approved.

Reason: To minimise any potential noise nuisance and disturbance to neighbours and the surrounding area to accord with the NPPF and policies ST6 and EP3 of the South Somerset Local Plan (adopted April 2006).

08. No works shall be carried out unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping; all planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the facility or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten 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 maintain the character and appearance of the area to accord with policies ST5 and ST6 of the South Somerset Local Plan (Adopted April 2006).

09. No works shall be carried out unless the Local Planning Authority has approved in writing, a scheme of tree protection measures which shall be implemented for the duration of the construction of the development. Such details shall include details of the temporary construction road.

Reason: To preserve existing trees to accord with policies ST5 and ST6 of the South Somerset Local Plan (Adopted April 2006).

10. If the development hereby approved does not commence within the period of 12 months from 15 July 2013 from the date of the last survey a further survey shall be commissioned to ascertain any changes in bat, badger and water vole presence or impact, which shall be submitted to the Local Planning Authority for prior written approval before work commences.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with the NPPF and policy EC8 of the South Somerset Local Plan (adopted April 2006).

11. The recommendations of the submitted ecological survey (Preliminary Ecological Appraisal, Jackie Underhill, January 2013) shall be fully carried out and a strategy and timescale for achieving such shall be submitted to and approved by the Local Planning Authority.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with the NPPF and policy EC8 of the South Somerset Local Plan (adopted April 2006).

12. No works shall be carried out unless a surface water drainage scheme for the site (inclusive of the AGP and the altered natural pitch), based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system to accord with the objectives of the NPPF.

13. No works shall be carried out unless a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes to accord with the objectives of the NPPF.

14. Prior to its installation a scheme for the pedestrian footpath connecting the school complex to the development hereby approved shall be submitted to and approved by the Local Planning Authority. Such a scheme shall detail the levels, surfacing of the path, the protection of trees and any lighting. The scheme shall thereafter be carried out in full accordance with the agreed scheme.

Reason: To maintain the character and appearance of the area to accord with policies ST5 and ST6 of the South Somerset Local Plan (Adopted April 2006).

15. No works shall be carried out unless a timescale has been submitted to and approved in writing by the Local Planning Authority for the replacement natural playing pitch and the cricket wicket.

Reason: To ensure on-going provision of sporting facilities on the site to accords with the NPPF and policies ST5, EH10 and CR1 of the South Somerset Local Plan (Adopted April 2006).

16. No works shall be carried out unless details of the general pitch construction of the natural pitch (inclusive of ground conditions, gradient, cultivation and seeding) have been submitted to and approved by the Local Planning Authority.

Reason: Poorly constructed playing surfaces are dangerous, affect quality of play and limit use and the proposed pitch should be of at least an equivalent quality to that which it replaces to accord with the NPPF and policies ST5, EH10 and CR1 of the South Somerset Local Plan (Adopted April 2006).

Informatives:

01. With regards to Condition 09 the applicant is advised to arrange a pre-commencement site-meeting between the appointed contractors and the Council's Tree Officer.
02. With regards to Conditions 12 and 13 the surface water drainage scheme for the proposed development must meet the following criteria:
- a) Any outflow from the site must be limited to the maximum allowable rate, so there is no increase in the rate and/or volume of run-off, and preferably it should be reduced.
 - b) The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
 - c) If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used
 - d) The adoption and maintenance of the drainage system must be addressed and clearly stated.
03. With regards to Condition 16 the applicant is advised to pay regard to the Sport England guidance note 'Natural Turf for Sport' (2011).
04. Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:
- a) the use of plant and machinery
 - b) oils/chemicals and materials
 - c) the use and routing of heavy plant and vehicles
 - d) the location and form of work and storage areas and compounds
 - e) the control and removal of spoil and wastes.
- The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:
<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.
05. The EA wishes to advise the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction. If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant requires more specific

guidance it is available on the EA website www.environment-agency.gov.uk/subjects/waste/.

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that an SWMP should contain depends on the estimated build cost, excluding VAT. The applicant will need to record all waste movements in one document, and having a SWMP will help to ensure compliance with the duty of care. Further information can be found at <http://www.netregs.co.uk>

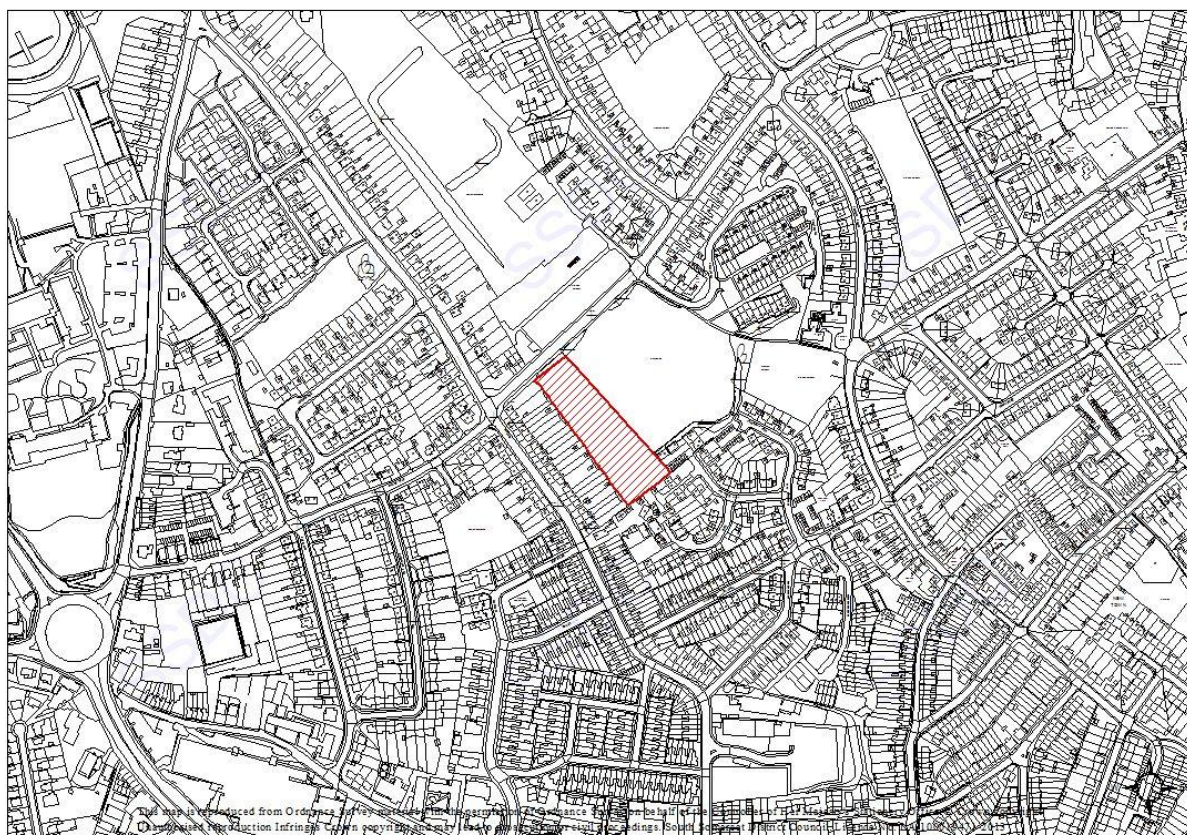
Officer Report On Planning Application: 13/00541/OUT

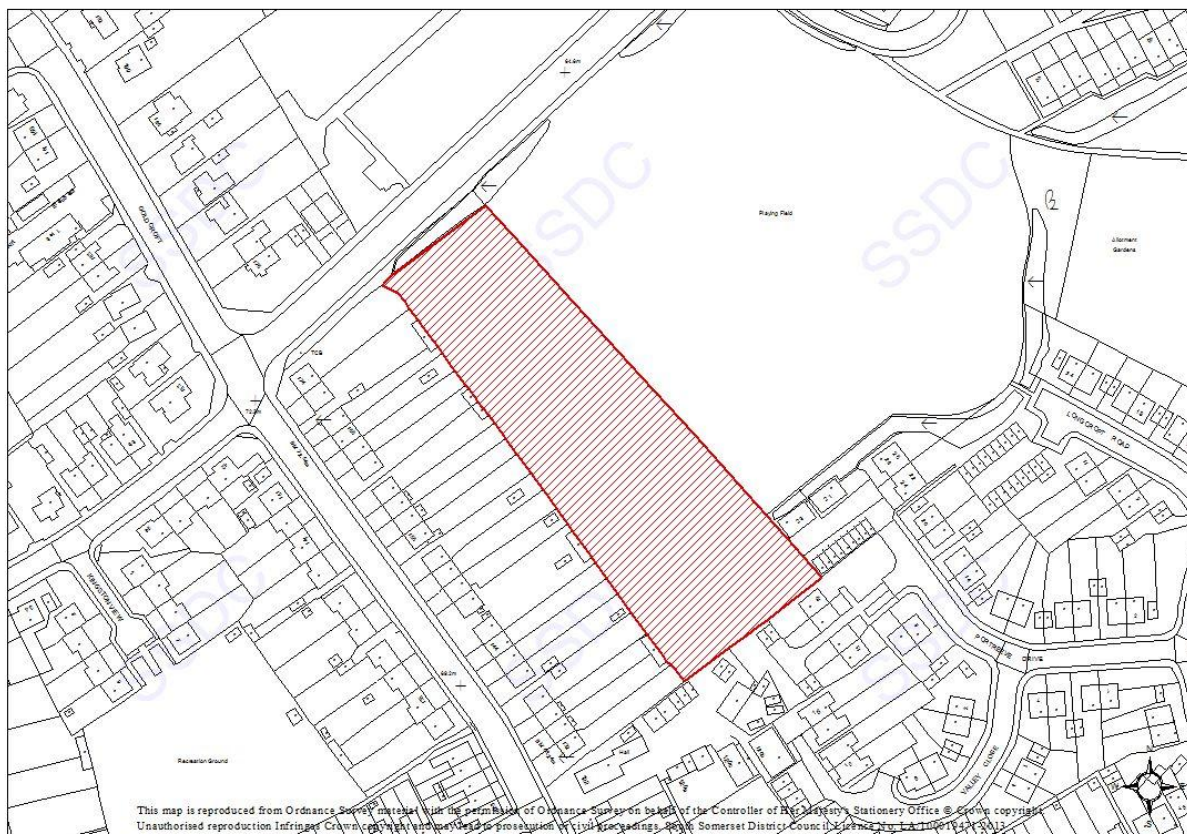
Proposal :	Application for the renewal of extant permission 05/01416/OUT for the residential development of land (GR 355762/116772)
Site Address:	Goldcroft Allotments Milford Road Yeovil
Parish:	Yeovil
Yeovil (Central) Ward (SSDC Member)	Cllr J Vincent Chainey Cllr A Kendall Cllr P Gubbins
Recommending Case Officer:	Andy Cato Tel: (01935) 462015 Email: andy.cato@southsomerset.gov.uk
Target date :	8th May 2013
Applicant :	Yeovil Town Council
Agent: (no agent if blank)	
Application Type :	Major Dwlg 10 or more or site 0.5ha+

Reason for Referral to Committee

The application is reported to Committee for a determination on the advice of the Councils Solicitor as the Ward Members are members of the Yeovil Town Council.

Site Description and Proposal





The application site extends to some 150m in length immediately to the rear of a row of 22 houses - numbers 132 to 174 Goldcroft. The site has a 40m frontage onto Milford Road and adjoins, to the east, playing fields off Milford Road. The site amounts to 0.668 hectares (1.6 acres) and comprises a long disused former allotment site.

The application site includes a long narrow hardened track providing vehicular access onto Milford Road for the 22 houses facing onto Goldcroft. These existing houses, their rear gardens and the trackway occupy level and higher ground: the application site falls steeply down from the track towards the playing field site and has an unkempt overgrown untidy appearance in use for fly-tipping.

This application is for the renewal of extant outline planning permission, reference 05/01416/OUT – A permission for residential development of the site with all matters of detail left for subsequent reserved matters approval. The application is accompanied by a location plan on which the site is identified outlined in red and a copy letter from the Government Office of the South West dated 22nd July 2004 which consents to the sale of the site under the terms of the 1908 Allotments Act. Further, additional information supplied includes a written brief "assuming" a development of 30-35 terraced housing and a plan detailing the provision of an access onto Milford Road.

The 2005 outline application was reported for a refusal to the Area South Committee 2005. In resolving to approve the application members required the prior completion of a planning obligation to secure 35% affordable housing provision. The applicant completed the agreement in 2010 and the outline permission was then issued subject to 15 conditions.

HISTORY

45412 - Use of land for tipping of refuse - Approved 1959.
72129 - Raising of land by tipping earth and hardcore - Approved 1965.
42964 - Erection of garages - Refused 1964.
05/01416/OUT - Residential Development (Outline) - Approved 23.07.10.

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.

In March 2012 the existing national Planning Policy Statements and Guidance Notes (PPS's and PPG's) were superseded by the publication of the National Planning Policy Framework.

For the purposes of determining current applications the local planning authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the saved policies of the South Somerset Local Plan 2006.

The policies of most relevance to the proposal include:

South Somerset Local Plan (adopted April 2006):

ST5 - General Principles of Development

ST6 - The Quality of Development

ST9 - Crime Prevention

ST10 - Planning Obligations

EC8 - Protected Species

EP5 - Contaminated Land

TP1 - New Development and Pedestrian Movement

TP4 - Road Design

TP7 - Car Parking

HG1 - Provision of New Housing Development

HG4 - Density

CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development

CR3 - Off - site provision for Outdoor Playing Space and Amenity Space in New Development

CR12 - Development of Allotment Sites

National Planning Policy Framework - March 2012

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 8 Promoting Healthy Communities

CONSULTATIONS

Yeovil Town Council:
Applicants.

SSDC Contaminated Land Officer:

The site is on or near to the Follyfields Landfill site and a condition imposed on the 2010 outline planning permission calling for a site investigation and any necessary remediation works to be undertaken should be carried forward.

SSDC Community, Health and Leisure Service:

Originally sought a financial payment toward outdoor playing space, sport and recreation through a planning obligation as follows:- for each 1 bed property a sum of £2,464.75 and a sum of £5,317.89 per 2 bed or greater. A schedule identifying where this money is likely to be spent had been supplied in this connection. However, following advice from the Councils Solicitor this request was withdrawn (see conclusions below).

SSDC Ecologist:

No objections. Notes that local residents have referred to badgers, slow worms and Great Crested Newts being present. With regard to slow worms he advises that these may be present but due to the habitat they are likely to be in moderate numbers. A condition is proposed to carry out a site investigation and any necessary mitigation required necessary. With regard to badgers he advises that the site is likely to be used for badger foraging but as the site is relatively small in relation to typical badger territory sizes its loss for such purposes would not be significant. A condition is proposed to carry out a site survey and any necessary mitigation. There is no evidence of Great Crested Newts.

SCC Highways:

Advise that whilst an objection had initially been registered against the original application this changed to a recommendation of no objections on receipt of detailed plans which demonstrated that a safe access could be formed and that it could be considered for adoption by the Highway Authority at some later date. This additional information has now been submitted to form part of this application of renewal and the Highway Officer advises: "As such I consider that it would be unreasonable to now raise an objection to the current application, nor raise any additional concerns that were clearly considered by my predecessor before he made his final recommendation to the LPA, although it will be necessary to ensure that an additional condition is attached to any consent referring to parking levels on the site being provided in accordance with the latest SCC Parking Strategy dated March 2012" .

Neighbours: Forty six (46) neighbouring properties have been consulted and invited to comment on the application. An advertisement has been placed in the local newspaper and a notice displayed on the site. Three letters have been received from local residents all raising objections to application and referring to:

- The site is used by foxes, hedgehogs, badgers and Great Crested Newts.
- Access is onto a very busy road (Milford Road) which has traffic parking on both sides. Another entrance for more houses will add to an already busy road and more houses will add to an already highly populated area.
- The existing track to the old allotments is also the access to the existing houses and garages.

CONSIDERATIONS

Outline planning permission reference 05/01416/OUT for the residential development of the site, with all matters of detail reserved, was approved in 2010 and has not yet expired; this current application seeks a renewal of that permission. The original application was reported for refusal to the Area South Committee in August 2005. The

officers report referred to unresolved issues in respect of the provision of a safe means of access and to the potential loss of the rear access track to the existing properties off Goldcroft. The recommended for refusal was however solely on the basis that the proposal failed to meet the requirements of Local Plan policy CR12 - that an alternative replacement allotment was not to be provided. Members supported the application and referred the decision to the Regulation Committee who approved the application subject to the prior completion of a planning obligation to secure 35% affordable housing and the imposition of planning conditions to require, inter alia, the provision of a pedestrian crossing and bus stops on both sides of Milford Road and an alternative route being created through the site to provide access to the rear of the houses off Goldcroft.

The planning policy stance since the determination of the 2005 application has not materially changed: there is still a presumption against the loss of valued local facilities and services and local plan policy CR12 is still in place. In terms of "material considerations" the site is in a disused and untidy state, was last in use as an allotment in October 2002, and is subject of an extant permission for a residential development. In terms of local plan policy CR12 the applicant advises:

The allotments in question are not necessary and are surplus to requirements and no ploholders will be displaced as there are no tenants on site.

I can confirm that this is still the case and, to give the wider picture, would confirm that a total of 8 allotment plots are currently available to let on 5 of the Town Council's allotment sites.

There are currently 12 persons on the waiting list for an allotment plot, all of whom have expressed a preference for a particular site(s) and are prepared to wait until a plot becomes available on a site of their choice rather than take up one of the currently available plots. Consequently, all demand for a plot can be met, and the proportion of vacant plots immediately available to applicants wishing to take up a tenancy is currently 2.5% of the overall provision.

The Council has 326 allotment plots on 11 sites - 318 of which are currently let. The total number of plots is well in excess of the minimum provision advocated by the Thorpe Report of 1969, which suggested that the "irreducible minimum provision" should be 15 plots to 1,000 households. In the case of Yeovil Town, this equates to 204 plots. The Town Council's current provision is 60% above this figure.

The National Society of Allotment and Leisure Gardeners (NSALG) currently considers the irreducible minimum to be 20 plots to 1,000 households, which in the case of Yeovil Town, equates to 272 plots. Again, the number of plots provided by the Town Council exceeds this figure - by 20%.

A national survey carried out in 2009 in conjunction with the NSALG, which was updated in 2010, found that the average number of people waiting for an allotment plot was 58 per 100 plots. In Yeovil Town, the current figure is significantly (93%) below this figure at 4 per 100 plots all of whom could take up a plot immediately, but have declined to do so as they are prepared to wait for a plot of their choice to become available

In all the circumstances of this case it is not considered that an alternative area of replacement allotment land can be called for and that accordingly an exception to local plan policy CR12 is justified as applied previously.

OTHER MATTERS.

As applied with the original 2005 submission issues relating to the provision of a safe means of access onto Milford Road the future retention of the existing rear accessway to the properties off Goldcroft and a possible wildlife interest have been raised again.

The applicants had commissioned a report from a firm of Traffic Consultants in 2005 and this has now been resupplied with this application of renewal. This demonstrates that a safe and adoptable means of access onto Milford Road can be formed and, in addition, that the rear access serving the Goldcroft properties can be retained in full. As in 2005 the County Highway Authorities initial objection has been withdrawn and they now have no objections to a renewal. Conditions attached to the 2005 approval require the submission for approval of a scheme to provide a new bus stop on either side of Milford Road and for the provision of a pedestrian crossing also on Milford Road. These concern works on land (the highway) not in the control of the applicant and should therefore be the subject of a planning obligation and not a planning condition. The planning obligation will also concern the matter of affordable housing (35%). The wildlife interest has been re-examined by the Councils Ecologist and he is still satisfied that any potential interest is minimal and that the planning conditions imposed on the original outline approval can be carried forward. Contributions towards off site leisure and recreation facilities were sought by the Councils Community, Health and Leisure Officer further to saved local plan policy CR3. The applicants challenged this on the basis that this current application seeks a renewal and such contributions were not required under the original, and still extant, 2005 planning permission. The Councils Solicitor has been consulted in this matter and agrees, advising that this issue was not considered necessary at the time of the original submission and that in the meantime there has been no change in the planning circumstances.

RECOMMENDATION

That application 13/00541/OUT be approved subject to:

(a) the prior completion of a section 106 planning obligation (in a form acceptable to the Councils Solicitor) before the decision notice granting planning permission is issued, the said planning obligation to cover the following:

- (i) The provision of 35% affordable housing.
- (ii) Prior to the occupation of any dwelling, the provision of new and upgraded public transport infrastructure on both sides of Milford Road close to the development site in accordance with details to be approved by the County Highway Authority.
- (iii) Prior to the occupation of any dwelling, the provision of new and appropriate pedestrian crossing close to the development site in accordance with details to be approved by the County Highway Authority.

01. The proposal, in outline, by reason of its location and its juxtaposition with existing built form represents appropriate infill where a development could result that would not cause demonstrable impact upon residential amenity or upon the character and appearance of the area, subject to the approval of Reserved Matters and would not foster growth in the need to travel, in accordance with the aims of objectives of the National Planning Policy Framework and policies ST5, ST6, ST10, EC8, TP1, TP4, TP7, HG1, HG4, CR2, CR12 and EP5 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

- 01. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

03. Approval of the access, appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

04. The submitted details are indicative only and do not form part of the application and nothing in this permission shall be constructed as giving approval to the details shown on the plan accompanying the application hereby approved.

Reason: To avoid doubt as to the development authorised and to accord with saved policies ST5 and ST6 of the South Somerset Local Plan.

05. No works shall be undertaken unless details of foul and surface water drainage details to serve the development, have been submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure the site is properly drained and to prevent the pollution of the water environment and to accord with saved policies ST5 of the South Somerset Local Plan.

06. No works shall be undertaken unless details of a safe and appropriate means of access (including visibility splay, geometry and alignment) has been constructed in accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of the said Authority.

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

07. The development hereby permitted shall not be occupied until a footway/cycleway link has been constructed linking to Valley Close to the south east of the site and/or the playing field to the north east of the site, in accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of the said authority.

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

08. The existing vehicular access to the west of the site frontage (serving the rear of properties in Goldcroft) shall be stopped up, its use permanently abandoned and the footway crossing reinstated, with an alternative route being created through the development site in accordance with details which shall have been submitted to an approved in writing by the Local Planning Authority. Such works shall be completed concurrently with the new vehicular access hereby permitted first being brought into use.

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

09. The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before the 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 interest of highway safety and in accordance with saved policy ST5 of South Somerset Local Plan.

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

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

11. No works shall be undertaken until:

a) A desk study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information.

If the potential for significant ground contamination is confirmed then using this information:

b) A diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways, and receptors should be produced.

c) A site investigation should be designed for the site using this information and any diagrammatical representation (Conceptual Model). Designs should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements

d) The site investigation should be undertaken in accordance with details approved by the Local Planning Authority and a risk assessment should be undertaken.

e) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation should be submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

Reason: To prevent the pollution of the water environment and to accord with saved policy EP5 of the South Somerset Local Plan.

12. No works shall be undertaken (including any ground works or site clearance) until details of a survey and mitigation scheme to avoid harm to slow worms and badgers has been submitted to and approved in writing by the Local Planning Authority.

Such a scheme should include a survey for the presence of slow worms and badgers by a suitably qualified person, at an appropriate time of year (usually April to September for slow worms). and using appropriate techniques. Unless such a survey concludes with reasonable certainty that slow worms or badgers are unlikely to be affected, then details of the scheme should include:

For slow worms:

- Methods for the safe trapping and translocation of slow worms from areas where there are likely to come to harm from construction activities.
- Identifying refuge or reception area for slow worms and providing protection to these areas from 'construction activities'.
- Methods for preventing slow worms from re-entering areas where they are likely to come to harm from construction activities'.

For badger:

- Provision to allow badgers continued safe access to main foraging/feeding area.
- Retention of main setts (or in rare cases provision of alternative artificial setts) and measures to ensure disturbance is kept to a minimum.

For both:

- Provision of information to all construction personnel about the scheme, including nature conservation and legal implication.

Resurvey after 12 months:

If the development does not commence within the period of 1 year from the date of the most recent wildlife surveys, then a further survey shall be commissioned to ascertain any changes in slow worm or badger presence or activity before work commences.

Such surveys shall be submitted to the Local Planning Authority and approved in writing before work commences along with any further mitigation proposals that may be necessary as a result any significant changes in slow worm or badger activity.

Reason: For the protection of a legally protected species to accord with saved policy EC7 of the South Somerset Local Plan.

Informatives:

01. Having regard to the powers of the Highway authority under the Highways Act 1980, the applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Somerset County Council, South Somerset Area, Mead Avenue, Houndstone Business Park, Yeovil BA22 8RT. Application for such Permit should be made at least three weeks before access works are intended to commence.
 02. The applicant is advised that the Highway Service Manager, Somerset County Council, South Somerset Area, Mead Avenue, Houndstone Business Park, Yeovil BA22 8RT, must be consulted with regard to the required reinstatement of the verge/footway crossing at the access, which is to be closed.
 03. It is recommended that the developer investigate the use of the Sustainable Drainage Systems (SuDs) for the surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water, and include:
 - a) Interception and refuse
 - b) Porous paving/surfaces
 - c) Infiltration techniques
 - d) Detention/attenuation
 - e) Wetlands
-

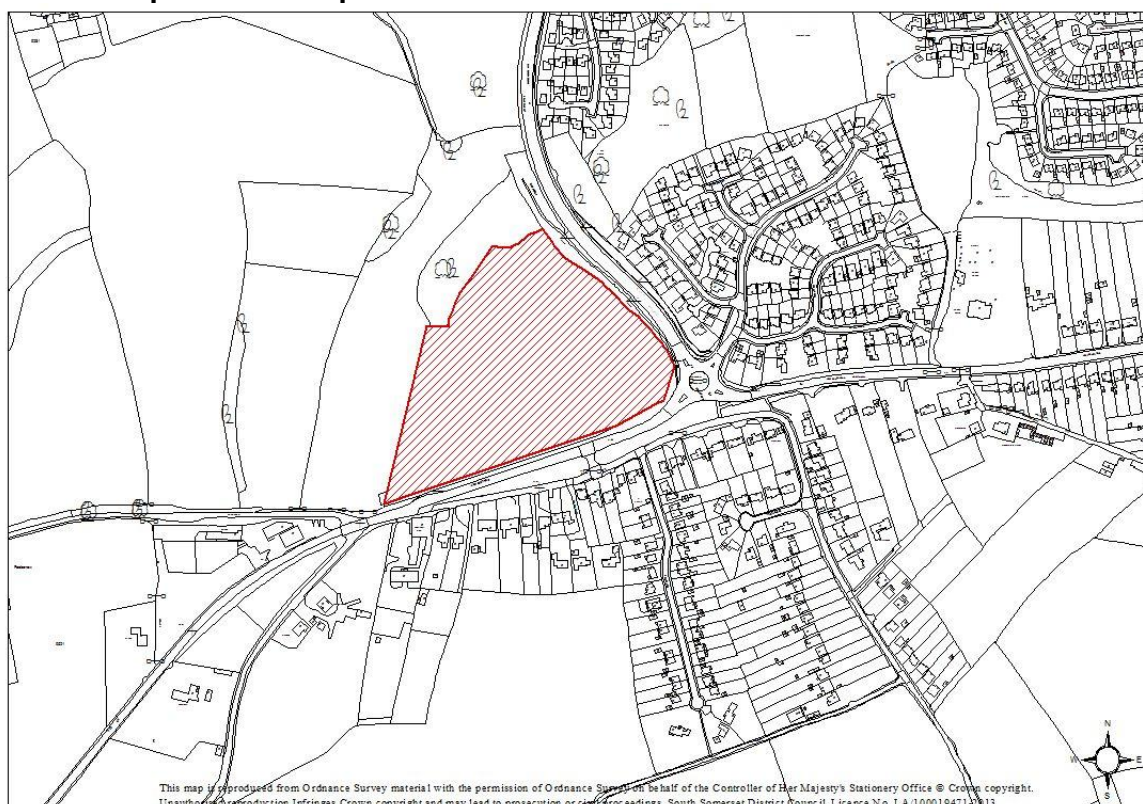
Officer Report On Planning Application: 13/01869/OUT

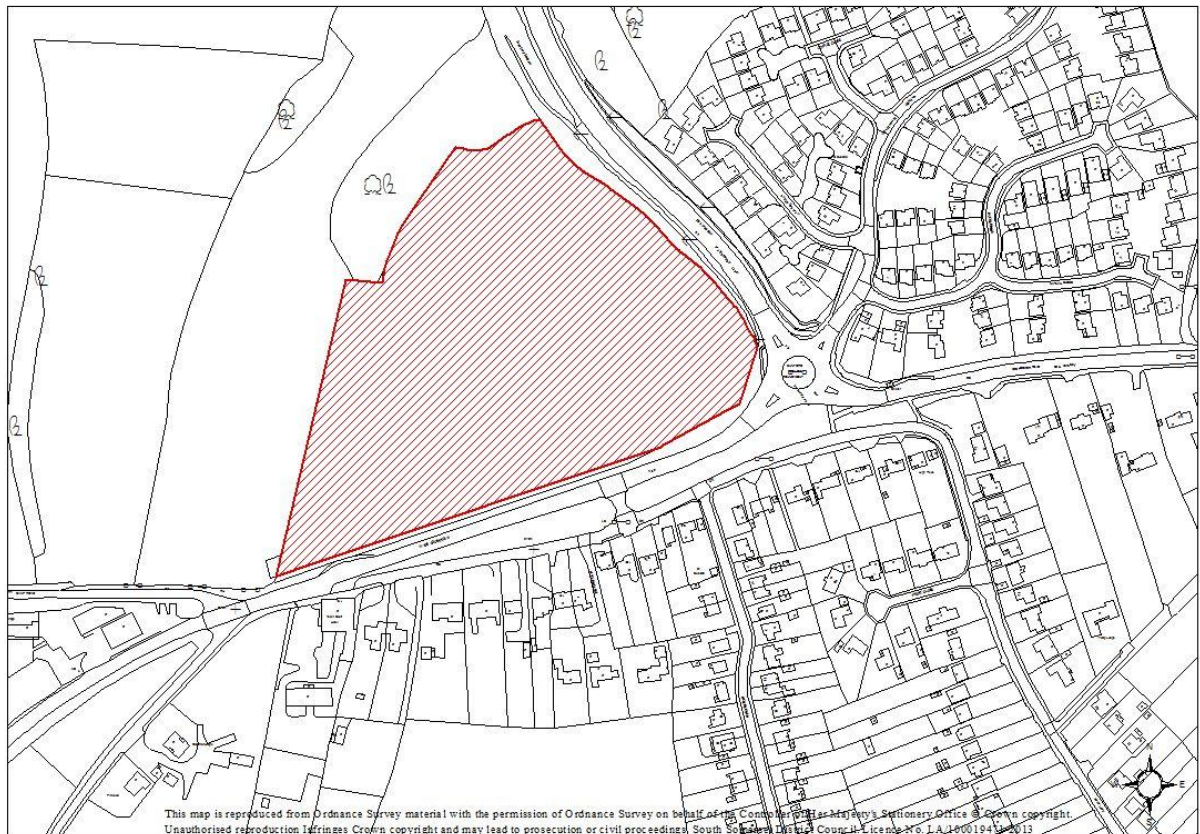
Proposal :	Residential development, associated landscaping, open space and new vehicular access. (GR 353436/114512)
Site Address:	Land Adj Bunford Hollow Roundabout West Coker Road Yeovil
Parish:	West Coker
COKER Ward (SSDC Member)	Cllr G Seaton Cllr Cathy Bakewell
Recommending Case Officer:	Simon Fox Tel: (01935) 462509 Email: simon.fox@southsomerset.gov.uk
Target date :	2nd August 2013
Applicant :	Abbey Manor Group
Agent: (no agent if blank)	Boyer Planning Ltd 1B Oak Tree House Oak Tree Court Mulberry Drive Cardiff Gate Business Park Cardiff CF23 8RS
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

Reason for Referral to Committee

This application has been referred for Committee consideration at the request of the Development Manager in accordance with the scheme of delegation and with the agreement of the Chairman due to the fact the application constitutes a major development and a departure from the local plan.

Site Description and Proposal





The application site lies within West Coker parish and comprises an almost triangular agricultural field bordered by residential development at West Coker Road to the south, Bunford Hollow/Watercombe Lane to the east and by open countryside to the north and west.

Amounting to 4.26ha, the site, known as Bunford Heights, is relatively flat as far as the northern/western edge which falls away to an attractive coombe. Distant views can be achieved here through the open boundary to open countryside. A small woodland area is evident wrapping around the northern boundary, a linear woodland is evident to the east and to the south is hedging and trees.

A public footpath (Y 29/20) runs along the eastern/northern edge and through the woodland connecting West Coker Road to Bunford Hollow/Watercombe Lane.

Whilst the site is currently outside the development limit as defined in the 2006 Local Plan, the emerging Local Plan identifies Yeovil as the prime focus for development in South Somerset. In order to develop 7,441 new homes in the town, the plan proposes an expansion of the urban area to the south and west. The application site is identified as a future direction of growth alongside the more significant sustainable urban extension. A planning policy statement and landscape assessment have been submitted to support the application.

This application, made in outline with all matters reserved for later approval except means of access, seeks to develop the site for residential purposes in the region of 80 dwellings. The application includes an illustrative masterplan. In detail the scheme seeks:

- To provide 35% affordable housing,
- To form a vehicular access from West Coker Road, including the creation of right-hand turns into the site and Nash Lane (a transport assessment and a travel plan have been submitted to support the application),
- To apply to move the speed limit further west to the Camp Hill/Holywell junction (subject to separate consent),
- To provide a Locally Equipped Area for Play (LEAP),
- To provide space for youth facilities and casual play,
- To provide two distinctive areas of public open space,
- retain prominent mature trees (a tree survey has been submitted to support the application),
- To divert the public right of way (subject to separate consent).

The applicant has also submitted the following documentation in support of the application:

- Landscape Assessment
- Flood Risk Assessment
- Drainage Strategy
- Ecology Report
- Air Quality Report
- Noise Survey
- Ground Investigation
- Utilities Appraisal

A small convenience store is located within the nearby service station to the east and this proposal includes improving general pedestrian cycle access to this local facility. The same links will also improve access to the bus stop located on the north side of West Coker Road near the Camp Hill/Holywell junction.

The applicant has held two public consultation events and a statement of community involvement has been submitted with the application.

HISTORY

No relevant history.

Attention is however directed to another current application in the vicinity, land rear of the Yeovil Court Hotel, ref 13/01791/OUT, to develop the site for residential purposes in the region of 140 dwellings.

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.

In March 2012 the existing national Planning Policy Statements and Guidance Notes (PPS's and PPG's) were superseded by the publication of the National Planning Policy Framework.

National Planning Policy Framework - March 2012

Core Planning Principles

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 11 - Conserving and Enhancing the Natural Environment
Chapter 12 - Conserving and Enhancing the Historic Environment
Annex 1 - Implementation

The Secretary of State confirmed The Regional Strategy for the South West (Revocation) Order 2013 on 20 May 2013. This had the effect of revoking the Regional Strategy for the South West and the partial revocation of the Somerset and Exmoor National Park Joint Structure Plan (all policies except policy 6 - Bristol/Bath Green Belt).

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

The policies of most relevance to the proposal are:

South Somerset Local Plan (adopted April 2006):

ST3 - Development Areas
ST5 - General Principles of Development
ST6 - The Quality of Development
ST8 - Sustainable Construction
ST10 - Planning Obligations
EC1 - Protecting the Best and Most Versatile Agricultural Land
EC3 - Landscape Character
EC8 - Protected Species
EH8 - Historic Parks and Gardens
EP1 - Pollution and Noise
EU4 - Water Services
TP1 - New Development and Pedestrian Provision
TP2 - Travel Plans
TP5 - Public Transport
HG4 - Housing Densities
HG7 - Site Targets and Thresholds
CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development
CR3 - Off-Site Provision
CR4 - Amenity Open Space
CR9 - Public Rights of Way and Recreation Routes

Other

Somerset County Council Parking Strategy (March 2012)

CONSULTATIONS

West Coker PC:

No objections but would prefer to the footpath moved further away from the roundabout.

Yeovil Town Council (neighbouring parish):

Noted.

East Coker Parish Council (neighbouring parish):

- The proposed development is on high ground and will spoil the landscape and be visible for miles.

- The West Coker Rd. (A30) is already very busy especially at the Bunford Lane /A30 roundabout, any additional traffic at peak times will make for worse congestion and safety hazards.
- Any further encroachment into open countryside should be avoided and this application should be refused until the outcome of the New Local Plan currently under consideration.

Highways Authority (Somerset CC):

The HA was consulted on this application but at the time of writing this report no formal written comments had been received. It is understood the HA did engage in pre-application discussions with the applicant's highway consultant and verbally the HA has said there are likely to be few issues with the scheme. A verbal update will be given.

SSDC Planning Policy:

"The proposal is located outside the development area set out in 'saved' policy ST3 of the Local Plan (adopted 2006). However, the Council currently only has a housing land supply of 4 years 10 months (as at March 2012). The National Planning Policy Framework (para 49) states that "relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of housing land," thereby invoking the presumption in favour of sustainable development in the NPPF, para 14. An appeal decision at Chard in November 2012 (APP/R3325/A/12/2176355) held that policy ST3 should be afforded some weight as it is in line with the general thrust of the NPPF, but noted that due to the age of the local plan and lack of five year housing land supply, para 14 of the NPPF is a material consideration of substantial weight.

Para 14 of the NPPF states permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- Specific policies in the NPPF indicate development should be restricted.

The proposal is located on the edge of Yeovil which is the most sustainable settlement in the District, and it will need to be considered whether the adverse impacts would significantly and demonstrably outweigh the benefits of additional housing. A judgement on this, and the potential restriction of specific NPPF policies, should be made in light of the responses of consultees".

The site is located with the direction of growth for the Yeovil Sustainable Urban Extension (SUE) within the emerging local plan. Although at an advanced stage given the Inspector's preliminary findings little weight can be placed upon the proposed location of the SUE at this stage. Emerging policies to support the SUE include high sustainability objectives and Garden City principles.

The proposal is located on best and most versatile agricultural land and the applicant has not addressed the issue of agricultural land quality as required in the NPPF.

It is not felt prematurity (that would prejudice the emerging local plan) could be justified despite the Inspector's comments.

"Overall, the proposal is contrary to 'saved' policy ST3 of the adopted Local Plan but the current lack of a 5 year housing land supply means that there must be significant reasons to object to the scheme. Although the location is consistent with the latest version of the emerging Local Plan, this cannot be given much weight in light of the Inspector's preliminary findings as explained above. Therefore, I do not raise a planning policy objection against the principle of development, subject to the applicant addressing the issue of agricultural land quality and there being no significant adverse impacts raised by other consultees".

SSC Archaeologist:

"The site lies within an area of high archaeological activity ranging from Bronze Age cremation burials (to the north of the proposal site), a Roman settlement to the south and a barrow cemetery to the west. Therefore the proposal has very high potential to impact on reasonably significant heritage assets. However, there is currently insufficient information contained within the application on the nature of any archaeological remains to properly assess their interest.

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 is likely to require a desk-based assessment and a field evaluation as indicated in the National Planning Policy Framework (Paragraph 128)".

SSDC Conservation Officer:

Verbal discussion, happy to defer judgment upon setting of the RP&G to SSDC Landscape Architect in consultation with English Heritage.

English Heritage:

"We note that the proposed location of the development lies in proximity to a number of designated heritage assets. These include:

- The Scheduled Monument at Chessels Roman villa (ref. 1006186);
 - The Grade II* Registered Park and Garden of Brympton d'Evercy (ref. 1000506);
- and

- Buildings Listed at Grades I, II* and II located within the Brympton d'Evercy park.

We therefore consider that the application has the potential to impact on the setting (and therefore the significance) of these designated assets.

We have considered carefully the documentation submitted with the application and our records of the heritage assets in this locality and have come to these conclusions:

1. We do not believe that the proposals would result in a significant impact to the setting of the Scheduled Monument (Chessels Roman villa) as there is no intervisibility between the proposed site and the Scheduled Monument;
2. There appears to be some degree of intervisibility between the proposed site and parts of the Registered Park and Garden, and possibly also some of the Listed Buildings contained within the Park. Our impression at the moment is that any impacts to the setting of the assets noted above would be relatively minor due to the distance between the assets, the local topography and the screening by existing trees and boundaries".

Further information required with respect to issue 2 in the form of an addendum to the Landscape Assessment.

Upon receipt of landscape assessment addendum:

Comments awaited.

SSDC Landscape Architect:

"The site falls within the scope of the peripheral landscape study, where it was found to be sufficiently well related to the town's edge, to have a capacity for development. This potential is explored further by the landscape assessment submitted by the applicant, and in general I concur with its findings, that the site can readily accommodate development providing the sensitivities of the site are respected. I would define these sensitivities as the careful arrangement of development along with appropriate planting mitigation where the site faces Brympton d'Evercy; the retention of the woodland that wraps around the north face of the site; similarly, the retention of the tree and shrub belt that acts as buffer between the site and Bunford Hollow; and a suitable frontage

incorporating open space to 'mirror' the character of the land to the opposite side of the West Coker Road.

The illustrative masterplan is further developed from earlier iterations, and I am satisfied that its proposed arrangement of the residential areas, in relationship with the suggested locations of proposed open space, planting mitigation; and management of existing woody vegetation, has the potential to deliver a suitable and appropriate development layout".

Two issues with the indicative design are highlighted but otherwise a landscape masterplan should be conditioned.

Upon receipt of landscape assessment addendum:

The brief of EH has been fulfilled, it indicates that there is minimal intervisibility between the site and Brympton HP&G and there is scope to mitigate what little of the site will theoretically be seen. From the HP&G the site will be seen alongside established development form.

Strategic Housing:

Current policy requires 35% affordable housing split 67:33 in favour of social rent with access to further public subsidy. Based on 80 dwellings this would require 28 units to be affordable 19 social rent and 9 shared ownership or other intermediate solutions - 1x5bed, 1x4bed, 8x3bed, 12x2bed and 6x1bed). The affordable units should be pepper potted throughout the site.

SSDC Ecologist:

General agreement with the findings of the extended phase 1 ecological assessment.

There is a main badger set with an annexe and outlier setts along the north east boundary. The development is unlikely to impact on the badgers but there will be a moderate risk of significant damage and disturbance by badgers to domestic gardens. A badger proof fence is suggested along this boundary.

The route of the diverted right of way should take into account the presence of the badger setts.

Dormice surveys are on-going. Dormice could potentially be present along the boundaries of the site and it is strongly recommended the survey is completed prior to a detailed application being submitted, to be secured by condition.

If dormice are present and if the south boundary hedge will be removed, then an assessment against the three derogation tests of the Habitats Regulations 2012 will be a legal requirement in the determination of this application. Permission can only be granted if all three derogation tests are satisfied.

Somerset Wildlife Trust:

SWT support the recommendations within the extended phase 1 ecological assessment. Native planting will have additional benefits for wildlife. Future householders should be advised of potential intrusion by badgers and whilst the badger proof fence is welcome it may be sensible to completely separate the wood land boundary and the gardens of the adjacent housing. Bird boxes within the development are recommended.

SSDC Tree Officer:

The oaks and hawthorn on the southern boundary are worth retention for screening and amenity value. The large verge opposite provides an opportunity to radically improve the amenity and distinctiveness of one of the main entrances into town.

The steep embankment on the eastern side is a neglected linear woodland which require management prior to the introduction of residential development.

A beech tree in the corner nearest the roundabout has not been picked up by the survey and should be retained.

The northern boundary has a mature neglected woodland adjoining. Again management is required if introducing a residential development.

Tree protection, management and planting details should be addressed at the reserved matters stage.

SSDC Rights of Way Officer:

"This looks like a good scheme for the reasons stated, leaves the new route in countryside or potential green corridors out of this development site and also removes the potential hazard of badger setts in the copse near the recorded route".

SSDC Community, Health and Leisure Service:

Space for on-site outdoor play and youth facilities is shown on the indicative plan. Financial contributions to equip these areas are sought:

- Equipped play space contribution of £68,817.45 with a commuted sum of £39,750.05; Trigger Point for contribution = Occupation of 20 dwellings,
- Youth facilities contribution of £13,512.58 with a commuted sum of £4,995.84; Trigger Point for contribution = Occupation of 20 dwellings,

In the case of other categories of provision financial sums to cater for off-site provision (new provisions or enhancements of existing facilities) are sought.

Categories of provision and levels of contribution include:

- Playing pitches contribution of £31,744.83 with a commuted sum of £22,651.47 (dedicated to the enhancement of existing pitches at West Coker Recreation Ground or the enhancement of existing pitches or the provision of new pitches at East Coker Recreation Ground or in Yeovil); Trigger Point for contribution = Occupation of 40 dwellings,
- Changing room contribution of £64,451.87 with a commuted sum of £5,184.99 (dedicated to the provision of new changing rooms as part of a project to develop a new community hall/changing room facility at West Coker Recreation Ground); Trigger Point for contribution = Occupation of 40 dwellings,
- Community hall contribution of £123,375 (dedicated to the community hall element of the project to develop a new community hall/changing room facility at West Coker Recreation Ground); Trigger Point for contribution = Occupation of 40 dwellings,
- strategic off-site provisions in Yeovil; Trigger Point for contribution = Occupation of 60 dwellings:
 - swimming pool - £29,584.20
 - sports hall - £48,497.15
 - indoor tennis courts - £18,961.74
 - synthetic turf pitches - £6,432.33
 - theatre and arts centre-Octagon Theatre - £25,043.53

Commuted sums relate to a 10-yr maintenance period for the facility.

Should the corresponding infrastructure not be provided within:

- A 5 year period (equipped play space, youth facilities and community halls provision); or
- A 10 year period (all other categories of provision),

The individual contribution may be reclaimed.

The overall contribution totals £508,033.06 (or £6,350.41 per dwelling). This will be index linked. This total also includes a 1% Community, Health and Leisure Service Administration fee (£5,030). An additional Legal Services fee and separate S106 Monitoring fee will also be applicable.

SSDC Open Spaces Officer:

"I have no objections to this outline application but I am mindful of policy CR2 and the Design Guide Addendum which will need to be adhered to at the reserved matters stage".

SSDC Environmental Protection Officer:

Concern regarding noise exposure to dwellings due to road traffic noise. The predicted exposure levels indicate that the properties closest to Bunford Lane and the A30 will be affected most. Other dwellings deep into the estate are likely to be sheltered from the noise and not greatly affected. It is important to protect outdoor and indoor residential amenity of future residents as far as possible. Condition proposed for a scheme of sound insulation.

SCC Education:

A general overview of school places in the area is given. The development would bring about the need for additional primary school places and secondary school places and so a financial contribution is sought. In the case of primary school places (based on 80 dwelling) this is £196,112 and for secondary school places this is £203,159 with provision for pro-rata calculations if dwelling numbers increase or decrease at reserved matters stage.

Wessex Water:

Foul drainage options to be discussed. Surface water disposal via SUDs arrangement. There is limited capacity in the local water supply network to serve the proposed development. Further discussions are needed with the applicant with off-site works potentially required to ensure adequate water pressure is maintained.

Environment Agency:

No objections subject to conditions and informatives relating to:

- A scheme for surface water run-off based on the submitted FRA
- Contamination risk
- Sustainable construction
- Pollution prevention during construction
- Waste management

SSDC Technical Services:

"The drainage strategy set out in the drainage report and the FRA identify use of soakaway drainage for roof water and attenuated flows from highways. This strategy is satisfactory but details will be required for approval in due course".

No comments have been received from the Garden History Society, Somerset Waste Partnership, Yeovil Chamber of Trade and NHS Primary Care Trust.

REPRESENTATIONS

Neighbouring properties to the site have been notified. A press advert has been placed and 2 site notices have also been displayed (major development).

3 representations have been received; a summary of comments:

- Existing tall trees must be kept in place on edge of site along A30 and roundabout, along with hedges already place.

- Although 40mph the road between the Bunford Hollow roundabout and the White Post Garage is a fast stretch of road and many accidents have occurred at these junctions.
- This proposal will increase traffic and tailbacks already exist. This may delay emergency vehicles.

CONSIDERATIONS

The application raises numerous issues, each will be considered here in turn. This is an outline application for approximately 80 dwellings with all matters except means for vehicular access, reserved for future approval. As such many matters of detail including design, specific layout and residential amenity are those issues not able to be examined at this stage.

Principle of Development

The proposal is located outside the development area set out in 'saved' policy ST3 of the Local Plan (adopted 2006). However, as the planning policy team has confirmed as of March 2012 the Council only had a housing land supply of 4 years 10 months. The National Planning Policy Framework (para 49) states that "relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of housing land", thereby invoking the presumption in favour of sustainable development in the NPPF, para 14.

Paragraph 14 of the NPPF is therefore a material consideration of substantial weight. It states permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- Specific policies in the NPPF indicate development should be restricted.

The comments of East Coker are acknowledged but the proposal is located on the edge of Yeovil which is the most sustainable settlement in the District. It is acknowledged that the proposal is contrary to 'saved' policy ST3 of the adopted Local Plan but the current lack of a 5 year housing land supply means that there must be significant reasons to object to the scheme and it will need to be considered whether any adverse impacts would significantly and demonstrably outweigh the benefits of additional housing.

The Planning Policy Team has highlighted that the Yeovil West ALC map identifies the application site as Grade I agricultural land. It was commented that the applicant had failed to recognise this and justify its loss in accordance with Policy EC1 of the Local Plan. The agent has since commented, "Analysis of the periphery of Yeovil identifies that much of the land adjoining this settlement is best and most versatile agricultural land [Grades 1, 2 and 3a]. You will be aware that through the Local Plan Examination, the District Council accepted that the spatial strategy that supports development at Yeovil would necessitate the development on best and most versatile agricultural". It is true to say that the site has been identified as part of the direction of future growth for Yeovil and therefore, has, by default accepted and justified the loss of such land and the opportunities to use poor quality land are very limited.

It is therefore a matter of assessing potential impacts within this application, which seeks outline consent with all matters reserved except means of access.

Layout, Landscape Impact

The application site does represent a natural rounding off to the south west of Yeovil's urban area and is a flat site adjacent to a steep sided coombe. To the north is land with approval for new commercial development. Save for the public right of way that crosses through it the site is well hidden from other public vantage points by existing planted boundaries on the east and southern sides and by the wooded area to the north/northwest. The Landscape Assessment confirms the site 'is a logical extension of Yeovil's built form' and this view is accepted by the Landscape Architect.

With the built form of the development to be proposed and agreed via the reserved matters application there are no specific aspects to assess, however the Design and Access Statement does indicate the site would accommodate mostly two-storey development with some three storey units to act as focal points. The indicative masterplan also shows the areas of public open space, the equipped play areas, and the area of casual play to the western where the best views can be enjoyed outwards but also where the site is marginally more exposed to distant views inwards. The Landscape Architect has already identified that the built form along the western edge will need careful consideration in terms of precise siting, mass and scale.

The application has been made on the basis that the site would accommodate approx. 80 dwellings at approx. 33 dwellings per hectare. It is not intended to restrict the number of dwellings by condition, rather to assess the final number at the reserved matters stage as the breakdown of apartments and dwellings will then be known. It is noted the transport assessment tested 92 dwellings.

The historic park of Brympton d'Evercy is just under 1km to the west of the site. The Historical Assessment of Yeovil Periphery (July 2010) notes that the park and gardens of Brympton d'Evercy are Grade II* listed and were originally laid out in the 17th Century. The pleasure grounds are described as extending to 9 hectares and the park to around 36 hectares. Brympton House is Grade I listed. Whilst the wider area is considered highly sensitive in terms of both the receiving landscape and the setting of historic assets only the western tip, where the open space is proposed, falls within the visual envelope of the Historic Park and Garden. This is mostly due to the existing wooded area to the north/north west. Proposed planting along the western edge would also provide a robust and defensible edge to the expanded settlement and one that reflects local landscape character.

In light of comments made by English Heritage during the course of the application a further assessment was made regarding the impact on the Historic Park and Garden and the degree of intervisibility. English Heritage has been asked to assess the addendum and although an initial reaction was positive no formal comments have been received. Based on the initial reaction and the comments of the Landscape Architect, on whose view English Heritage were taking note it is considered reasonable to proceed on the basis that there is no issue here.

Notwithstanding the comments of East Coker Parish Council, it is considered the site can be developed, if in the spirit of the indicative masterplan, in a manner to safeguard the setting of the Historic Park and Garden and the wider landscape in general in accordance with the NPPF and Local Policies ST5, ST6, EC3 and EH8.

In terms of layout the application has been accompanied by a noise assessment which identifies road noise as a constraint. The Environmental Protection Officer has reviewed the assessment and has concluded that the imposition of a condition requiring a sound

insulation scheme should be submitted with the application for reserved matters. It is considered this approach will safeguard residential amenity and accord with local plan policies ST6 and EP1.

Archaeology

Although not shown as an area of archaeological interest within the Local Plan the County Archaeologist has requested further information prior to determination. It is said the site lies within an area of high archaeological activity ranging from Bronze Age cremation burials (to the north of the proposal site), a Roman settlement to the south and a barrow cemetery to the west. The proposal, therefore, has very high potential to impact on reasonably significant heritage assets.

To fulfil the requirements of the NPPF the applicant has commissioned a geophysical survey and a Written Scheme of Investigation is being compiled. The applicant's intention is to carry out further field investigation subject to a condition, but without the Written Scheme of Investigation being submitted to the County Archaeologist and without his agreement to the imposition of further field investigation by condition it may be the case that the matter is not satisfactorily resolved at the time of the committee meeting and therefore the recommendation reflects this.

Highway Implications

The application is supported by a Transport Assessment. No formal comments have yet to be received from the Highway Authority. However, pre-application discussions did take place between the applicant's highway consultant and the Highway Authority and during the course of the application the Highway Authority, through verbal discussions, have not alluded to any substantive issues. On this basis it is fully expected that no issues will arise but conditions may be suggested and these will be orally updated.

The proposal seeks to create a vehicular access off West Coker Road, it would be located approx. 70m to the west of the junction with Nash Lane and approx. 175m from the roundabout. To facilitate access into the site and enhance access to Nash Lane right turn lanes would be created and the carriageway widened locally to three lanes. In tandem with this is a proposal to extend the 30mph speed limit past the site and further west past the White Post Garage. The comments of West and East Coker Parish Council's regarding the highway matters are noted, but the point of access is deemed to be the best location given the options available.

In addition to the vehicular access the proposal shows improved pedestrian connectivity on a east-west axis along West Coker Road from the roundabout across the frontage of the site in the form of a footway/pavement link to the White Post Garage. The garage contains a well-stocked convenience shop and at present has very poor and potentially unsafe pedestrian access. The footway/pavement will also take in and improve access to the bus stop which is on the east bound carriageway and itself will be upgraded. During the course of the application a request was made to improve pedestrian linkage on a north-south axis across West Coker Road. The revised indicative plan and a separate plan showing the access arrangements now show such a crossing point via a pedestrian central refuge island close to the proposed new vehicular access. The crossing point will be linked to Nash Lane through the existing verge via a short pathway. An additional stretch of pavement on the site side has also been provided to link this point to the bus-stop and is seen as a real benefit all round.

The application has been accompanied by a draft residential travel plan and but as stated comments from the HA are awaited in order to conclude the proposal is in accordance with the NPPF and local plan policies ST5, TP1, TP2 and TP5.

Affordable Housing

The comments of the Strategic Housing Team are noted and the requirement for 35% affordable housing is justified by policy HG7 of the Local Plan. Whilst an indicative tenure split and dwelling size break-down is given the planning obligation will have to cater for various parameters including the securing of grant (public subsidy) and the overall dwelling numbers at the reserved matters stage. The specific location of affordable units will be assessed/determined during the reserved matters stage.

Trees

Whilst the majority of the site is an open field, it is bound by hedging and trees. Along the southern boundary adjacent to West Coker Road is a hawthorn hedge partially dominated by a line of cypress trees inclusive of several oaks and a beech. The open/fenced western boundary also has a couple of oaks within it, and the woodland area to the north/north-west includes sycamore, oak, ash, beech, hawthorn, hazel, elm and elder. Along the steep bank to Bunford Hollow on eastern boundary is a linear group of sycamore, hazel, holly, elder, oak, field maple and beech.

At pre-app stage the applicant was advised to ensure a management strategy was devised to ensure the woodland area and the eastern boundary was considered in light of the proposed residential development. A scheme which responds to the intended development will ensure residential amenity is preserved. The solution is to ensure a scheme is submitted with the reserved matters application informed by the final layout. Where retained, hedges and trees will require individual protection measures to be secured by condition.

The applicant has also made a commitment to include the wide highway verge on the south side of West Coker Road as part of the site for the basis of landscaping, with the long-term view of creating an avenue effect with retained and deliberate new planting.

Wildlife

An extended phase 1 ecological assessment has taken place and has identified badger setts and potential bat roosting habitat in the north/north-west woodland. It was considered the site had low to negligible potential to support other protected species such as slow-worm, great-crested newts and dormouse. The Ecologist noted that dormouse nest tube surveys were on-going and suggested a condition whereby a dormouse survey should be completed before the submission of a reserved matters application. The applicant's ecologist has now confirmed that the results of that survey showed no dormouse activity and concludes that 'the species is absent from the habitat bordering the development site'.

As such given the comments of the Council's Ecologist there is no need to assess against the Habitats Regulations.

Methods to mitigate potential impacts have been suggested. It goes on to say that the indicative landscaping proposal have the potential to provide ecological benefit. It is considered the proposal complies with the NPPF and policy EC8 of the Local Plan.

Drainage

Even though the site and surrounding area is shown in Flood Zone 1 and so not at risk from fluvial flooding, the application has been supported by a Flood Risk Assessment and drainage strategy due to the size of the site.

No objections have been raised by the Council's Technical Engineer or the EA. With no evident issues at this stage it is felt appropriate to request a full scheme of surface water drainage to be submitted as part of the application for reserved matters. It is considered the proposal complies with the NPPF and policy EU4 of the Local Plan.

Sustainable Construction:

The comments of the SSDC Planning Policy Team refer to emerging policies concerning sustainable construction given the site will be considered part of the Sustainable Urban Extension. With the adoption of the Local Plan now suspended, those policies can only be given very limited weight. Saved policy ST8 requires energy conservation to have been fully considered in the design, orientation and layout. At this outline stage some of those are unknown however the applicant has pointed out that the affordable housing element (35%) will be built to Code 3/4 of the Code for Sustainable Homes as required by the HCA. Otherwise the open market houses will be built to Part L of the Building Regulations. In addition the application has stated other measures that will be implemented. It is proposed to ensure these elements are incorporated, alongside that of orientation and design, in the application for approval of reserved matters.

Play, Sport and Open Space Provision

The current indicative plan shows the provision of a Locally Equipped Area for Play (LEAP), space for youth facilities and casual play and provision of two distinctive areas of public open space. The LEAP, provided in accordance with local plan policies CR2 and CR3, will serve the development and most probably children from just outside the site, as the nearest other equipped play facility is at Yew Tree Park on Lysander Road. Concerns have been raised by the SSDC Community, Health and Leisure Team concerning the location of the LEAP and Youth facilities relative to the A30. In response the indicative plan has been amended to remove a direct link into the site from the south-west corner and those facilities will now be sited behind secure boundaries.

Financial sums for various categories of off-site provision have been sought, in line with local plan policies ST10, CR2 and CR3, as detailed in the consultation response from SSDC Community, Health and Leisure. The figures given are based on the indicative number of 80 dwellings and so until final numbers are known at the reserved matters stage it is important to secure a clause in the planning obligation that means a pro-rata sum is received if the final housing numbers are above or below that 80 figure.

Public Right of Way

A public right of way currently runs from the A30 near the bus stop along the western fenced boundary, through the woodland area to a point on Bunford Hollow. There are no onward connecting paths on either a southerly or northerly direction but the route itself provides a good vantage point for westerly views and cuts the corner where the roundabout is located. In order to maximise the use of the path for recreational users whilst also mindful of other pathways and pavements connected to the development that are likely to be provided it has been suggested that the right of way be diverted into the coombe and to pass along the bottom, to the north, of the woodland area. This will also safeguard the badger setts and remove the possibility of footpaths to the rear of future residential properties. Furthermore connectivity with the Bunford Business Park, which already has approval, has been reviewed. When travelling north the current footpath

discharges out onto three lanes of the busy Bunford Hollow and by moving this point further north it is felt that the potential for crossing is enhanced where there are only two lanes and vehicles speeds are not so high. It is considered the proposed diversion will be equally convenient to users in accordance with CR9. The Rights of Way Officer has agreed this is a reasonable way forward, subject to a separate diversion application.

Planning Obligations and Viability

As detailed elsewhere in this section planning obligations are sought for affordable housing, education and play, community and sporting facilities. These will be secured by a planning obligation under Section 106 of the Planning Act. All contributions will be fixed with a clause to ensure sufficient additional pro-rata sums are secured if housing numbers go up (or down) from the approximate figure of 80.

At the time of writing this report no indication had been made regarding the viability of the development given the levels of contribution sought.

Environmental Impact Assessment

The proposal falls within the scope of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Accordingly, the Local Planning Authority is required to make a formal screening decision as to the requirement for Environmental Impact Assessment because of the nature of the proposed development and the fact that the site area exceeds 0.5 hectares.

The basic test of the need for Environmental Impact Assessment in a particular case is the likelihood of significant environmental effects on the environment. Regulation 7 requires in any event the LPA to adopt a screening opinion if it believes the application might constitute EIA development as if a screening request had been made under Regulation 5(1).

The application is supported by a suite of environmental based reports and assessments and as such the Local Planning Authority has not required the applicant to submit an Environmental Impact Assessment in support of this application.

Conclusion

With the exception of archaeology and highways there are no outstanding issues that cannot be adequately controlled by planning condition or planning obligation.

RECOMMENDATION

Grant planning permission for the following reason subject to receipt of no adverse comments regarding archaeology and highways, subject to:

- (a) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following:
 - (i) The provision of Affordable Housing comprising 35% affordable housing split 67:33 in favour of social rent with access to further public subsidy. Based on 80 dwellings this would require 28 units to be affordable 19 social rent and 9 shared ownership or other intermediate solutions - with an indicative mix of 1x5bed, 1x4bed, 8x3bed, 12x2bed and 6x1bed, all to the satisfaction of the Council's Strategic Housing Manager;
 - (ii) Community, Heath Service and Leisure contributions towards outdoor playing space, sport and recreation facilities (as detailed in the consultations section of this report), all to the satisfaction of the Council's

- Community, Health and Leisure unit based on a formula of £5,317.89 per dwelling;
- (iii) The provision of the on-site LEAP and youth facilities, capital revenue contributions for developing and maintaining the facilities, with appropriate trigger points;
 - (iv) The provision of landscaping and open space to include:
 - a) Design standard (SSDC Landscape Design - A Guide to Good Practice and the Addendum thereto).
 - b) Maintenance period
 - c) Street trees
 - d) Commuted sums
 - e) Transfer
 - (v) Enhancement of the bus stop (raised kerbs and DDA compliant) and provision of a bus shelter at the existing bus stop on West Coker Road, with a commuted sum for maintenance of the shelter;
 - (vi) Residential travel plan and sustainable travel incentives;
 - (vii) Education contribution towards to the provision of primary school places based on the formula of 30 places per 150 dwellings @ £12,257 per place with appropriate trigger points;
 - (viii) Education contribution towards to the provision of secondary school places based on the formula of 30 places per 210 dwellings @ £18,469 per place with appropriate trigger points;
 - (ix) Index linking of all financial payments, and
 - (x) A planning obligation monitoring fee (20% of the planning fee).
- (b) The imposition of the planning conditions set out below on the grant of planning permission.
01. The Council cannot demonstrate a 5-year housing land supply. Yeovil is an appropriate location for this level of development and the site is suitable in terms of its relationship to the town and its services and can be developed without causing unacceptable harm to the setting or functioning of the town. Despite being Grade I agricultural land the proposal, in outline, by reason of its location on the periphery of a sustainable settlement, its juxtaposition with existing built form and its scale represents an appropriate and logical rounding-off where a development could result that would not cause demonstrable impact upon residential amenity, highway safety or upon the character and appearance of the area, or setting of the Brympton d'Evercy Registered Historic Park and Garden subject to the approval of Reserved Matters and would not foster growth in the need to travel, in accordance with the aims of objectives of the National Planning Policy Framework, and policies ST3, ST5, ST6, ST8, ST10, EC1, EC3, EC8, EH8, EP1, EU4, TP1, TP2, TP5, HG4, HG7, CR2, CR3, CR4 and CR9 of the South Somerset Local Plan (adopted April 2006).

SUBJECT TO THE FOLLOWING:

01. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the

case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

02. The vehicular access hereby permitted shall be laid out in accordance with Drawing No.12604/T04 RevC (Hydrock Consultants, Proposed Vehicular Access Arrangement).

Reason: In the interests of highway safety to accord with policy ST5 of the South Somerset Local Plan (adopted April 2006).

03. The application for approval of the reserved matters shall indicate:
- a) Materials to be used for the external walls and roofs;
 - b) Materials to be used for rainwater goods;
 - c) The design (including joinery details where appropriate), type of material, plus proposed colour and finish of all windows and doors plus recesses;
 - d) Details of eaves/verges;
 - e) Location and design details of all vents, flues and meter boxes;
 - f) Details of all internal and external boundary treatments; and
 - g) The surfacing materials (and drainage details thereof) of all areas of hardstanding incl. driveways.

Reason: To maintain the character and appearance of the area to accord with policies ST5 and ST6 of the South Somerset Local Plan (adopted April 2006).

04. The application for approval of the reserved matters shall include details of the finished floor levels and resulting ridge heights of the buildings to be erected on the site.

Reason: In the interests of the visual and residential amenity of the area, in accordance with policies ST5 and ST6 of the South Somerset Local Plan (adopted April 2006).

05. The application for approval of the reserved matters shall make provision for a scheme of badger proof fencing within residential boundaries adjoining the woodland areas to the east and north of the site. The scheme shall include details of materials, height above ground and depth below ground, and a plan of the location and extent of fencing. The fencing shall be installed in accordance with the approved details.

Reason: For the protection of residential amenity from significant nuisance problems caused by badgers to accord with the National Planning Policy Framework and policy EC8 of the South Somerset Local Plan (adopted April 2006).

06. Prior to commencement of each significant stage of ground works, an updated survey for badger setts will be undertaken by a competent person, and if any are present within 30 metres (including on adjoining land) of the area of activity, the works shall not commence until a method statement for the protection of badgers has been produced and any necessary Natural England licences have been obtained. The method statement shall be implemented in full.

Reason: For the conservation and protection of legally protected species to accord with the National Planning Policy Framework and policy EC8 of the South Somerset Local Plan (adopted April 2006).

07. The application for approval of the reserved matters shall include a detailed surface water run-off management scheme. Unless otherwise agreed by the Local Planning Authority, the proposed surface water drainage scheme shall accord with section 5.2 and Appendix D of the submitted Hydrock Flood Risk Assessment dated April 2013. The submitted details shall also clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal to comply with the National Planning Policy Framework.

08. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtain written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

09. The application for approval of the reserved matters shall include a sound insulation scheme to mitigate traffic noise identified in the submitted Noise Assessment (SPL Acoustics-March 2013). Thereafter the scheme shall be fully implemented as part of the development and following its installation shall be permanently retained and maintained. The agreed scheme shall detail the following:
- Size and position of acoustic barriers.
 - Predicted effectiveness of acoustic barriers.
 - Maintenance arrangements of acoustic barriers.
 - Orientation and layout of dwellings.
 - Sound insulation measures of individual dwellings.
 - Predicted effectiveness of sound insulation measures in individual dwellings.

Reason: To safeguard residential amenity to accord with policies ST6 and EP1 of the South Somerset Local Plan (adopted April 2006).

10. The application for approval of the reserved matters shall include a strategy for the long-term management of the wooded areas to the east and north/north-east of the site.

Reason: To ensure landscape features are suitably managed in close proximity to residential development so as to avoid liveability issues and neighbour resentment to accord with policy ST6 and EC3 of the South Somerset Local Plan (adopted April 2006).

11. The application for approval of the reserved matters shall include the following tree protection and planting details:
- a) A layout plan of the below-ground drainage & services to be installed;
 - b) A Tree Survey, Tree Protection Plan and Arboricultural Method Statement relating to all retained trees and hedges on or adjoining the site, so as to conform to British Standard 5837: 2005 - Trees in relation to construction; which shall include:
 - i. A layout and specification of tree and hedge protection fencing
 - ii. Special protection and engineering measures for required access, installation of built structures, below-ground services, drainage and hard-surfacing within the Root Protection Areas of retained trees
 - iii. A schedule of compliance-monitoring for the duration of the construction phases of the development (inclusive of landscaping & dismantling of tree protection fencing)

Upon approval by the Local Planning Authority, the tree protection scheme shall be implemented in its entirety for both the duration of the construction of the development.

Reason: To preserve the health, structure and amenity value of retained trees to comply with the National Planning Policy Framework.

12. The application for approval of the reserved matters shall include
- a) Measures to promote sustainable construction based on the undertaking made in the letter dated 22 July 2013.
 - b) A strategy for the storage and collection of domestic recycling and refuse. Such a scheme shall include the locations of collection points (communal if necessary).

Reason: To promote sustainable construction as advocated by the National Planning Policy Framework.

13. No development shall be undertaken until the access generally in accordance with Drawing No.12604/T04 RevA (Hydrock Consultants, Proposed Vehicular Access Arrangement) has been implemented in accordance with detailed specifications to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with policy ST5 of the South Somerset Local Plan (adopted April 2006).

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

Reason: In the interests of highway safety, in accordance with policy ST5 of the South Somerset Local Plan (adopted April 2006).

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

Reason: In the interests of highway safety and residential amenity to accord with policies ST5 and ST6 of the South Somerset Local Plan (adopted April 2006).

Informatives:

01. The applicant is advised that depending on the size of the proposed dwellings at the reserved matters stage the respective number of parking spaces and requirements for bicycle storage shall be determined in accordance with the Somerset County Council Parking Strategy (March 2012), or any subsequent strategy that revokes it.
02. Landscaping is a reserved matter and the applicant is advised that within the scheme of landscaping proposed a scheme of tree planting detailing the successful establishment of container-grown trees, their sizes, locations, species and timing of planting be included.
03. The applicant is advised to note the recommendations contained within the Extended Phase 1 Ecological Assessment and demonstrate their execution in the application for reserved matters.
04. The applicant is advised to consult a suitably qualified ecologist at an early stage when working up the layout of the development at the reserved matters stage so that the impact on badgers can be fully considered.
05. The applicant is reminded of the letter to the LPA from the Environment Agency dated 05 June 2013 in which advice is given regarding flood risk, sustainable construction, pollution measures during development and waste management. A copy of this letter is viewable on the planning application file.

Officer Report On Planning Application: 10/04822/FUL

Proposal :	Single storey sales and cafe extension to north elevation, in-fill extension under existing canopy to east elevation, single storey extension to south elevation and warehouse extension to west elevation with part first floor mezzanine plant room with associated works to external areas and car park (GR 354527/115282)
Site Address:	Morrisons Lysander Road Yeovil
Parish:	Yeovil
Yeovil (South) Ward (SSDC Member)	Cllr M J H Fysh Cllr N J Gage Cllr D A Greene
Recommending Case Officer:	Andy Cato Tel: (01935) 462015 Email: andy.cato@southsomerset.gov.uk
Target date :	8th March 2011
Applicant :	Wm Morrison Supermarkets Plc
Agent: (no agent if blank)	Mr Peter Haywood Westpoint 78 Queens Toad Clifton Bristol BS8 1QU
Application Type :	Minor Retail less than 1,000 sq.m or 1ha

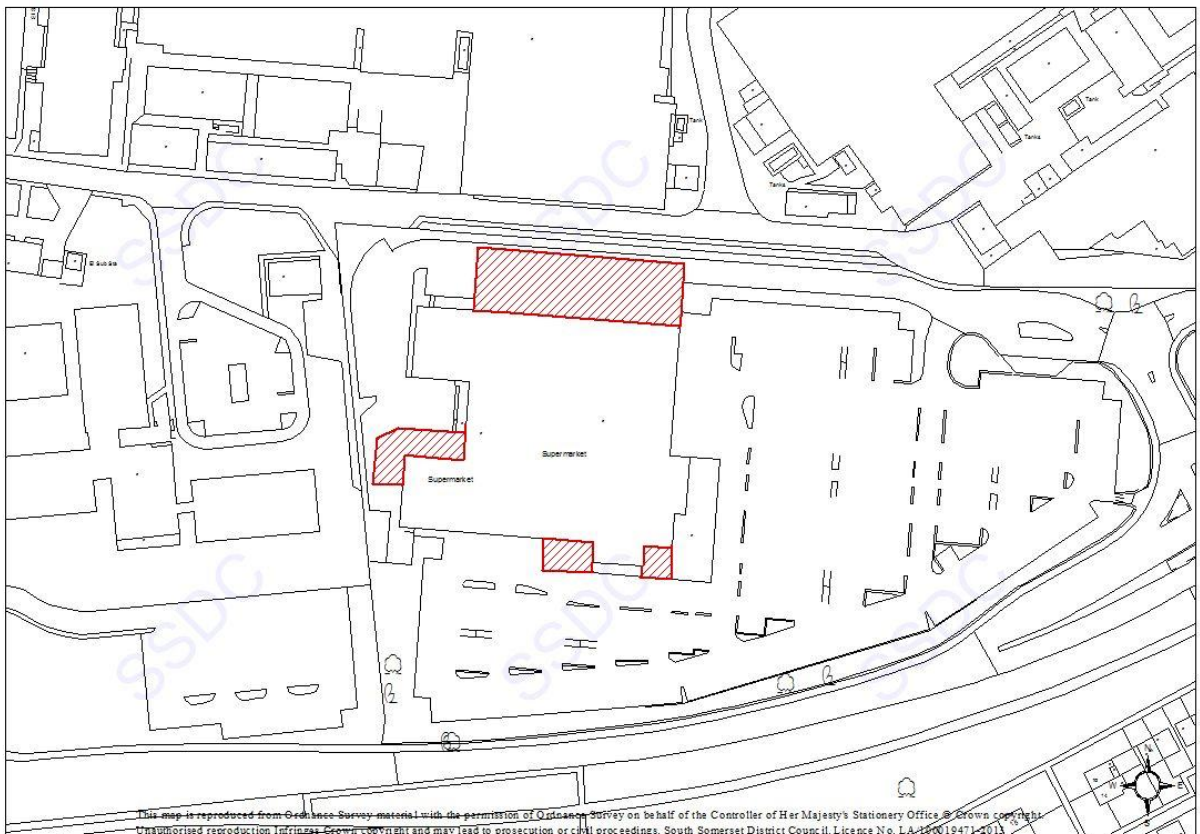
Reason for Referral to Committee

In order to consider and bring protracted negotiations over highway concerns to a conclusion.

Background

The application, submitted in November 2010, sought permission to add an extension to the existing Morrison`s retail store (detailed below). There were no objections made to this proposal subject to the prior completion of a planning obligation to secure necessary off-site highway improvements. Negotiations to secure the agreement commenced in March 2011: the principle parties being the County Highways Officers and the applicants Highway Consultants . In August 2011 work commenced on the proposed extension - it was completed and in use by Xmas 2011. The negotiations to secure the agreement have continued and, to date, have not been concluded and accordingly a decision has still not been made on the 2010 planning application.

Site Description and Proposal



The existing Morrisons foodstore is located to the north of Lysander Road some 1.3km distant from Yeovil Town Centre. The existing store comprises a 4,863 sq.m gross (2,472 sq.m net) food store with 532 car parking spaces. A petrol filling station immediately to the east forms part of the Morrisons holding and shares the same access as the food store. A number of trees on the site are subject of a Tree Preservation Order of 2002.

The application site principally relates to an area of (now former) staff parking to the north of the main store building, a footway area to the south of the store and a part of a loading bay to the west of the store. The key elements of the proposals can be summarised as follows:

1. The erection of a single storey extension along the north elevation of the store to form an expanded café and an increase in sales area (13m x 57m x 7m high).
2. The erection of two separate single storey extensions to the south elevation to provide and increase in sales area (11m x 6m and 8m x 6m x 3m high), and
3. The erection of a two storey "L" shaped extension to the western elevation to provide an extension to the warehouse (8.6m high).
4. A reduction in the number of car parking spaces from 532 to 515 spaces.

As a consequence the gross floor space will increase from 4,863 sq.m to 5,996 sq.m (the sales area will increase from 2,472 sq.m to 3,154 sq.m). No changes were proposed to the existing access arrangements or to the existing opening and delivery hours and none of the existing landscaping treatment should be materially affected and no trees will be lost.

Information supplied in support of the application included:

A Design and Access Statement,
A Sequential Assessment and Healthcheck of Yeovil Town Centre,
A Transport Assessment, and
A Drainage Strategy.

HISTORY

The early planning history relates to a use of the site by Westlands. A series of planning applications made during 1991 - 1992 (8 in all) sought permission for a retail store and petrol filling station - all were refused; permission was subsequently gained in 1994 under reference 941138. Following the development of the store and associated petrol filling station a number of planning submissions have concerned minor developments and advertisements.

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.

In March 2012 the existing national Planning Policy Statements and Guidance Notes (PPS's and PPG's) were superseded by the publication of the National Planning Policy Framework.

For the purposes of determining current applications the local planning authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the saved policies of the South Somerset Local Plan 2006.

The policies of most relevance to the proposal include:

South Somerset Local Plan (adopted April 2006):

ST5 - General Principles of Development
ST6 - The Quality of Development
ST8 - Energy Conservation
ST9 - Crime Prevention
EP2 - Potential Noise Generating Uses.
EP3 - Light Pollution.
EP4 - Waste Materials.
TP1 - New Development and Pedestrian Movement.
TP2 - Need for Travel Plan.
TP3 - Cycle parking.
TP5 - Significant Traffic Demand
TP6 - Car Parking
MC2 - Location of Shopping Development.
MC3 - Shopping Development outside of Preferred Locations.

National Planning Policy Framework - March 2012
Chapter 1 - Building a strong competitive economy.
Chapter 2 - Ensuring the vitality of town centres.
Chapter 4 - Promoting sustainable transport.
Chapter 7 - Requiring Good Design

Other Relevant Documents:

Regard should be had to Somerset County Councils Parking Strategy document dated March 2012.

CONSULTATIONS

Yeovil Town Council:
Recommend approval.

County Highway Authority:
Originally advised they had no objections subject to the prior completion of a planning obligation to concern off site necessary works to the highway (see comments under considerations). Following their unsuccessful negotiations to secure a satisfactory agreement over off-site highway works a recommendation for refusal has been made for the following reason: *The proposal is contrary to policy ST5 of the South Somerset District Local Plan and the NPPF since inadequate information has been submitted to satisfy the LPA that a satisfactory means of access to the site can be achieved*

SSDC Landscape Officer:
No objections.

SSDC Tree Officer:

No objections.

SSDC Environmental Protection:
No objections.

Environment Agency:
No objections.

Health and Safety Executive.
No objections.

Neighbours:
Adjoining neighbours have been notified and a site notice displayed inviting comments on the application. No comments made.

CONSIDERATIONS

The 2011 planning officers report on this then proposal concluded as follows:

The scheme is modest in nature and scale. The additional floor area created relates to the existing stores operations and will not impact on the main store site or its setting or impact materially upon other local or town centre facilities. As such there are no planning objections to the principle of this proposal. There will however be a knock on effect to the local highway infrastructure. In this connection the County Highway Authority have identified a need for changes and improvements to Lysander Road and such off site works and the related necessary financial contributions will need to be the subject of a planning obligation.

A recommendation of approval was made subject to the prior completion of a section 106 planning obligation to concern the off-site highway improvement works and the submission of a Travel Plan as approved by the County Highway Authority. The decision was held pending the completion of the agreement and the early negotiations held between the County Highway Authority Officers and the applicants representatives focused on the need for significant highway improvements to the length of Lysander Road i.e. as identified in the Western Corridor Study and as a result of approved schemes such as at the former Seatons Garage site and nearby approved deep discount store. The applicant submitted various proposals to the Highways Officers and these were responded to over time following a road safety auditing exercise. At various stages the scheme became tailored to suit the identified necessary improvement works as related to the development proposed i.e. a modest store extension. In this connection the County Officers have carried out audit testing on some 5 schemes and at each stage had found a need for fine tuning and correction. Eventually, in May 2013, a scheme was found acceptable to the Highway Authority in most respects. The main area of disagreement between the parties centres on the need (or otherwise) to install new traffic light apparatus to replace older stock.

APPLICANTS HIGHWAY IMPROVEMENT PROPOSALS

The applicants proposal involves the widening of the access road approach to the Lysander Road junction to provide an additional lane for left turners and provision of a new splitter island to separate the left turn movement from the ahead and right turning lane. This will include new pedestrian signal equipment at two crossing points. A new signal controller will also be provided. In addition, the applicants highway consultant has

advised a financial payment of £30,000 has also been tabled to contribute towards a new crossing south of the junction.

HIGHWAY AUTHORITIES CONCERNS

All of the existing old traffic lights need to be replaced - the old cabling will not allow the proposed new pedestrian signal controllers. Moreover, the provision of the proposed low voltage controller may not allow the monitoring of the existing old signal lamps as they use different drives. The applicants traffic consultant has suggested that the cycle times of the lights be adjusted to a shorter cycle to reduce delays at the junction. The Highway Authority are concerned that such a reduction in cycle time will have a knock-on effect on the other lights and their controllers along Lysander Road and that this will require the provision of new pedestrian crossing facilities (new lights and pedestrian controllers).

APPLICANTS RESPONSE

Based on a calculated impact of traffic within our Transport Assessment (TA), from the outset we had offered to deliver a junction improvement which would not only have provided nil-detriment to the performance of the highway network, but one which would actually provide a slight net improvement; this is despite the minimal impact resulting from the store extension. Unfortunately, since the receipt of the first highways consultation response, SCC Highways have sought a scheme which goes beyond dealing with the impact of the extension but which also removes any existing internal queuing problems and to test the proposals on a 'worst case' and 'most onerous case' basis and adopt specifications which in our view would result in improvements which are not cost effective or necessary. These were not the appropriate tests even prior to the issue of the NPPF, which now states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the developments are severe.

I appreciate that you must be guided by the highway consultation however, it is for you as Planning Authority to make the decision on this matter. Circular 3/2009 (Cost Awards in Appeals and other Planning Procedures) clearly sets out the responsibilities of planning authorities in respect of advice from highway authorities. In this regard, I consider it sensible to provide you with some context for the position you now have to report to Committee.

In order for us to provide our client with definitive advice in advance of any potential refusal, we have recently re-surveyed the Lysander Road junction during the PM peak period last Friday 7 June (by video - 16:00 to 17:30hrs).

Interestingly, when compared to our pre-extension 2010 survey flows, these post-extension 2013 flows result in only an additional 91 passenger car units (PCUs) using the store-side access arm of the junction (two way) over the course of the peak hour. This equates to 3 additional PCUs every 2 minutes on average - such increases are imperceptible in practice. As predicted within our original Transport Assessment which supported the planning application, the overall impact of the extension has been minimal.

Irrespective of this minimal change in traffic flow, it should be noted that the junction performed well and that, despite queuing back along the car park access road, traffic queuing on each arm cleared every cycle of the signals, which suggests that the junction is operating within capacity. The queuing within the site which does occur is largely a result of the very long cycle time which the junction operates on (slightly in excess of 2

minutes). My latest observations would suggest that a shorter cycle time, potentially as low as half, could be adopted which would reduce delays at the junction, not least for the superstore access arm which suffers most from the current cycle time. Indeed, the current cycle time actually generates inefficiencies in the operation of junction which results in levels of queuing and delay which could be avoided. In this regard, an offer to carry out testing of a shorter cycle time on site has been made but has been ignored

Given the position we now find ourselves in, and despite the lack of evidence that a physical junction improvement is actually required I can confirm that to date the following compromise scheme has been offered:

- 1) Lysander Road junction improvement scheme - as presented in our drawing M07008-A-100D (which had been estimated at that at a of £305,000 including a new Low Voltage controller)
- 2) £30,000 contribution to a new crossing south of the Lysander Road access junction

Given the minimal change in activity since the opening of the extension, these improvements more than mitigate the implications of the planning application.

CONCLUSIONS AND RECOMMENDATION

From the outset the applicants traffic consultants maintained that the then proposed modest extension would result in minimal additional traffic movements and that there was no need for any off-site highway improvement works. Despite this, on receipt of the Highway Authorities views, the applicants agreed to enter into negotiations with the Highway Authority for a planning obligation in the matter. Initially, the Highway Authorities negotiations looked to secure an agreement to cover highway improvement works along the length of Lysander Road and only recently agreed that the works can be restricted to the junction serving the store, petrol filling station and fast food outlet. In the meantime the applicants decided to go ahead and complete the proposed store extension the subject of this planning application.

Whilst negotiations to secure the obligation between the two parties have seemingly been at a snails-pace they have been continuous and it is only recently that an impasse has been reached. The sticking-point is the need, or otherwise, to replace the traffic light equipment at the junction. In this connection the junction improvements tabled by the applicants entail the fitting of new pedestrian controllers on the existing lights and the County Officers insist that the traffic lights are of an age and type that a) need to be replaced and b) may not be suitable/ compatible with the new controller fitting. The Highway Consultant points out however that the whilst the new controllers may not be compatible with the desired new lights which have an ELV connection the controllers are compatible with the existing lights which have an LV connection.

The planning application is to add a fairly modestly sized extension to an existing store; not to develop a new store. The information presented by the Highway Consultant demonstrates that the junction, as exists, operates in an acceptable fashion - following the construction of the extension the increase in traffic levels has been minimal.

The County Highway Authority (CHA) recommend a refusal on the grounds that, in their view, inadequate information has been submitted in order to satisfy "the Local Planning Authority" (LPA). This acknowledges that this is a matter to be determined by the LPA (District Council). In terms of the NPPF paragraph 32 states:

In determining applications which generate significant amounts of movements regard should be had to..."improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." In this connection the CHA have been asked to qualify their reason for refusal by identifying and clarify the serious nature of the road safety issue; there has been no response to this question.

The applicants offer, to carry out junction improvements and contribute £30,000 towards any further improvements, appears to be more than reasonable given the minimal change in traffic conditions since the opening of the extension and is considered to be NPPF compliant. On the assumption that Committee agree and resolve to approve the application the delivery of the off-site junction improvement works proposed by the applicant will need to be secured by means of a S278 Highway Agreement. Anticipating CHA's reluctance, there is case law on this point (*R v Warwickshire CC, ex Powergen plc - 1998*). This established that a highway authority could not refuse to enter into a S278 Agreement required for a planning permission.

Accordingly, it is recommended the Councils solicitor instructs the County's solicitor to complete negotiations to secure a S278 Highway Agreement to concern the junction improvements proposed by the applicant and a £30,000 payment to the CHA towards any other improvements they deem necessary.

RECOMMENDATION

That the application be approved subject to:

- (a) The prior completion of a section 278 Highway Agreement (in a form acceptable to the Councils solicitor(s) before the decision notice granting planning permission is issued, the said Agreement to concern off site junction improvements and a payment of £30,000 towards any other highway improvements all as approved by the County Highway Authority and
- (b) The imposition of the planning conditions set out below on the grant of planning permission:

01. The proposed store alterations and extensions by reason of the size, scale, form and appearance, respects the character of the area, does not foster the growth in the need to travel and would not have an adverse affect upon existing retail premises and the off-site highway improvements proposed are considered appropriate in this case all in accordance with the aims and objectives of saved policy ST5, ST6, TP5 & MC3 of the South Somerset Local Plan and the provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

01. Notwithstanding the time limits given to implement planning permission as prescribed by sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission(being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 30th August 2011.

Reason: To comply with section 73A of the Act.

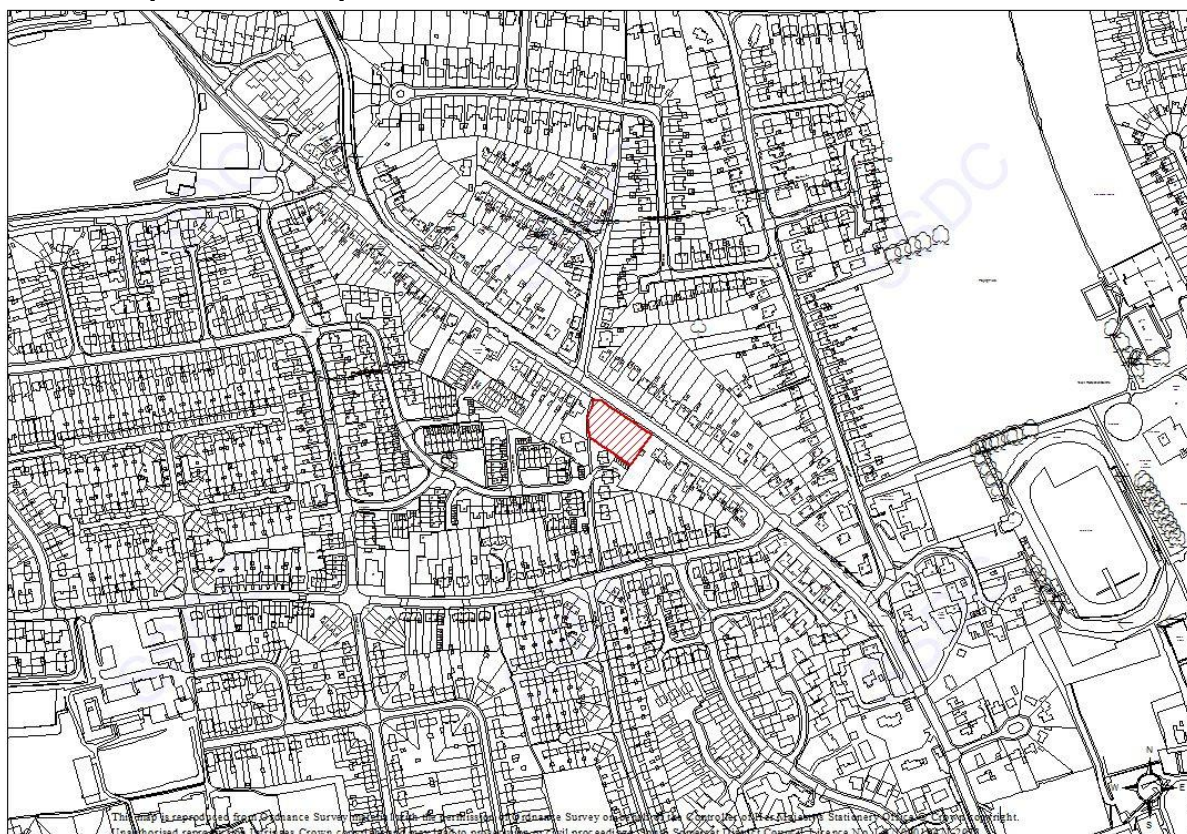
Officer Report On Planning Application: 13/01923/ADV

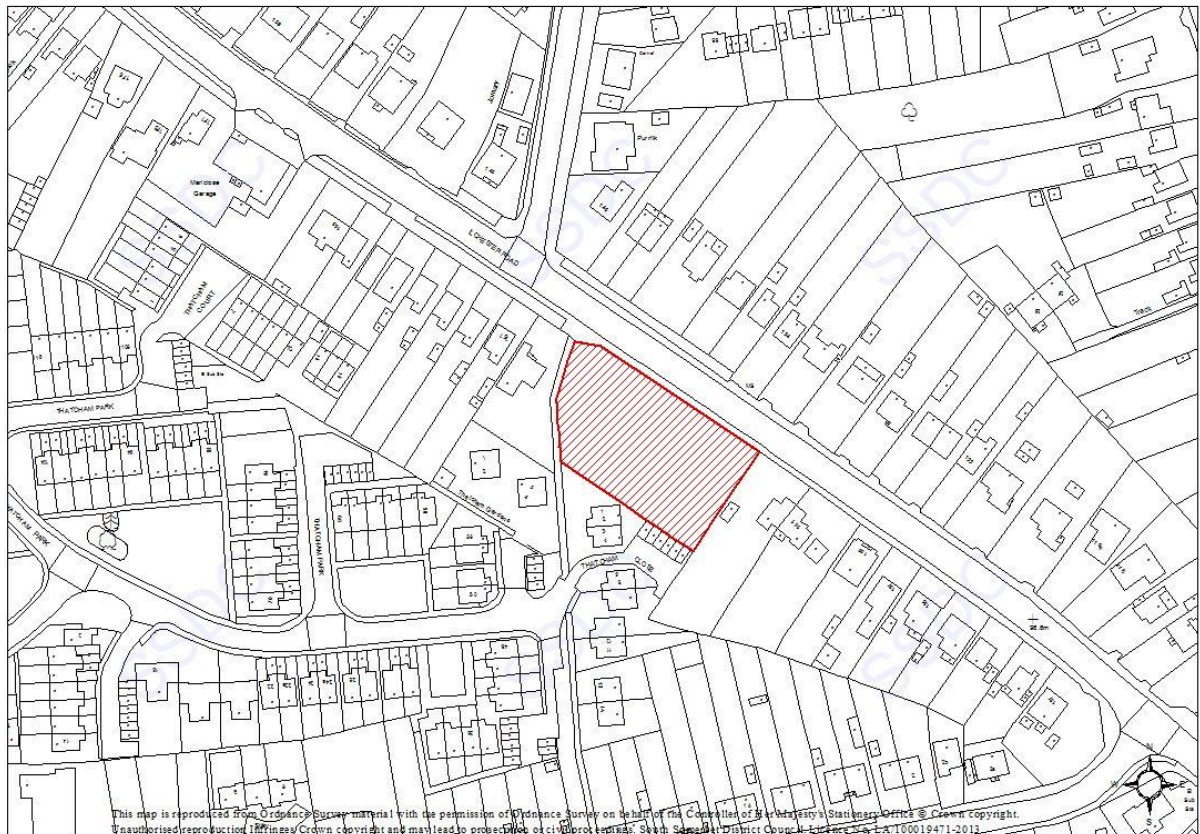
Proposal :	The display of 2 No. externally illuminated fascia signs, 2 No. non illuminated entrance signs, 2 No. non illuminated welcome/goodbye signs and 3 No. non illuminated car parking signs (GR 354793/117217)
Site Address:	Picketty Witch 147 Ilchester Road Yeovil
Parish:	Yeovil
Yeovil (West) Ward (SSDC Member)	Cllr T Carroll Cllr W Read Cllr I S Martin
Recommending Case Officer:	Jane Green Tel: 01935 462079 Email: jane.green@southsomerset.gov.uk
Target date :	10th July 2013
Applicant :	Tesco Stores Ltd
Agent: (no agent if blank)	CgMs Ltd 7th Floor 140 London Wall London EC2Y 5DN
Application Type :	Other Advertisement

Reason for Referral to Committee

The application is brought to Area South Committee in view of the Highways Authority concerns for the proposed signage along the road frontage and in accordance with the scheme of delegation as it relates to an 'A' class road.

Site Description and Proposal





147 Ilchester Road is two storey, detached property last operating as the Picketty Public House. Located on the south side of Ilchester Road the building is set back from the road and due to its size is prominent in the streetscene. It is constructed of red brick under a plain clay tiled roof and its design is fairly traditional. The building is surrounded by residential properties although there are some other commercial uses in the road. Due to the drop in levels the residential properties to the rear sit much lower than application building although the single storey former skittle alley building is located on the boundary of the property which provides a barrier in between. It is noted the property (which appears to be a flat) that is located to the south of the site has an obscure glazed window which faces the site. A large car park is situated to the east side of the building.

The application seeks advertisement consent for the display of 2 No. externally illuminated fascia signs and 2 non illuminated entrance signs on the building, 2 No. non illuminated welcome/goodbye signs at a height of 1500mm each and 3 No. non illuminated car parking signs at a height of 1550mm each.

During the course of the application amended plans were received which removed an originally proposed 3.2 metre high externally illuminated gantry sign close to the road. The illumination of the fascia signs have been changed from internal to external illumination and the welcome/goodbye signs and one car park sign have been repositioned off the highway owned grass verge. The amended plan also shows the re-use of the existing pub sign which has deemed consent.

For information the applicant is Tesco Stores Ltd and the proposed retail use does not require the benefit of planning permission from the previous use as a public house.

HISTORY

13/02240/FUL - Installation of 5 No lighting bollards - Concurrent application under consideration
13/01909/FUL - The installation of an ATM unit - Concurrent application under consideration
13/01920/FUL - The carrying out of minor exterior alterations to provide a new shop front - Approved with conditions July 2013
13/01921/FUL - The installation of 5 No. bollards - Approved with conditions July 2013
13/01922/FUL - The installation of 3 No. air conditioning units and 2 No. fan condenser units to the rear of the building - Approved with conditions
12/03904/DOC - Application to discharge planning condition No. 4 (Car Parking) of approval 12/03010/FUL October 2012
12/03010/FUL - The erection of a single storey rear extension - Application permitted with conditions September 2012
11/03843/PREAPP - Rear extension - September 2011
10/02798/PREAPP - Change of windows from metal to uPVC July 2010
71525 - Advertisement: Display of 3 canopies, 4 externally illuminated amenity boards and 2 externally illuminated signs October 1987
790172 - The carrying out of alterations, the construction of a fire escape and the provision of floodlighting to the front elevation of the Picketty Witch, Ilchester Road, Yeovil - Conditionally approved April 1979
A5007/A - Display of four internally illuminated signs at the Picketty Witch Hotel - Refused August 1970
78626 - Extension of car park at the Picketty Witch Inn - Approved March 1967

POLICY

The Secretary of State's powers to make regulations for the control of outdoor advertisements are in sections 200, 221, 223 and 224 of the Town and Country Planning Act 1990. The current regulations are the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Under regulation 3, advertisements are subject to control only in the interests of "amenity" and "public safety".

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.

In March 2012 the existing national Planning Policy Statements and Guidance Notes (PPS's and PPG's) were superseded by the publication of the National Planning Policy Framework.

Following the revocation of the Regional Spatial Strategy and the Somerset and Exmoor National Park Joint Structure Plan Review regard needs to be had to the development plan policies of the saved policies of the South Somerset Local Plan (2006).

The policies of most relevance to the proposal are:

South Somerset Local Plan (Adopted April 2006)
ST5 (General Principles of Development)

ST6 (Quality of Development)
MC7 (Design in Town Centres)
MS7 (The Control of Advertisements)

South Somerset District Council's Supplementary Planning Guidance - The Design of Shopfronts Signs and Security Measures

National Planning Policy Framework (March 2012):
Chapter 7 (Requiring Good Design) - paragraph 67

CONSULTATIONS

SSDC Technical Services:
No comment

Highways Authority:

I am aware that concerns have been raised in respect of the change of use of the public house to the retail use. It is my understanding that planning permission was not required for the change of use, for this reason the Highway Authority do not have the opportunity to assess any impact of the change of use on the adjoining highway network.

The site is located on Ilchester Road/A37 which as part of the now extinguished structure plan was defined as a National Primary Route. Notwithstanding this, Ilchester Road, is a key route in the highway network and experience high volumes of traffic.

It is noted that the Applicant is incorporating a separate in/out arrangement, however this is not enforceable on private land, therefore there would be nothing to prevent drivers entering or exiting from either point of access.

Please find attached an extract of road record denoting the highway limits, the red line of the application site has included highway land onto which two signs are proposed and I would seek that this is amended accordingly.

It is noted that the application has been amended as follows:

The change of illumination of the 2 fascia signs from internally to external illumination, the removal of the externally illuminated gantry sign from the proposal.

I have no objection to the signs which will be located on the building, however I would seek that no signage is erected along the site frontage, next to the adjoining A37 Ilchester Road, that could distract drivers and also set a precedent for further applications in this location for additional (unnecessary) signage.

Taking this into consideration if the application is not amended to omit these signs I would have no alternative but to recommend refusal on the following reason:

The proposed signs, are considered to be prejudicial to highway safety by virtue that it would be likely to distract, or confuse road users because of its size, detailing and proximity to the public highway

Environmental Protection Unit:
No comments to make

Yeovil Without Parish Council (Neighbouring Parish):

No objections. - However, we do have reservations about traffic safety and congestion as a result of the change of use of these premises. Please refer to the attached copy of a letter which we have recently sent to Somerset County Council. There may also be noise pollution problems for the nearby properties in Thatcham Park at the rear of the shop, as a result of the installation of the air conditioning equipment.

Yeovil Town Council:

Recommend approval on the original plans. Noted the amended plans

REPRESENTATIONS

32 neighbours notified, one representation received which is as follows:

"The illuminated signs will cause light to disrupt the local residents in their own homes which is unfair. This may also distract drivers on the busy road. The pub was not lit externally and therefore did not impact. Tesco is altering the visual amenity of the locality already with little consideration to community".

CONSIDERATIONS

Bearing in mind the primary use of the building as a retail store does not require the benefit of planning permission, the main consideration on this application is the impact of the proposed advertisement on the visual amenity of the area and public safety considerations.

This application is seeking advertisement consent for the display of signage on a commercial premises to be operated as a retail store.

Policy background

Policy MS7 of the South Somerset Local Plan 2006 relates to the control of advertisements and states that "permission for the display of advertisements, signs and notice boards, including on shopfronts, will be permitted where they:

"Are in keeping with the character of the surrounding area in terms of siting, design, materials, illumination, scale and number; and

Do not prejudice public safety."

The National Planning Policy Framework Chapter 7, paragraph 67 states "Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment.

Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

Visual impact

The premises were previously operated as a public house and as such signage was displayed on and around the building commensurate with that use.

The premises is located in a primarily residential area. During the course of the application amendments were sought to ensure the proposed signage was not overly intrusive in the street. The change in illumination and the removal of the large gantry sign was considered a suitable compromise to enable the applicant to advertise their site but to minimise the appearance of advertisements on the site and the overall area. The proposed signs on the building are considered to be of a commensurate scale for the size of the building. The proposed external lighting is much more subtle and sympathetic

to the character of the building than the original internal lighting proposed. The other advertisements are of modest sizes, of no illumination and are located with minimal intrusion to the streetscene.

Whilst the concerns of the neighbour is noted overall the proposed signs are a design and of a scale and proportion that is acceptable for the building and the overall site. It is considered they will preserve the character and appearance of the building and are also acceptable for this location. A condition is considered appropriate to prevent the illumination of the signs during the night when the store is closed.

Public Safety

The Highways Authority were consulted on the application and noted that some of the signs were proposed on Highway owned land. In this connection the applicant was contacted and amended plans were received showing the repositioning of the affected signs off the highway verge into the ownership of the applicant.

They note that Ilchester Road is an A road and subject to high volumes of traffic. As such they refer to the signage erected along the site frontage as potential to distract drives and also set a precedent for further applications in this location for additional (unnecessary) signage. Whilst their recommendation of these particular signs are for refusal their concerns are not wholly agreed with. The proposed signs along the frontage have been carefully assessed for their potential to clutter and cause distraction to drivers. Hence the original scheme has been amended to remove the large gantry sign which was considered visually intrusive and added clutter to the overall site which could cause distraction to drivers. It is considered the Highways concerns that these signs will set a precedent for further applications in this location is not necessarily true as the Planning Authority would have control over any such application and the cumulative impact of more signs would be assessed. MS7 of the South Somerset Local Plan does not support numerous advertisements that clutter and detract from the character of the area or distracts road users which impacts on public safety.

It is also worth pointing out that the aggregate area of the signs to be displayed on the forecourt of the premises is below that which has deemed consent under Class 6 of Schedule 3 of the advert regulations (4.6 square metres). The largest sign to be displayed is also smaller than the maximum size allowed under this class (1.55 square metres). As such it would appear if the premises was in use these signs on the forecourt would not need consent.

In conclusion this amended scheme is considered appropriate for this commercial site.

RECOMMENDATION

Grant consent for the following reason:

01. The proposal, by reason of its size, scale, design and illumination would be in keeping with the building and respects the character and appearance of the surrounding area and does not prejudice public safety in accordance with the aims and objectives of The National Planning Policy Framework (March 2012) and Policies ST5, ST6 and MS7 of the South Somerset Local Plan 2006 and adopted Supplementary Planning Guidance - Design of Shop Fronts: Signs and Security Measures.

SUBJECT TO THE FOLLOWING:

01. (a) All advertisements displayed and any land used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

(b) Any hoarding or similar structure or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.

(c) Where any advertisement is required under these Regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.

(d) Before any advertisement is displayed on land in accordance with the consent now granted, the permission of the owner of that land, or of a person entitled to grant such permission, shall be obtained.

(e) The consent now granted is limited to a period of five years from the date hereof.

Reason: To accord with the Town and Country Planning (Control of Advertisement) Regulations 2007.

02. The development hereby permitted shall be carried out in accordance with the application form and following approved plans:

Drawing numbers: 121593/AP131 Revision E date stamped as received 26 June 2013

121593/AP130 Revision A date stamped as received 15 May 2013

121593/AP132 Revision C date stamped as received 10 June 2013

Car park signage details date stamped a received 15 May 2013

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

03. The illumination hereby approved shall only be switched on during the store's opening hours.

Reason: In the interests of the residential amenity of nearby properties, in accordance with saved policy ST6 of the South Somerset Local Plan (adopted 2006).

Informatives:

01. It is brought to the attention of the applicant that the display of any further signage not subject of this advertisement application is likely to require further consent and is likely to be resisted by the Local Planning Authority.
-

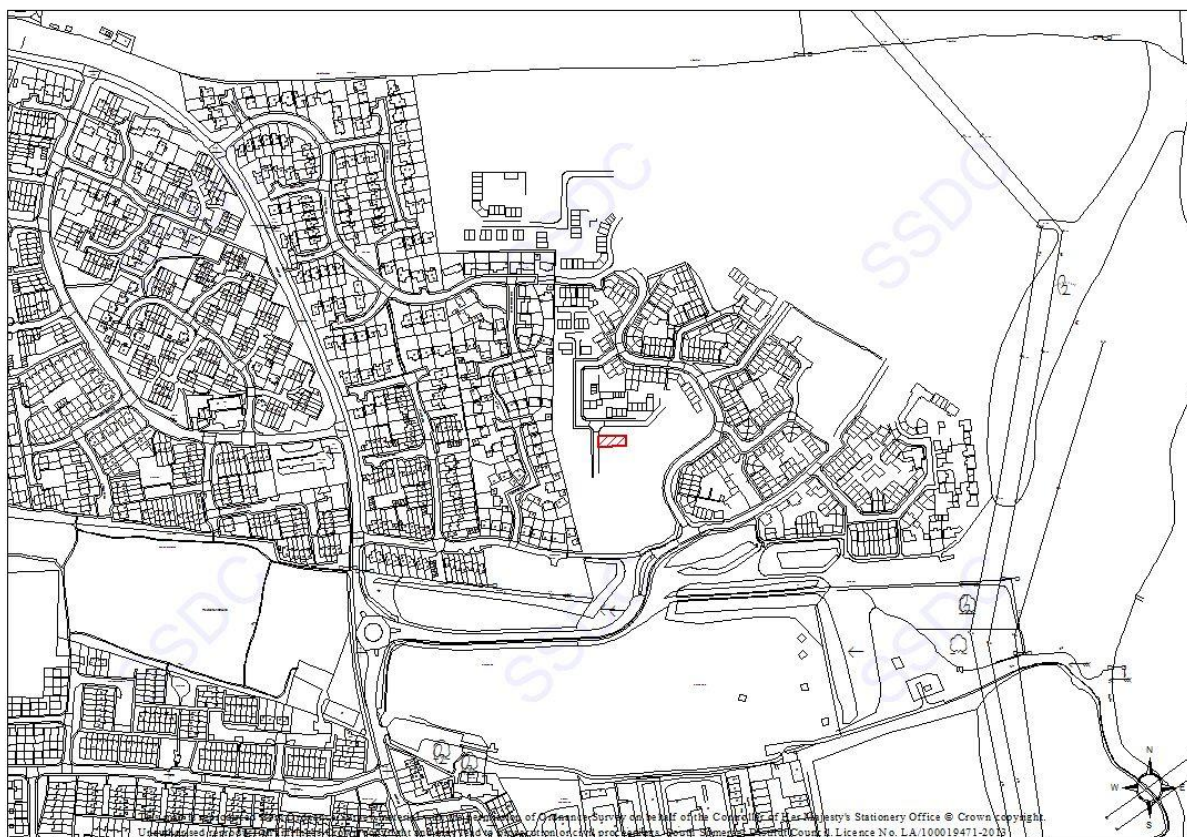
Officer Report On Planning Application: 13/02350/FUL

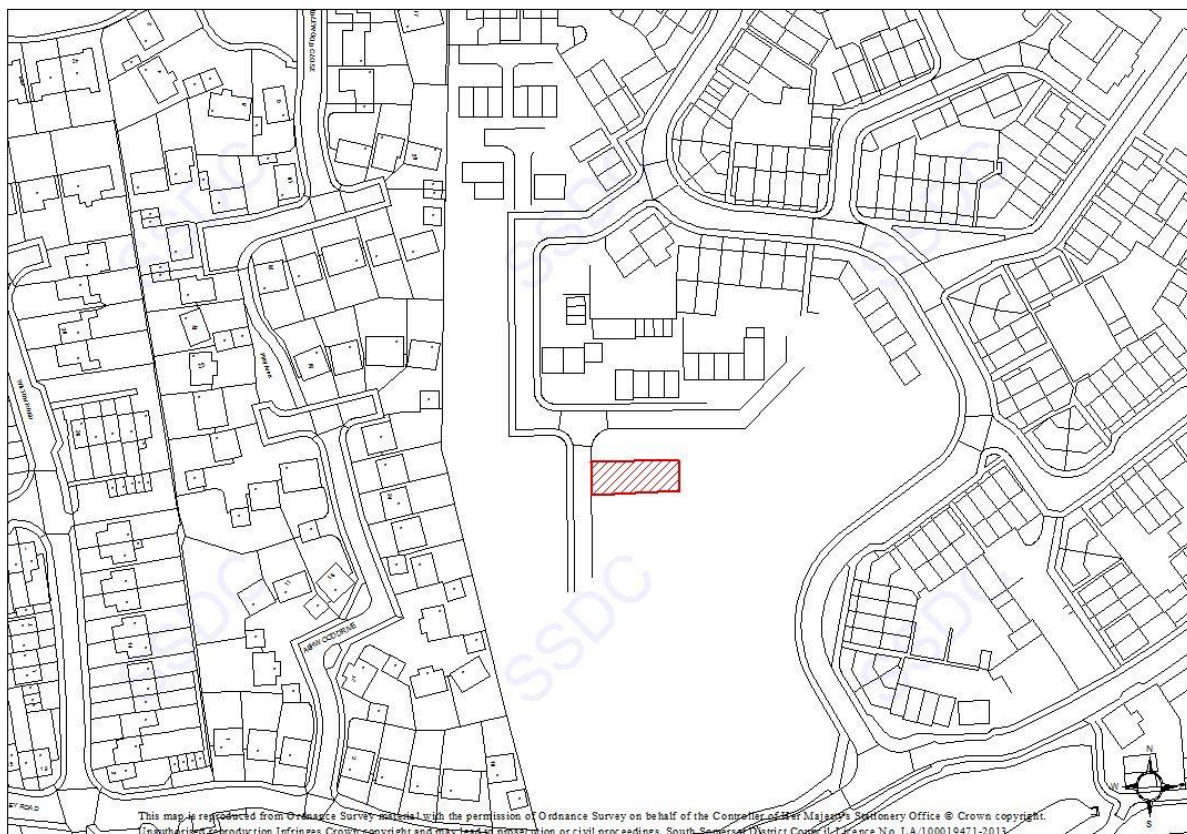
Proposal :	The erection of a single storey orangery/extension to rear and a front entrance porch (GR 357491/117621)
Site Address:	41 Raleigh Road Yeovil Somerset
Parish:	Yeovil Without
WARDS OF YEOVIL WITHOUT Ward (SSDC Member)	Cllr J Gleeson Cllr P A Lock Cllr G J Oakes
Recommending Case Officer:	Mrs Jennie Roberts Tel: (01935) 462441 Email: jennie.roberts@southsomerset.gov.uk
Target date :	25th July 2013
Applicant :	Mr D Wheeler
Agent: (no agent if blank)	
Application Type :	Other Householder - not a Change of Use

Reasons for Referral to Committee

This application has been brought before the Area South planning committee because the applicant is related to a member of the council's planning staff.

Site Description and Proposal





The site is located in a residential area within the development area of Yeovil. The application property is a detached, two-storey dwellinghouse.

The application proposes the erection of a single storey, L-shaped rear extension, measuring 5.8m at its widest point x 4.6m at its longest point, to be constructed of rendered walls under a double glazed roof.

The proposed extension would normally be permissible under permitted development rights. However, the application requires planning permission because a condition of the property's original planning consent was the removal of its permitted development rights.

HISTORY

None

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.

In March 2012 the existing national Planning Policy Statements and Guidance Notes (PPS's and PPG's) were superseded by the publication of the National Planning Policy Framework.

Following the recent revocation of the Regional Spatial Strategy and the Somerset and Exmoor National Park Joint Structure Plan Review regard needs to be had to the development plan policies of the saved policies of the South Somerset Local Plan (2006).

South Somerset Local Plan (adopted 2006)
ST5 (General Principles of Development)
ST6 (Quality of Development)

Regard must also be had to:
National Planning Policy Framework - March 2012
Chapter 7 - Requiring good design

CONSULTATIONS

Parish Council:
Recommends approval

County Highway Authority:
No observations

Area Engineer:
Surface water disposal via soakaways

REPRESENTATIONS

None received

CONSIDERATIONS

Visual amenity

Having regard to its siting, design, materials, scale, mass and bulk, it is considered that the proposed extension would have an acceptable impact on the visual amenity of the surrounding area.

Residential amenity

Having regard to its siting, scale, fenestration, mass and bulk, it is considered that the proposed extension would have an acceptable relationship with neighbouring properties.

RECOMMENDATION

Grant consent for the following reason:

01. The proposal, by reason of its siting, design, materials, scale, mass and bulk, respects the character of the area and causes no demonstrable harm to residential amenity in accordance with the aims and objectives of saved policies ST5 and ST6 of the South Somerset Local Plan (adopted 2006).

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated in section 10 of the submitted application form.

Reason: For the avoidance of doubt and in the interests of visual amenity, in accordance with saved policy ST6 of the South Somerset Local Plan (adopted 2006).

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

Plans no 1-6, date-stamped 30/05/2013.

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

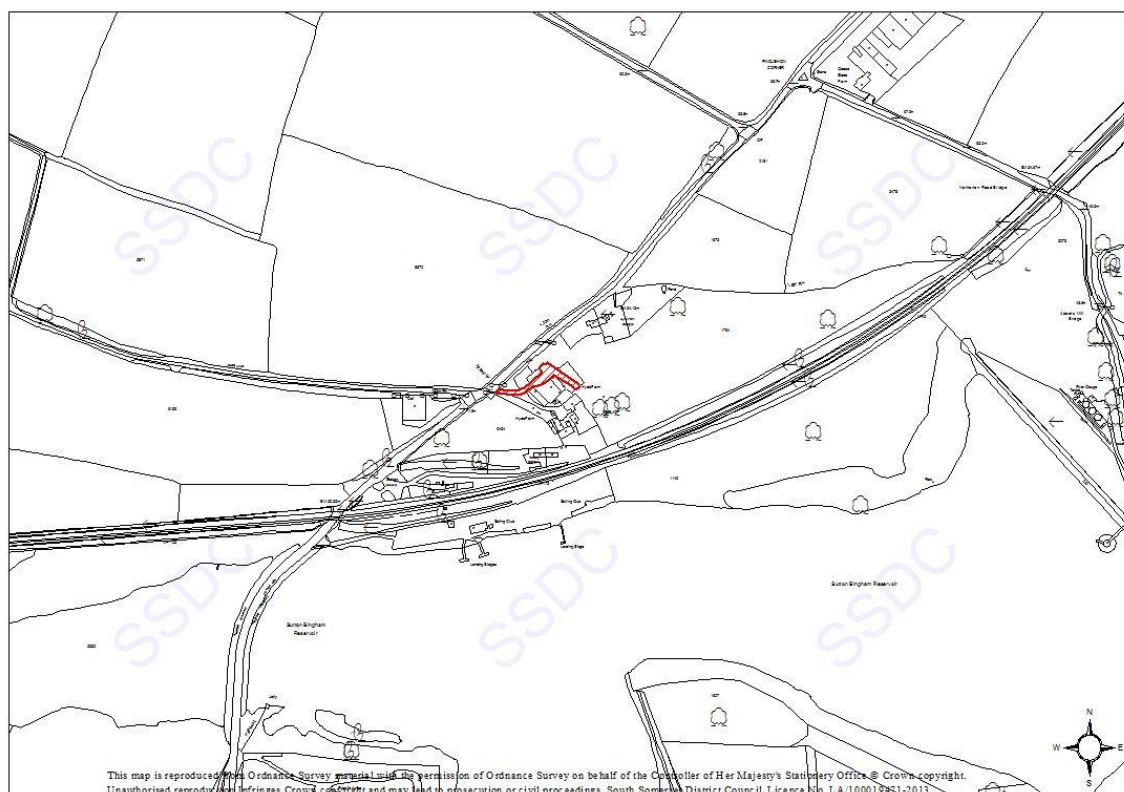
Officer Report On Planning Application: 13/02088/FUL

Proposal :	Change of use and conversion of barn to holiday let/seasonal workers accommodation (revised application) (GR 355014/111572)
Site Address:	Hyde Farm Sutton Bingham Yeovil
Parish:	Closworth
COKER Ward (SSDC Member)	Cllr G Seaton Cllr Cathy Bakewell
Recommending Case Officer:	Diana Watts Tel: (01935) 462483 Email: diana.watts@southsomerset.gov.uk
Target date :	19th July 2013
Applicant :	Mr W Rawlings
Agent: (no agent if blank)	Mr Peter Watkins Rossdale 162 St Michaels Avenue Yeovil BA21 4LL
Application Type :	Minor Dwellings 1-9 site less than 1ha

Reason for Referral to Committee

This application is to be considered by the Area South Committee at the request of the Area Chairman. It is felt that the application should be given further consideration by members due to the highway objection.

Site Description and Proposal



13/00457/LBC - Conversion of barn to holiday let/seasonal workers accommodation - refused (design and materials)
13/01630/FUL - Conservatory and porch (revised design and materials) - permitted subject to conditions
13/01631/LBC - Conservatory and porch (revised design and materials) - permitted subject to conditions
13/02090/LBC - Conversion of barn to holiday let/seasonal workers accommodation - permitted subject to conditions

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.

South Somerset Local Plan (Adopted April 2006)

ST3 - Development Areas

ST6 - Quality of Development

ST5 - General Principles for Development

EH5 - Setting of listed buildings

EH3 - Change of use and alterations to listed buildings

EC3 - Landscape character

EH6 - The conversion of buildings in the Countryside

ME10 - Tourist Accommodation

ME5 - Farm/rural diversification

Policy related material considerations

National Planning Policy Framework - March 2012

Chapter 3. Supporting a Prosperous Rural Economy

Chapter 4. Promoting Sustainable Transport

Chapter 7. Requiring Good Design

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

CONSULTATIONS

Closworth Parish Council:

No comments received (due 24/6)

Technical:

Surface water disposal via soakaways

County Highway Authority:

1. Whilst I would refer you to the observations made in respect of planning application 13/00455/FUL and that the previous comments equally apply to the present application, I have the following detailed observations to make.

In detail, the approach roads leading to the site vary in width and alignment, in addition there are no footways or street lighting. Access to the highway is from/onto a classified unnumbered highway which is subject to the national speed limit of 60mph, although the observed speed of traffic is likely to be travelling below this speed.

The existing access onto/from the highway is substandard in terms of visibility, and not commensurate with vehicle speeds on the adjoining highway, this can be seen in the photos at the end of this letter.

I would not welcome new development in this location unless essential improvements can be made, i.e. to visibility. Visibility splays need to be provided within the red line of the application site, within the Applicants ownership, it is also acceptable for splays to encroach onto highway verge, however not third party land. An extract of Road Record denoting the highway limits can be provided by contacting the Road Records Team on 01823 356010.

My colleague previously advised that splays based on co-ordinates of 2.4m x 215m is applicable with speeds of 60mph, however I would accept a lesser 'Y' distance as I consider speed would be lower than this as they approach this access.

However, there could be issues with the provision of an appropriate splay to the south west of the access as this appears to be outside of the Applicant's control.

It would need to be ensured that sufficient onsite parking and turning commensurate with the use but not to the detriment of the existing use is provided within the site, so that all vehicles can enter and exit the highway in a forward gear it would not be acceptable for any vehicles to have to reverse onto the highway at this point, particularly given the substandard visibility at the access. The site appears to be of an appropriate size to accommodate sufficient parking and turning, but I would seek that the red line is extended to include turning too.

I would seek that issues raised above are addressed to enable me to conclude my observations.

2. In response to additional information being supplied by the agent:

Further to my letter dated 20 June and the additional information received on 1 July 2013.

As previously advised access to the highway is from/onto Sutton Hill, which is a classified unnumbered highway which is subject to the national speed limit of 60mph, although the observed speed of traffic is likely to be travelling below this speed. I concur that speeds are likely to be in the region of 40mph.

My colleague previously advised that splays based on co-ordinates of 2.4m x 215m is applicable with speeds of 60mph, however I would accept a lesser 'Y' distance, therefore

splays based on co-ordinates of 2.4m x 120m to the nearside carriageway edge are considered appropriate in this location which is commensurate with speeds of 40mph.

The splay denoted to the north-east on the submitted plan only measure 20m and not 200m as stated, further more it is not included within the red line of the application site to enable its provision in perpetuity.

Whilst the Applicant has stated there would be adequate sight lines for 40mph traffic, this is clearly not the case currently, nor has it been demonstrated that it can actually be achieved to the satisfaction of the Highway Authority and denoted accordingly on the submitted plans. In the event that the splays cannot be entirely achieved, it should be shown what can actually be achieved, within the Applicant's ownership/highway land. It would not be acceptable for splays to encroach onto/over third party land.

Any works to create the splays is likely to involve works to the highway verge in addition to work on the Applicant's an extract of Road Record denoting the highway limits can be obtained by ringing 01823 356010.

Irrespective of what exists currently, the purpose of planning applications is to enable an assessment to be made and the Highway Authority have a duty of care to ensure that there are no safety issues to both users of the proposed development or those on the adjoining highway network as a result of new development taking place.

It could be argued that the proposed development would not result in a significant increase in traffic over and above what exists here currently, however it is clearly a new and additional use which will incrementally increase the risk of safety of road users in this location.

Taking the above points into consideration I would recommend refusal for the following reason:

The proposal is contrary to policy ST5 of the South Somerset Local Plan, since the existing access, by reason of its severely restricted visibility in both directions is considered unsuitable for use in connection with the development proposed.

Conservation Officer regarding the associated listed building application 13/02090/LBC:

Following lots of negotiations we are now in a position where I feel able to support the proposal. The simple form and appearance of the barn will be respected by using a limited number of openings that have been well arranged. The curtilage area is very limited. The setting and character of the building will be maintained. I therefore have no objection.

The red line does clearly define just a small 'garden' area to the northeast of the barn. You should consider how we make it clear to the applicants that the garden area must be limited to this area only - we do not want to see the parcel of land to the northwest of the barn used as a garden. Perhaps an informative could be used to clarify this.

The success of the scheme will be dependent on good detailing. Therefore I suggest the use of the following conditions, which I consider to be necessary:

No work shall be carried out on site unless particulars of the materials (including the provision of samples where appropriate) to be used for the lean-to slate roof and the

timber boarding have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.

No work shall be carried out on site unless details of the design, materials and external finish for all new doors, windows and lintels have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any work on the development hereby permitted is commenced.

No work shall be carried out on site unless details of all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

No work shall be carried out on site unless details of all new services to all bathrooms, kitchens etc, including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

No work shall be carried out on site unless details of all new external fixtures have been submitted to and approved in writing by the Local Planning Authority. This shall include details of any metre boxes, lighting, signage and TV / satellite dishes. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

No work shall be carried out on site unless details of the finish of the new metal flue have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing the flue shall have a matt black finish.

Environmental Protection Officer:

Bearing in mind that the site lies within the farmyard of a working farm, it is only suitable for seasonal workers or holiday makers, and not as permanent residential accommodation. I have no objection to the application but recommend that the accommodation is tied to the use of the farm.

Ecologist on previous application and the bat survey:

No comments

REPRESENTATIONS

A site notice was posted at the site (listed building) and nearby properties have been notified. No representations have been received.

CONSIDERATIONS

The main issues in this case are:

Planning policy and principle

The site lies outside the Development Area where policies ST3 and STR6 aim to strictly control development in the countryside to that which benefits economic activity, enhances the environment and does not foster the growth the need to travel. Policy ME10 permits proposals for new tourist accommodation outside Development Areas provided that their scale is consistent with their rural location and subject to their compliance with other plan policies. Policy ME5 states that well conceived proposals for farm diversification schemes for business purposes will be permitted subject to their compliance with other plan policies. Policy EH6 permits the change of use of a building in the countryside to a tourism use provided that a number of criteria are met. These include that the building should be 'capable of conversion without major reconstruction' and 'the bulk, form, scale and general design of the building is in keeping with its surroundings'. The Council's Supplementary Planning guidance advises how to convert an agricultural building sympathetically.

It is considered that the holiday let/seasonal worker proposal is acceptable in principle and given its location close to the reservoir could make a valuable contribution to the local tourist economy as well as giving the applicant the opportunity to provide accommodation for seasonal workers on the farm. This is a simple traditional stone barn which is listed by its association with the house and is worthy of retention and reuse.

Visual Impact

This is an important building, particularly as it forms part of the farmyard complex and is prominent in the landscape.

The plans as now amended provide a sympathetic scheme which would preserve the character and appearance of the listed building. It is considered that the agricultural character of the barn would be safeguarded due to the proposed limited and non-domestic style openings. In particular, the large vertical opening on the south elevation has now been carefully addressed. The proposed use of timber left to weather naturally and/or the more contemporary graphite coloured aluminium window frames are felt to be appropriate but the final details need to be clarified through the imposition of a condition.

The land associated with the barn is limited to access, parking and turning within the existing farmyard and a small paved area immediately to the north-east of the barn. This is clearly defined by the red line of the application site. As mentioned by the Conservation Officer, it is important that no further garden area is created to serve the barn which would detract from its setting. A note could be attached to the decision to this effect.

Sustainability and Highway safety

Some concern has been raised by the County Highway Authority about the proposal generating sole dependency on private vehicles for travel conflicting with government guidance regarding sustainable development. However, bearing in mind the level of traffic which could be generated by the farm and the fact that the reuse of such a building would be sustainable in itself, it is felt that refusing the scheme on highway sustainability grounds would be unjustified in this case.

There is ample parking and turning space within the existing farmyard to serve the proposal and this is outlined by the red line of the application site.

Following the concerns raised by the Highway Authority in respect of the previous application, the agent looked at the visibility at the entrance and originally showed a

proposed lowering of the embankment to improve current visibility to 200m. However, it became apparent that this land and much of the visibility shown was outside the applicant's control. The agent has looked again at the situation and has commented as follows:

- It is stated that the speed limit is 60mph but this would be a dangerous speed to pass the farm entrance as the road is narrow at this point and up to the bridge. A more realistic speed would be 40mph or less
- There is regular use by tractors, farm vehicles and horse riders using the exit and other sites on this road but no record of accidents caused by vehicles leaving this farm
- The sight lines given are from within the site and the entrance gate is set back from the road to allow tractors with trailers to park prior to opening the gate
- The entrance is splayed back from the road and it is unreasonable that the sight line should be within the site and not from where the driveway meets the edge of the road
- The sight lines which can be achieved (80m to the left/south-west and 80-100m to the right/north-east) are appropriate for vehicles travelling at 40mph
- There would never be a need for vehicles to reverse onto the road as there is adequate space for turning and parking in the farmyard.
- The farm used to be a dairy with a saddlery with much greater traffic, including milk tankers

The Highway Authority still believes however, that the visibility available is unacceptable and whilst the proposal would not result in a significant increase in traffic over and above that which currently exists, it would be a new use which would incrementally increase the risk of safety for road users in this location. The Highway Authority would like to see splays based on coordinates of 2.4m by 120m in both directions. The agent states that there is 80m currently available in each direction (taken 2m back in the centre of the access). When scaled off the plan it originally appeared to be only 20m but the agent has actually paced these distances out on site, confirmed that they are achievable and provided a further accurate plan. These splays however, lie mainly outside the ownership of the applicants i.e on highway land and as the Highway Officer points out, there is no guarantee that they can be provided in perpetuity. It also appears that a telegraph pole partly obscures visibility to the north-east. Highway owned grass verges lie either side of the access within the splays.

This is a sensitive and important issue. It is unfortunate that the visibility cannot be improved by the applicants but on balance, it is considered that bearing in mind the following points, it would be extremely difficult for the Planning Authority to demonstrate that the proposal would have a 'severe' impact on highway safety, as referred to in the NPPF, to justify refusing the scheme on these grounds.

When planning permission was granted in 2005 for the conversion of a saddlery on the site to residential letting accommodation, it was considered acceptable in highway safety terms as the saddlery would have generated more traffic. It could be argued that the barn itself could generate traffic but more importantly this is a working farm (cattle, sheep and part arable) believed to extend to about 145 acres. This access is frequently used by farm traffic, the applicants living in the farmhouse and tenants of the let accommodation attached to the house. The visibility does not meet today's recommended safety standards but 80m is relatively good, and it is a wide and obvious farm entrance, where the Highway Authority acknowledges that passing traffic would be more likely to be travelling at about 40mph rather than at the speed limit of 60mph. Holiday makers would be likely to use a domestic scale vehicle and enter/leave the site on average twice a day.

Not being familiar with the area, it would also be hoped that they would use the local roads with caution. When the barn would be occupied by seasonal workers on the farm, traffic movements to and from the farm would be reduced. In addition, the farm could change its activities and increase traffic on this site without any need for planning permission.

Residential amenity

Bearing in mind that the site lies within the farmyard of a working farm, the proposed accommodation is only suitable for seasonal workers or holiday makers, and not as permanent residential accommodation. This concern is reiterated by the Environmental Protection Officer and a condition would need to be imposed accordingly.

The barn is located some distance (over 100m from the nearest cottages and it is considered that there would be no adverse impact on residential amenity. No objections have been received.

RECOMMENDATION

Grant consent for the following reason:

01. The proposal, due to its design, materials and use, would preserve the character and appearance of the listed building, and the significance of this heritage asset, would safeguard residential amenity, would not result in a severe impact on highway safety and would provide new tourist accommodation or seasonal worker accommodation consistent with its location, in accordance with the aims and objectives of policies ST3, ST5, ST6, EH3, EH5, EH6, ME5 and ME10 of the South Somerset Local Plan (Adopted April 2006) and the advice contained within the National Planning Policy Framework 2012.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan received on 24 May 2013, Block Plan received 28 June 2013, Section and Construction details and Elevations, Roof Plan and Existing Floor Plan received 24 May 2013, and Sight Lines and Stopping Distances received 19 July 2013.

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

03. No development hereby approved shall be commenced unless details of the design, materials and external finish for all new doors, windows, boarding and lintels have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of the special architectural and historic interests of the listed building and in accordance with policies ST6 and EH3 of the South Somerset Local Plan (Adopted April 2006).

04. The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any work on the development hereby permitted is commenced.

Reason: In the interests of the special architectural and historic interests of the listed building and in accordance with policies ST6 and EH3 of the South Somerset Local Plan (Adopted April 2006).

05. No development hereby approved shall be commenced unless details of all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of the special architectural and historic interests of the listed building and in accordance with policies ST6 and EH3 of the South Somerset Local Plan (Adopted April 2006).

06. No development hereby approved shall be commenced unless details of all new services to all bathrooms, kitchens etc, including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of the special architectural and historic interests of the listed building and in accordance with policies ST6 and EH3 of the South Somerset Local Plan (Adopted April 2006).

07. No development hereby approved shall be commenced unless details of all new external fixtures have been submitted to and approved in writing by the Local Planning Authority. This shall include details of any metre boxes, lighting, signage and TV / satellite dishes. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of the special architectural and historic interests of the listed building and in accordance with policies ST6 and EH3 of the South Somerset Local Plan (Adopted April 2006).

08. No development hereby approved shall be commenced unless details of the finish of the new metal flue have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing the flue shall have a matt black finish.

Reason: In the interests of the special architectural and historic interests of the listed building and in accordance with policies ST6 and EH3 of the South Somerset Local Plan (Adopted April 2006).

09. The accommodation hereby permitted shall be occupied for holiday purposes only or by agricultural seasonal workers employed on Hyde Farm and such occupation

shall not exceed a continuous period of 56 days and the building shall not be occupied as a person's sole or main residence. The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of the accommodation hereby permitted on the site and of their main home addresses, and the duration/purpose of their stay and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: The unit is not suitable as permanent residential accommodation given its proximity to a working farm, the need for a limited curtilage to protect the setting of the listed building and the surrounding landscape and because the Local Planning Authority wish to ensure the accommodation is available for tourism or seasonal worker accommodation in accordance with policies EC3, EH5, ME5, ME10 and EH6 of the South Somerset Local Plan 2006.

10. The parking and turning spaces shown on the approved plan shall be kept available at all times for use by the occupants of the accommodation hereby approved.

Reason: In the interests of highway safety and to accord with policy ST5 of the South Somerset Local Plan 2006.

Informatives:

01. The applicant should note that the garden area associated with the barn conversion must be limited to that shown on the approved plans. Any extension of this area would require planning permission for the change of use of the land and such a planning application would be unlikely to be supported.
-

Officer Report On Planning Application: 13/00558/DPO

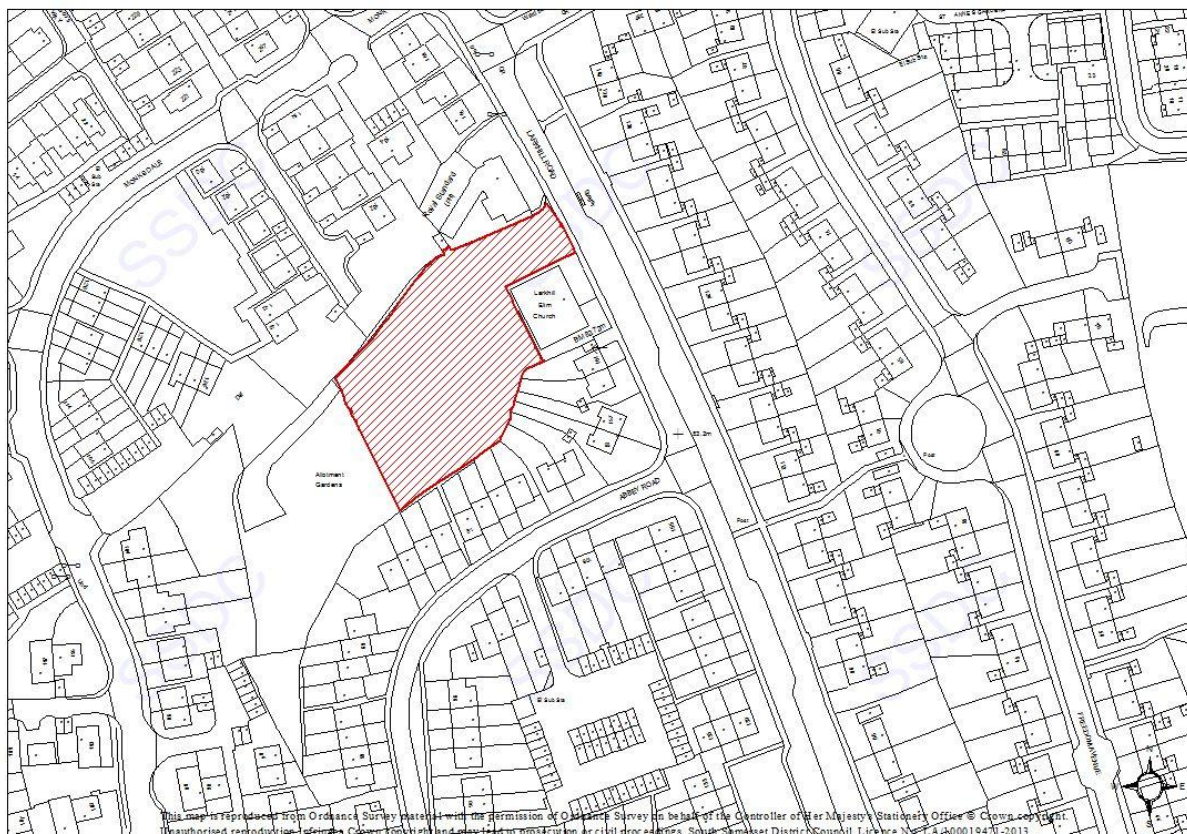
Proposal :	Application to discharge requirements to Strategic Sports contribution in relation to planning approval 09/02228/FUL (GR 355767/117164)
Site Address:	Larkhill Garage Site Yeovil Somerset
Parish:	Yeovil
Yeovil (West) Ward (SSDC Member)	Cllr T Carroll Cllr W Read Cllr I S Martin
Recommending Case Officer:	Neil Waddleton Tel: 01935 462603 Email: neil.waddleton@southsomerset.gov.uk
Target date :	5th April 2013
Applicant :	Mark Dillon
Agent: (no agent if blank)	
Application Type :	Non PS1 and PS2 return applications

Reason for Referral to Committee

Application to seek the discharge of a financial obligation within the S106 agreement relating to approval 08/05133/FUL

Site Description and Proposal





The application site is located towards the northern end of Larkhill Road with the entrance to the site situated between the Royal Standard public house and the Elim Church on Larkhill Road. The original application 08/05133/FUL gained full planning permission for the alterations to modify existing access to form highway and demolish existing garages and no 163 Larkhill Road to erect 13 dwellings.

This DPO (Discharge of Planning Application) is made to vary the S106 agreement to discharge the requirement to pay the Strategic Leisure Contributions relating to the planning approval (08/05133/FUL) on the grounds of financial viability.

The payments towards all local play, open space, youth and off-site recreation have been made.

HISTORY

08/05133/FUL: Planning permission for the alterations to modify existing access to form highway and demolish existing garages and no 163 Larkhill Road to erect 13 dwellings.

POLICY

ST10 (Planning Obligations)

Policy ST10 states:

"Where, as a direct consequence of a proposed development, additional infrastructure or mitigation measures are required within the development site or elsewhere, the local planning authority will seek planning obligations to secure or contribute to the provision of infrastructure, mitigation measures, community facilities, a range of house types and appropriate phasing of development. Piecemeal development will not be permitted".

CONSULTATIONS

The following bodies/individuals have been consulted:

Yeovil Town Council:

YTC meeting 29th July, Verbal update to be given.

Ward Members:

No comments received to date.

Area Development Manager (South):

Verbal acceptance in line with the Council's Policy

Strategic Housing Manager:

No objection to the application.

Community Health & Leisure Manager:

No objection to the application.

REPRESENTATIONS

Due to the nature of the application no neighbouring properties were consulted.

CONSIDERATIONS

The application is made to vary the S106 agreement dated 31st July 2009 to discharge the requirement to pay the Strategic Leisure Contributions relating to the planning approval (08/05133/FUL) on the grounds of financial viability.

The S106 agreement secured the provision of Affordable Housing & contributions of open space, equipped play, youth and sport and leisure facilities.

The scheme subsequently provided 100% affordable housing.

A play equipment contribution of £17,265 has been received from the developer.

An open space contribution of £8,228 has been received from the developer.

A youth facilities contribution of £5,824 has been received from the developer.

An off-site leisure contribution of £18,590.76 has been received from the developer.

Contributions received are to be spent/have been spent locally on projects at Monks Dale play area or within a close proximity of the site, as detailed within the agreement.

The developer as per South Somerset's approved process has supplied an independent financial viability appraisal of the scheme showing they are unable to pay the strategic leisure contribution (£15,859). Although this appraisal is commercially sensitive a written submission details how the developer (Yarlington Housing Group) secures their finances

and explains how the situation has changed from the time at which the original planning obligation was signed.

This has also been ratified by our own internal development valuer who agrees with the DV's opinion that this scheme is unable to make the strategic financial contributions.

The process to consider the determination of these applications was approved at District Executive in line with Government advice to LPA's to be more pragmatic when viability is an issue in bring forward development, particularly when those schemes contain affordable housing.

RECOMMENDATION

1. To approve the discharge of the specific strategic contributions from the planning obligation dated 31st July 2009.
 2. To instruct the Council's Solicitor to modify the S106 agreement.
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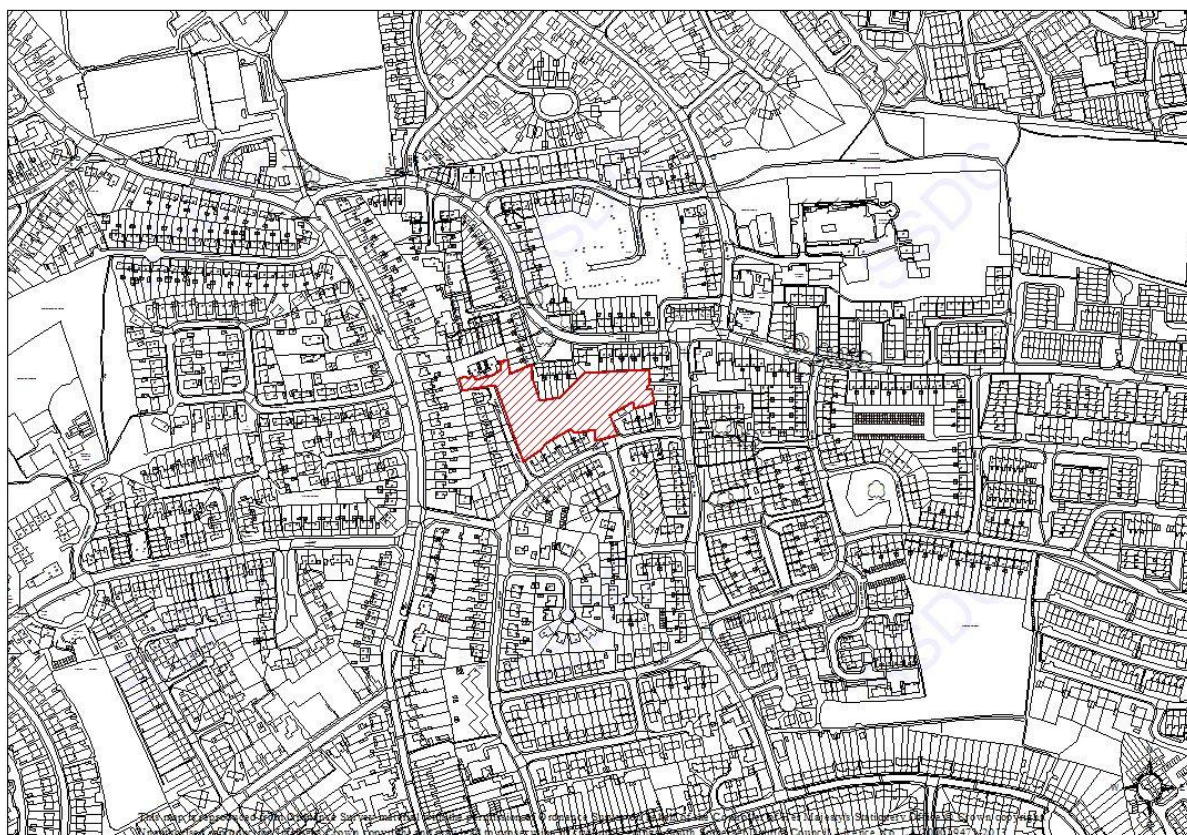
Officer Report On Planning Application: 13/00564/DPO

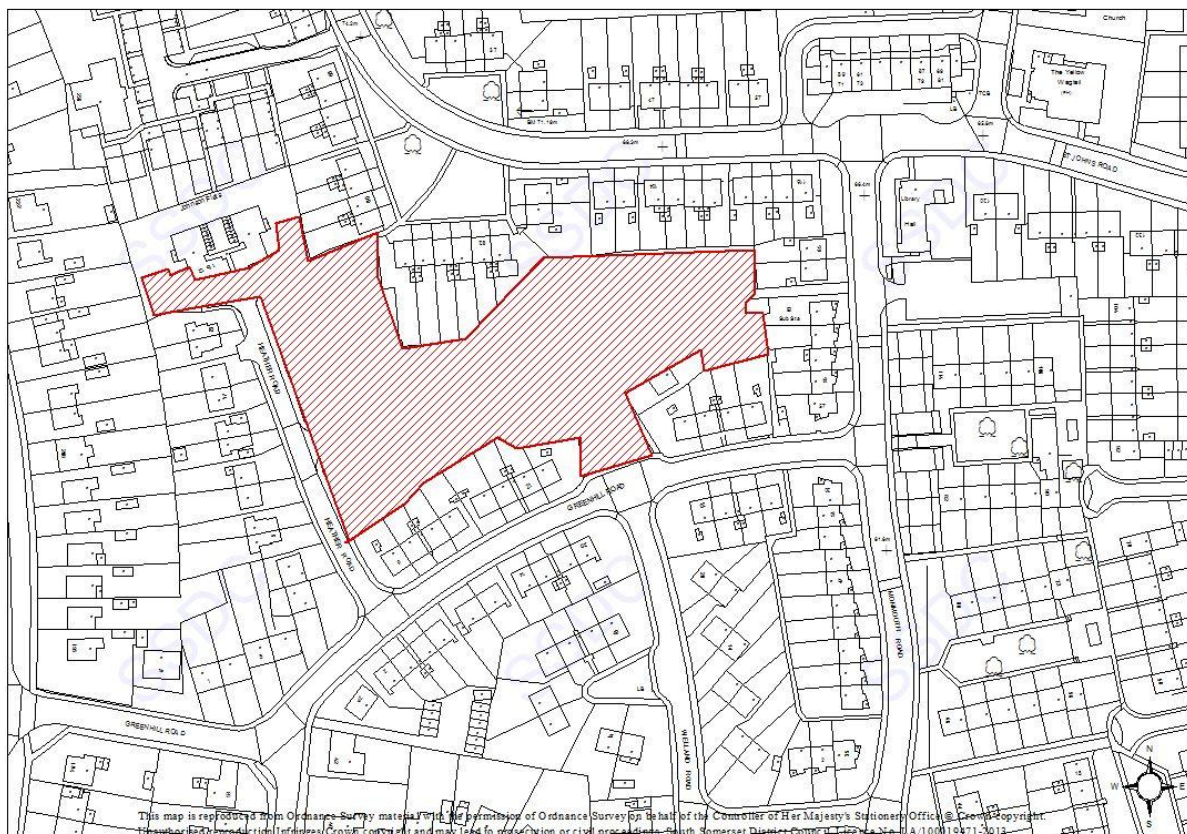
Proposal :	Application to discharge requirements to Strategic Sports contribution in relation to planning approval 09/02228/FUL (GR 355767/117164)
Site Address:	Land At Greenhill Road Yeovil
Parish:	Yeovil
Yeovil (East) Ward (SSDC Member)	Cllr D Recardo Cllr T Fife Cllr T Lock
Recommending Case Officer:	Neil Waddleton Tel: 01935 462603 Email: neil.waddleton@southsomerset.gov.uk
Target date :	5th April 2013
Applicant :	Mark Dillon
Agent: (no agent if blank)	
Application Type :	Non PS1 and PS2 return applications

Reason for Referral to Committee

Application to seek the discharge of a financial obligation within the S106 agreement relating to planning approval 09/02228/FUL

Site Description and Proposal





The application site is a parcel of land situated between Monmouth Road to the east, Greenhill Road to the south and Heather Road to the west. The original application 09/02228/FUL gained full planning permission for the demolition of 20 existing dwellings and garages the erection of 38 new dwellings with associated access, parking and landscaping. The scheme is now fully completed and occupied.

This DPO (Discharge of Planning Application) is made to vary the S106 agreement to discharge the requirement to pay the Strategic Leisure Contributions relating to the planning approval (09/02228/FUL) on the grounds of financial viability.

The payments towards all local play and off-site recreation have been made.

HISTORY

09/02228/FUL: For the demolition of 20 existing dwellings and garages the erection of 38 new dwellings with associated access, parking and landscaping.

POLICY

ST10 (Planning Obligations)

Policy ST10 states:

"Where, as a direct consequence of a proposed development, additional infrastructure or mitigation measures are required within the development site or elsewhere, the local planning authority will seek planning obligations to secure or contribute to the provision of infrastructure, mitigation measures, community facilities, a range of house types and appropriate phasing of development. Piecemeal development will not be permitted".

CONSULTATIONS

The following bodies/individuals have been consulted:

Yeovil Town Council:

YTC meeting 29th July, Verbal update to be given.

Ward Members:

No comments received to date.

Area Development Manager (South):

Verbal acceptance in line with the Council's Policy.

Strategic Housing Manager:

No objection to the application.

Community Health & Leisure Manager:

No objection to the application.

REPRESENTATIONS

Due to the nature of the application no neighbouring properties were consulted.

CONSIDERATIONS

The application is made to vary the S106 agreement dated 22ND December 2009 to discharge the requirement to pay the Strategic Leisure Contributions relating to the planning approval (09/02228/FUL) on the grounds of financial viability.

The S106 agreement secured the provision of Affordable Housing & contributions of off-site sport and leisure facilities.

The scheme subsequently provided 100% affordable housing.

A play equipment contribution of £23,666.41 has been received from the developer.

An off-site recreation contribution of £31,251 has been received from the developer.

A youth facilities contribution of £8,070.59 has been received by the developer.

Contributions received are to be spent/have been spent locally on projects at Milford Park and Birchfield Recreation Ground, as detailed within the agreement.

The developer as per South Somerset's approved process has supplied an independent financial viability appraisal of the scheme showing they are unable to pay the strategic leisure contribution (£22,308). Although this appraisal is commercially sensitive a written submission details how the developer (Yarlington Housing Group) secures their finances and explains how the situation has changed from the time at which the original planning obligation was signed.

This has also been ratified by our own internal development valuer who agrees with the DV's opinion that this scheme is unable to make the strategic financial contributions.

The process to consider the determination of these applications was approved at District Executive in line with Government advice to LPA's to be more pragmatic when viability is an issue in bring forward development, particularly when those schemes contain affordable housing.

RECOMMENDATION

1. To approve the discharge of the specific strategic contributions from the planning obligation dated 22nd December 2009.
 2. To instruct the Council's Solicitor to modify the S106 agreement.
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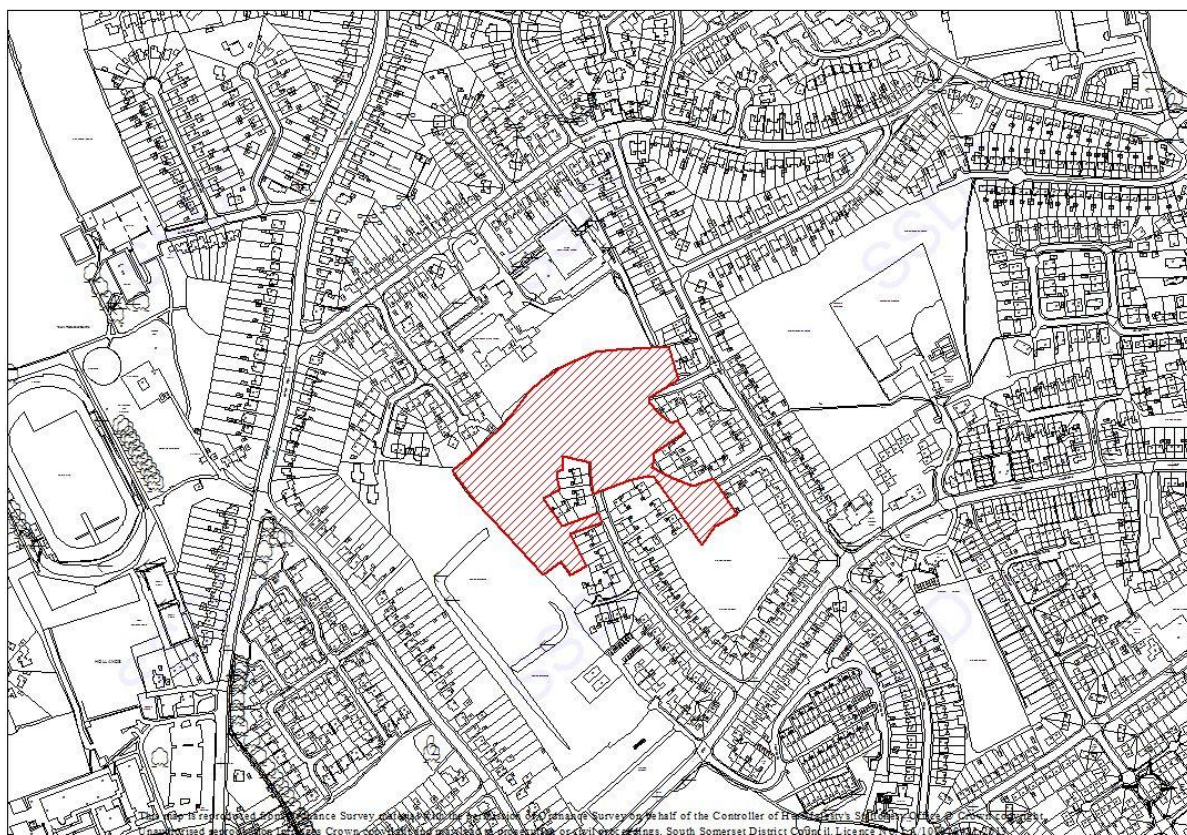
Officer Report On Planning Application: 13/00553/DPO

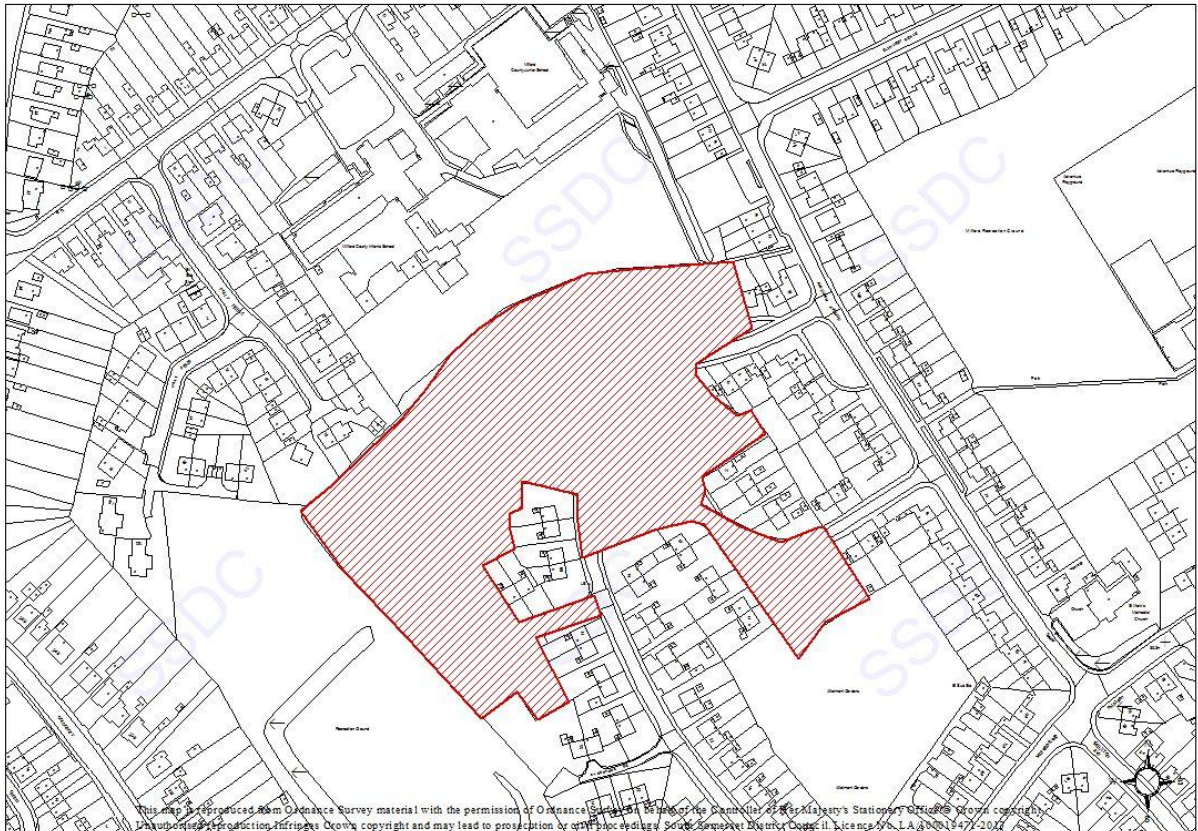
Proposal :	Application to discharge requirements to Strategic Sports contribution in relation to planning approval 09/03801/FUL (GR 355767/117164)
Site Address:	Land At St Georges Avenue Yeovil
Parish:	Yeovil
Yeovil (Central) Ward (SSDC Member)	Cllr J Vincent Chainey Cllr A Kendall Cllr P Gubbins
Recommending Case Officer:	Neil Waddleton Tel: 01935 462603 Email: neil.waddleton@southsomerset.gov.uk
Target date :	5th April 2013
Applicant :	Mark Dillon
Agent: (no agent if blank)	
Application Type :	Non PS1 and PS2 return applications

Reason for Referral to Committee

Application to seek the discharge of a financial obligation within the S106 agreement relating to approval 09/03801/FUL.

Site Description and Proposal





The application site is located off of Chelston Avenue on the junction of St David's Crescent in Yeovil and the original application 09/03801/FUL gained full planning permission for the demolition of 51 PRC units (31 houses & 20 flats) and the erection of 46 flats and 56 houses.

This DPO (Discharge of Planning Application) is made to vary the S106 agreement to discharge the requirement to pay the Strategic Leisure Contributions relating to the planning approval (09/03801/FUL) on the grounds of financial viability.

The payments towards all local play and off-site recreation have been made.

HISTORY

09/03801/FUL: Demolition of 51 PRC units (31 houses & 20 flats) and the erection of 46 flats and 56 houses.

POLICY

ST10 (Planning Obligations)

Policy ST10 states:

"Where, as a direct consequence of a proposed development, additional infrastructure or mitigation measures are required within the development site or elsewhere, the local planning authority will seek planning obligations to secure or contribute to the provision of infrastructure, mitigation measures, community facilities, a range of house types and appropriate phasing of development. Piecemeal development will not be permitted".

CONSULTATIONS

The following bodies/individuals have been consulted:

Yeovil Town Council:

YTC meeting 29th July, Verbal update to be given.

Ward Members:

No comments received to date.

Area Development Manager (South):

Verbal acceptance in line with the Council's Policy

Strategic Housing Manager:

No objection to the application.

Community Health & Leisure Manager:

No objection to the application.

REPRESENTATIONS

Due to the nature of the application no neighbouring properties were consulted.

CONSIDERATIONS

The application is made to vary the S106 agreement dated 12th August 2010 to discharge the requirement to pay the Strategic Leisure Contributions relating to the planning approval (09/03801/FUL) on the grounds of financial viability.

The S106 agreement secured the provision of Affordable Housing & contributions of off-site sport and leisure facilities.

The scheme subsequently provided 100% affordable housing.

A play equipment contribution of £70,785 has been received from the developer.

An off-site recreation contribution of £67,893 has been received from the developer.

Contributions received are to be spent/have been spent locally on projects at Milford Park and Council owned recreation grounds in Yeovil, as detailed within the agreement.

The developer as per South Somerset's approved process has supplied an independent financial viability appraisal of the scheme showing they are unable to pay the strategic leisure contribution (£67,243). Although this appraisal is commercially sensitive a written submission details how the developer (Yarlington Housing Group) secures their finances and explains how the situation has changed from the time at which the original planning obligation was signed.

This has also been ratified by our own internal development valuer who agrees with the DV's opinion that this scheme is unable to make the strategic financial contributions.

The process to consider the determination of these applications was approved at District Executive in line with Government advice to LPA's to be more pragmatic when viability is

an issue in bring forward development, particularly when those schemes contain affordable housing.

RECOMMENDATION

1. To approve the discharge of the specific strategic contributions from the planning obligation dated 12th August 2010.
 2. To instruct the Council's Solicitor to modify the S106 agreement.
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8. Area South Committee Forward Plan

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

Purpose of the Report

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

Recommendations

Members are asked to:-

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

Area South Committee Forward Plan

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

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

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

Background Papers: None

Appendix A

Notes

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

Meeting Date	Agenda Item	Background/ Purpose	Lead Officer
September 2013	Arts & Entertainment Service Update Report	Annual Update Report	Adam Burgan, Arts & Entertainments Manager
	Transport Issues within Area South	To update members on the progress of identifying ways to provide sustainable transport within Area South	Natalie Ross, Community Development Officer
	Youth and Community Services Provision	Report on the future delivery of identified Youth & Community Services in the Yeovil Area	Natalie Ross, Community Development Officer
	Streetscene - Open Spaces Development Plan in Area South		Chris Cooper, Streetscene Manager
	Office Update Report	To update members on the Community Offices	Lisa Davis, Deputy Community Office Support Manager
October 2013	Neighbourhood Planning		Kim Close, Assistant Director Communities/ Area South Development Manager
	Heart of Wessex Rail Partnership		Helen Rutter, Assistant Director Communities/Area East Development Manager

Meeting Date	Agenda Item	Background/ Purpose	Lead Officer
	Conservation Team & Buildings at Risk	Annual Update Report	Andrew Tucker, Conservation Officer
	A30 – Yeovil Eastern Corridor Improvement Scheme		Richard Needs, SCC Highways
November 2013	Qtrly Budget Monitoring Report		Jayne Beevor, Principal Accountant
	Somerset Highways – maintenance programme	An update report on the current and expected highways maintenance programme in Area South	Mike Fear, Assistant Highway Service Manager, South Somerset Highways
	Regeneration update of Area South		Marie Ainsworth Regeneration Officer