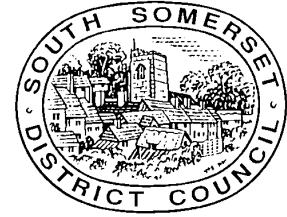


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 27th August 2014

2.00 pm

**The Village Hall
Main Street
Chilthorne Domer
BA22 8RD**

(Disabled access is available at this meeting venue)



Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than 3.45pm.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Becky Sanders, Democratic Services Officer 01935 462596**, website: www.southsomerset.gov.uk

This Agenda was issued on Monday 18 August 2014.

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



INVESTORS IN PEOPLE

Area North Committee Membership

Shane Pledger
Paul Thompson
Pauline Clarke
Graham Middleton
Roy Mills

Terry Mounter
David Norris
Patrick Palmer
Jo Roundell Greene
Sylvia Seal

Sue Steele
Barry Walker
Derek Yeomans

South Somerset District Council – Council Plan

Our focuses are: (all equal)

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

Scrutiny procedure rules

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

Consideration of planning applications

Consideration of planning applications for this month's meeting will commence no earlier than 3.45pm, following a break for refreshments, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A representative from the Area Highways Office will normally attend Area North Committee quarterly in February, May, August and November – they will be usually be available from 15 minutes before the meeting to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset Highways 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 SSSC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

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

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

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

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

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

The order of speaking on planning items will be:

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

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

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

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

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

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

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

Area North Committee

Wednesday 27 August 2014

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 23 July 2014.

2. Apologies for absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2112 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9.

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

In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

Planning Applications Referred to the Regulation Committee

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

Councillors Terry Mounter, Shane Pledger, Sylvia Seal and Paul Thompson.

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

finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. Date of next meeting

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 24 September 2014** at the **Village Hall, Norton Sub Hamdon**.

5. Public question time

6. Chairman's announcements

7. Reports from members

Items for Discussion

8. County Highway Authority - Update (Page 1)

9. Grant to Kingsbury Episcopi Church Rooms Management Committee (Executive Decision) (Pages 2 - 6)

10. Community Grant to Norton-sub-Hamdon Community Land Trust - Start-up Costs for Community Shop (Executive Decision) (Pages 7 - 13)

11. Area North Development Plan - Budget Update (Pages 14 - 20)

12. Assessment of Nominations Under Community Right to Bid (Pages 21 - 26)

13. Flood Recovery and 20 Year Flood Action Plan Update (Page 27)

14. Area North Committee Forward Plan (Pages 28 - 30)

15. Planning Appeals (Pages 31 - 34)

16. Schedule of Planning Applications to be Determined By Committee (Pages 35 - 36)

17. Planning application 13/03663/FUL - 1-4 West Street, Somerton (Pages 37 - 47)

18. Planning application 14/02558/FUL - Banbury House, 5 Old Somerton Hotel, New Street, Somerton (Pages 48 - 53)

19. Planning application 14/00230/FUL - Land OS 0002, Bearley Lane, Tintinhull (Pages 54 - 71)

20. Planning application 14/02962/S73A - Spruces, Cathanger Lane, Fivehead (Pages 72 - 77)

21. Planning application 14/01163/FUL - Bridge Horn Barn, Henley, Langport (Pages 78 - 82)

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.

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Agenda Item 8

County Highway Authority – Update

Lead Officer: Neil McWilliams, Assistant Highway Service Manager, SCC
Contact Details: countyroads-southsom@somerset.gov.uk or 0845 345 9155

Purpose of the Report

The Assistant Highway Service Manager will attend the meeting to provide a brief verbal update regarding:

- grants received from central government in response to the winter flooding (and subsequent damage to the highway network).
- Progress of the proposal to raise the Drayton road into Muchelney.

Recommendation

That members note the update.

Agenda Item 9

Grant to Kingsbury Episcopi Church Rooms Management Committee (Executive Decision)

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Kim Close/Helen Rutter, Communities
Service Manager: Charlotte Jones, Area Development Manager (North)
Lead Officer: Teresa Oulds, Neighbourhood Development Officer (North)
Contact Details: teresa.oulds@southsomerset.gov.uk or (01935) 462254

Purpose of the Report

Councillors are asked to consider the awarding of a grant for £3,659 to St Martin's, Kingsbury Episcopi Church Rooms Management Committee towards the cost of refurbishment works to the church rooms.

Public Interest

Kingsbury Episcopi Church Rooms Management Committee has applied for financial assistance from the Area North community grants programme. The application has been assessed by a Neighbourhood Development Officer who has submitted this report to allow the Area North Committee to make an informed decision on the application.

Recommendation

It is recommended that councillors award a grant of £3,659 to Kingsbury Episcopi Church Rooms Management Committee, towards the cost of refurbishments to the church rooms, to be allocated from the Village Hall Grants district wide capital allocation, subject to SSDC standard conditions for community grants (appendix A).

Background

Kingsbury Episcopi Church Rooms Management Committee was established to manage the running, maintenance and letting of the church rooms to the benefit of the local community of Kingsbury Episcopi.

The church room is the only community space available within the village. It hosts a wealth of activities including Pilates, mother and toddlers, garden club, line dancing, Somerset Levels concert band, art club, produce market and the May festival. In addition it is the focus of many local church social events. The trustees ensure that the church room is available to any group that would like to use it and aim to make it available for community use seven days per week.

The building was constructed in 1861 originally as a school. Whilst the Rooms are well used there are now significant access and usage issues.

The rooms have hosted several events over the past 12 months, most notably the May festival and harvest festival.

Parish Information

*Taken from the 2011 census profile

Parish*	Kingsbury Episcopi
Parish Population*	1,307
No. of dwellings*	586

Application Details

Name of applicant:	Kingsbury Episcopi Church Rooms Management Committee
Project:	Kingsbury church rooms refurbishment
Project description:	Improvements to main entrance and toilets to improve accessibility plus kitchen refurbishment
Total project cost:	£21,509
Amount requested from SSDC:	£3,659 (17%)
Recommended special conditions:	None
Application assessed by:	Sara Kelly, Neighbourhood Development Officer (North)

Community Grants Assessment Score

The table below shows the grant scoring for this application. In order to be considered for SSDC funding under the Community Grants policies, applications need to meet the minimum score of 22.

Category	Actual Score	Maximum score possible
A Eligibility	Y	
B Target groups	6	7
C Project	4	5
D Capacity of organisation	11	15
E Financial need	5	7
F Innovation	1	3
Grand Total	27	37

The Project

Whilst the Church Rooms are well used, there are now significant access and usage issues. The main entrance and toilets are not wheelchair accessible and disabled users have to enter the building via a difficult rear entrance and then pass through the kitchen.

The kitchen and toilet areas are in a poor state of repair which is affecting the halls' use for both local events and for hire by individuals.

The refurbishments that have been identified by the management committee are essential in order to bring the hall up to modern standards and enable it to be fully accessible to all members of the local community and a more attractive venue to potential hirers.

Refurbishing the kitchen will enable better catering of functions and encourage a wider range of events to be held at the church rooms, thus increasing income from hire charges.

Evidence of need

The management committee commissioned South Somerset Disability Forum to carry out an access review of the building. Their findings confirmed that the front entrance is not accessible for wheelchair users and improvements are required to the toilets. SSDF's report concluded that the proposals drawn up by the management committee for improvements to the church rooms are well designed and will improve access for all users.

Project Costs

Upgrade toilets, installation of patio doors and provision of new concrete path linking new doorway to existing pathway	£10,165.64
Replace front door	£1,149.18
Remove existing kitchen and replace with new configuration	£9,614.20
Two skips	£580
Total project cost	£21,509.02

Funding Plan

Funding Source	Funds Secured
Own funds	£11,000
Parish Council	£1,250
Somerset Community Foundation	£2,000
Leonard Laity Stoate Foundation	£2,000
Clarkes Foundation	£1,600
Total secured	£17,850
Amount requested from SSDC	£3,659

The trustees have worked hard to secure funding from a variety of sources and are committing a large amount of their own funds.

The amount requested from SSDC represents 17% of the total project cost.

Consents and permissions

Planning permission was granted on 31st January 2014 - 13/04975/FUL
Building Regulations were approved on 11th March 2014 – 14/02043/OTHV

Financial Implications

The District wide village halls grants budget originally existed to support village hall projects applying to the joint County and District village halls grants programme. Due to the fact that the joint village halls scheme is no longer in operation, it was agreed at Corporate Grants Committee that these funds could be awarded by Area Committees to village hall projects addressing energy efficiency and disabled access. There is currently £10,300 remaining unallocated in Village Hall Grants district wide capital allocation. If this application is supported £6,641 will remain in this budget for future projects.

Council Plan Implications

Focus Four: Health & Communities: encouraging communities to be healthy, self-reliant and with individuals who are willing to help each other.

Carbon Emissions & Climate Change Implications

None specific to this report

Equality and Diversity Implications

When completed, the improvements planned by the management committee will greatly improve accessibility for all users

Background Papers

None

Appendix A

Standard Grant Conditions

The funding support is offered subject to the following conditions:

1.	The funding has been awarded based on the information provided on the application form for your application number AN14/06 for 17% of the total cost.
2.	The attached signed "Advice of Acceptance of Funding Offer" to be returned before payment is made to Area Development North, SSDC, Unit 10 Bridge Barns, Long Sutton, TA10 9PZ. An SAE is enclosed.
3.	Confirmation that all other funding sources are secured.
4.	The applicant demonstrates an appropriate Parish Council contribution.
5.	SSDC is acknowledged on any publicity and on any permanent acknowledgement of assistance towards the project.
6.	The applicant will work, in conjunction with SSDC Officers, to monitor the success of the scheme and the benefits to the community, resulting from SSDC's contribution to the project. A project update will be provided on request.
7.	Should the scheme be delayed or unable to commence within twelve months from the date of this committee, SSDC must be notified in writing.
8.	Should the final cost be less than the estimate considered by the Committee, the funding will be proportionately reduced. However, if the cost exceeds that estimate, no further funding will normally be available.
9.	SSDC must be notified of, and approve, any proposed changes to the project.
10.	The applicant will share good practice with other organisations if successful in securing external funding.
11.	Grants can only be paid for a single year and a second application is not allowed for the same project within 3 years (unless Service Level Agreement).

Agenda Item 10

Community Grant to Norton-sub-Hamdon Community Land Trust – Start-up Costs for Community Shop (Executive Decision)

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Kim Close/Helen Rutter, Communities
Service Manager: Charlotte Jones, Area Development Manager (North)
Lead Officer: Sara Kelly Neighbourhood Development Officer (North)
Contact Details: sara.kelly@southsomerset.gov.uk or (01935) 462254

Purpose of the Report

Councillors are asked to consider the awarding of a grant for £9,346 to Norton-sub-Hamdon Community Land Trust towards the start-up costs of acquiring and operating the village post office and shop.

[NB: Due to annual leave of the lead officer, this report will be presented by the Area Development Manager. Councillors are asked to contact her with any queries for further information prior to the meeting charlotte.jones@southsomerset.gov.uk]

Public Interest

Norton-sub-Hamdon Community Land Trust (Norton CLT) has applied for financial assistance towards the costs of starting a community shop, from the Area North community grants programme. The application has been assessed by a Neighbourhood Development Officer (North) who has submitted this report to allow the Area North Committee to make an informed decision on the application.

Recommendation

It is recommended that councillors award a grant of £9,346 to Norton-sub-Hamdon Community Land Trust towards the start-up costs of operating the village post office and general store to be allocated as £4,673 from the Area North capital programme (Local Priority Schemes), and the remaining £4,673 from Area North revenue grant budget, subject to SSDC standard conditions for community grants (appendix A) and the following additional conditions:

- SSDC may seek repayment of the grant if the shop is closed within five years of opening
- Norton CLT to confirm terms of proposed lease with respect to any interim change of ownership of the freehold.

Application Details

Name of applicant	Norton sub Hamdon Community Land Trust
Project	Start-up of Norton Community Shop
Project description	The acquisition of stock, fittings and equipment, together with a 6 year lease to acquire and operate the post office and shop at Norton sub Hamdon.
Total project cost	£57,246
Amount requested from SSDC	£9,346 (16%)
Recommended special conditions	SSDC may seek repayment of the grant if the shop is closed within five years of opening Norton CLT to confirm terms of proposed lease with respect to any interim change of ownership of the freehold.
Application assessed by	Charlotte Jones Area Development Manager / Sara Kelly Neighbourhood Development Officer (North)

Community Grants Assessment Score

The table below shows the grant scoring for this application. In order to be considered for SSDC funding under the Community Grants policies, applications need to meet the minimum score of 22.

Category	Actual Score	Maximum score possible
A Eligibility	Y	
B Target groups	7	7
C Project	5	5
D Capacity of organisation	15	15
E Financial need	5	7
F Innovation	2	3
Grand Total	35	37

Background

Norton-sub-Hamdon lies 1.6km to the South of Stoke-sub-Hamdon and has a church, primary school, village hall, and recreation field, Reading Room, and public house.

	Norton-sub-Hamdon
Parish Population	743
No. of dwellings	319

Altogether, in the villages of Norton, Chiselborough and the Chinnocks there are about 750 households, or a population of around 1,600 people.

Norton Community Land Trust is registered as an Industrial and Provident Society. Its objects are to maintain or improve the quality of physical, social and economic well-being for Norton-sub-Hamdon and its environs.

The post office and shop has provided a vital local service for many years. The current sub-postmaster is retiring which has led to a local review of the future provision of a village shop and post office serving Norton and other nearby villages..

One option is for the business to be put on the open market, in the hope that a suitable buyer can be found, at this stage the proposal is to enable the continuation of the shop & PO on a leasehold basis. This makes operation by a social enterprise / community run shop a realistic undertaking. The owner has expressed a preference for the business to be put in the hands of the community.

There is evidence that village shops are often unviable for 'new' acquisitions, and there are many villages who are now without a shop as a result of the limitations of the commercial market. Community owned & managed village shops are growing in number nationally – and to date have a strong track record for survival. Nationally, the five year survival rate of community shops is 99%, the average UK business five year survival rate is 45%. (Source Plunkett Foundation).

The Plunkett Foundation describes the 'business case' for community ownership of the 'general stores' as follows: -

That to succeed, a co-operative must remain engaged and connected with its local community. We are seeing community shops doing just that, particularly by adding additional services to shops that go beyond a core retail offering; services such as book swaps and libraries, cafés, meeting rooms for clubs and societies, recycling centres, parcel collection and delivery points, bakeries, and community gardens. As a result, community shops are no longer just seen as a solution for communities wishing to replace like-for-like retail services in rural areas when they are lost; communities are also looking to community-ownership to stimulate social and community activity and to address issues such as social isolation and loneliness, and for this reason, we see a bright future for community shops.

The social benefits of a local shop are well-evidenced – not to mention the economic value of supporting local producers, and employment and training within the shop itself. A locally managed 'enterprise', with the profits re-invested back into the business or associated local services is a model which is gaining national attention for its role in supporting local quality of life.

Developing the Project

As noted above, the current owner of the shop, has been in discussion with local residents, and members of the Norton CLT with a view to welcoming the conversion of his businesses into a community owned enterprise.

A public meeting was held on March 26th 2014, attended by approximately 160 people from Norton-sub-Hamdon, Chiselborough, West and Middle Chinnock and other villages and hamlets which would be affected by the closure of the shop. The meeting discussed the future of the shop and to explain how being managed by the CLT could work.

A steering group was established and used the results of detailed household consultation, and current and past trading figures to produce a comprehensive business plan. Their work has included extensive research to establish the requirements of the wide variety of legal, regulatory, financial and staffing matters for operating a business of this type.

The steering group has also visited several other community shops and held meetings with their representatives. The group has taken advice from The Plunkett Foundation, who specialise in enabling communities to run local shops, and from the Rural Shops Alliance the national body for independent rural retailers.

A second public meeting has been held, there are regular bulletins to the community and a suggestions box at the shop for any additional ideas and comments.

Local Support/evidence of need

While to most customers the existing shop is a convenience store, to some it is where they do the majority of their grocery and household shopping. The nearby villages of Chiselborough and West and Middle Chinnock have lost their shops and many people from both parishes use the shop in Norton.

There is strong local support for the continuation of the shop, whose additional services include dry cleaning; newspaper orders; ticket sales for local events; community notice board; plant sales. Ideas for additional services already put forward by residents include outlet for local crafts, services or goods; delivery of shopping for the housebound; and a telephone ordering service.

As a sign of support – around £30,000 from local residents has already been pledged – for example 53 residents have pledged to purchase a share at £250 and a further 18 indicated they would purchase more than one share. The need for volunteers both ‘front of house’ and behind the scenes, including business directors has been well communicated, and many volunteers have come forward. Board members from the community have experience in shop ownership; administrative and computer skills; finance and business. Other offers of help have included marketing, maintenance and driving.

The business plan includes the proposal to partner with Yarlinton Housing Group to provide volunteering opportunities for their residents involved in a ‘back to work’ programme and work experience will be offered to pupils at Stanchester Academy.

Project Costs

The proposal is to lease the existing shop unit, together with the two store areas, from the current owner. The project also includes the purchase (based on an independent valuation) of the current stock, fixtures and fittings, together with some new items. These items would have all have a re-sale value in the event of closure. Outside spaces for access and parking will continue to be shared as at present and included within the lease agreement.

Trading income will fund operating costs – including a paid manager to support volunteers and ensure co-ordination. Operating income is assessed to be around £240,000 pa, producing a net surplus of around 3%. The operating plan has been prepared based on advice from the Plunkett Foundation and has the support of the SSDC Small Business Support Officer.

Item	Cost
Purchase of fixtures and fittings (independent valuation)	£12,646
Stock – estimate (To be valued at handover)	£21,500
Additional equipment (till, scales etc)	£4,500
First year rent (independent valuation)	£5,000
Premises refurbishment, signage.	£3,000
Legal fees, administration costs	£6,600
Contingency	£5000
Total	£57,246

Funding Plan

Funding Source	Funds Secured	Applied for
Own funds	£30,250	
Norton Parish Council + 2 others	£1,100	
Awards for All		£9,550
Somerset Community Foundation		£5,000
Other trusts		£2,000
Total secured / applied for	£47,900	
shortfall	£9,346	
Amount requested from SSDC (16%)	£9,346	

Norton parish council has provided a grant of £1,000, together with residents fundraising this is a local contribution of 55%

Consents and permissions

This project reuses the existing shop and post office, no planning consent is required. An initial lease of six years has been agreed. Operating the post office is by contract with Post Office Limited. The current sub-postmaster is continuing for at least the first year.

Conclusion and Recommendation

This application is for £9,346, which represents 16% of the project cost. The project to acquire and operate the village shop (and in future years the post office) will secure continued access to important services for local residents. There is a comprehensive business plan for ownership and management by the community which has been prepared with the support of the Plunkett Foundation, the national leading body for community shops. The CLT is well organised and committed and have strong evidence of community support and future involvement, to make a success of this venture.

The importance of the 'last' shop and post office to rural residents is well-evidenced, and community owned / voluntary managed 'social enterprises' are gaining in number and strength nationally. Although a number of village shops are successfully run by independent traders, profit margins are low, and a business model of community ownership, including volunteer involvement strengthens viability.

Any surplus (profit) can be re-invested in the business or to a range of other projects under the direction of the CLT. The new venture shows all the signs that it will successful – but in the event that the business ends within five years, a special condition to seek repayment of the grant from the sale of assets is felt appropriate – although as noted above the umbrella ownership by the CLT will ensure our funding stays within the community.

It is recommended that this application for £9,346 is supported.

Financial Implications

Due to the items the grant is being used for, it has been assessed that the payment of this grant is 50% capital and 50% revenue funding.

There is £228,536 available in the Area North Capital programme for Local Priority Schemes. If the recommended capital grant of £4,673 is awarded, £223,863 will remain in this allocation for 2014-15 and for future years.

There is £18,217 available in the Area North grants budget. If the recommended revenue grant of £4,673 is awarded, £13,544 will remain in this allocation for 2014-15 and for future years.

Council Plan Implications

Focus Four: Health & Communities: encouraging communities to be healthy, self-reliant and with individuals who are willing to help each other.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

Nothing relevant to this application.

Equality and Diversity Implications

If the CLT is successful in acquiring the village shop it will secure a valued local asset which is particularly important to elderly people, residents without access to transport and those who currently use the post office to collect their benefits. In addition, volunteering opportunities will be created that will benefit all groups within the community.

An access review of the premises will be arranged and the CLT supported with any accessibility improvements that may be required.

Background papers: *None.*

Appendix A

Standard Grant Conditions

The funding support is offered subject to the following conditions:

1.	The funding has been awarded based on the information provided on the application form for your application number AN14/03 for 16% of the total cost.
2.	The attached signed "Advice of Acceptance of Funding Offer" to be returned before payment is made to Area Development North, SSDC, Unit 10 Bridge Barns, Long Sutton, TA10 9PZ. An SAE is enclosed.
3.	Confirmation that all other funding sources are secured.
4.	The applicant demonstrates an appropriate Parish Council contribution.
5.	SSDC is acknowledged on any publicity and on any permanent acknowledgement of assistance towards the project.
6.	The applicant will work, in conjunction with SSDC Officers, to monitor the success of the scheme and the benefits to the community, resulting from SSDC's contribution to the project. A project update will be provided on request.
7.	Should the scheme be delayed or unable to commence within twelve months from the date of this committee, SSDC must be notified in writing.
8.	Should the final cost be less than the estimate considered by the Committee, the funding will be proportionately reduced. However, if the cost exceeds that estimate, no further funding will normally be available.
9.	SSDC must be notified of, and approve, any proposed changes to the project.
10.	The applicant will share good practice with other organisations if successful in securing external funding.
11.	Grants can only be paid for a single year and a second application is not allowed for the same project within 3 years (unless Service Level Agreement).

Special conditions:

12.	SSDC may seek repayment of the grant if the shop is closed within 5 years of opening.
13.	Norton CLT to confirm terms of proposed lease with respect to any interim change of ownership of the freehold.

Agenda Item 11

Area North Development Plan - Budget Update

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Kim Close / Helen Rutter, Communities
Service Manager: Charlotte Jones, Area Development (North)
Lead Officer: As above
Contact Details: Charlotte.jones@southsomerset.gov.uk or 01935 462251

Purpose of the Report

This report provides an update on the progress of projects taking place in Area North funded or partly funded by the Area and DX capital programmes. It also reports on the current position of the Area North Reserve budget, and the Community Grants programme.

Public Interest

The Area Development Service support the Council's four Area Committees (North, South, East and West) to work closely with local communities, *making a difference where it counts*.

Deciding what to do next, including where the money gets spent is an ongoing process of understanding what matters to local people – for example increasing the availability of work, strengthening community life, improving access to housing and services or addressing environmental issues.

This report provides an opportunity for the members of the Area North Committee to see what funds have been used to support local work, and to consider ideas for the future.

Recommendations

- (1) Endorse the current Area North capital programme for 2014 and future years, as set out in Appendix A.
- (2) Note the current position of the Area North Reserves
- (3) Note the current position of the Area North Community Grants budget
- (4) Note the position of discretionary / project budgets held by Area North

Background

Full Council approves the Council's overall budgets in February each year and then delegates the monitoring of budgets to District Executive and the four Area Committees. Area North has delegated responsibility for making decisions on community / partnership grants over £1000; the Area North Capital Programme, and the Area North Reserve. District Executive monitors all budgets on a quarterly basis.

Financial decisions from Area budgets are made with reference local priorities as well as the council plan. A copy of the agreed Area North priorities for 2014-15 are attached in Appendix B.

Area North Capital Programme

The capital programme is used support investment into local assets – usually this means equipment, land or buildings – and these may be to improve or create the council’s own assets or to assist others through grants / partnerships.

The current capital programme is attached in Appendix A. This sets out the various schemes currently supported, with monies still to be spent. There is a lead officer responsible for each scheme and their comments are included on the current status and plans for completion.

This capital programme shows there is currently £228,536 unallocated for local priority schemes (enhancing facilities and services) and also £45,000 set aside for Planning Enforcement; in total giving an unallocated balance of £273,536. (These figures do not include any further grants awarded in August 2014).

Area North Reserves

There is currently £16,600 unallocated in the Area North Reserve. The table below shows the current position of the Area North Reserve – this is a budget which will diminish over time and is not replenished. It can be used to support urgent work which is not otherwise provided for in current budgets. It can also be used as a form of underwriting where a provision helps priority work to proceed, but where there are other options to be called upon first.

			13-14	14-15	14-15
Balance at 1st April 2014			34,600	26,600	26,600
			Paid	Paid	Allocated
Allocation of reserve:			13-14	14-15	14-15
	Approval	Vired (Paid)			
Support towards progressing affordable rural housing schemes within the Area North (Original £15,000) (Note 1)	Mar-09	5,000			10,000
Interpretation panels at Cartgate picnic area (Note 2)	Jun-12	4,320			
Housing and Welfare Service for 2013 (Note 3)	Jan-13	8,000	8,000		
Total paid / allocated:			8,000	0	10,000
			26,600	26,600	16,600

Unallocated

Note 1 - £10,000 remains to support essential, unfunded costs relating the development of affordable housing particularly for small scale / local / community-led schemes. There are still schemes to support and the approach taken has been successful to date. Each scheme in Area North is closely monitored and any recommendation for the use of this fund is agreed by the Area Development Manager through discussion with the Area Chair, Ward Member and Strategic Housing Manager.

Note 2 - The Cartgate marketing panels installed in 2012 were very well received, and are a prime opportunity to support business recovery in the flood affected areas of South Somerset. Some ‘refresh’ of the artwork is under discussion.

Note 3 - The service provided to assist with the take-up of welfare benefits – through local surgeries – has continued after the end of the funding from Area North.

Area North Community Grants

The table below shows the current position of the budget allocated for Community Grants as part of the Council's revenue budget. Last year (2013-14) the full budget was not allocated and £6000 has been carried forward to this year's budget. As well as adding to our grants allocations, this budget can help support the costs of additional support to a local project to make progress at an early stage – for example help with funding applications or technical / legal advice on governance.

The table below shows grants already committed to this year's budget of £19,980. This amounts to £4500, so the balance remaining is £15,480. (Subject to any further commitments made during August 2014).

£10680	Original Budget 14/15		
£9300	Carry Forward approved June 2014 (£3300 commitments from 2013-14 not yet paid plus £6000 unallocated)		
£19980	TOTAL REVISED 14/15 BUDGET		
Group	Project	Award	Status
Curry Rivel Village Hall (12/13)	Hearing loop	£750	Pending other works – monitored.
Kingsbury Episcopi Parish Council	Community defibrillator	£1000	To be installed at recreation ground.
Long Sutton Cricket Club (13/14)	Cricket coaching sessions and coach training courses	£750	Sessions underway.
Shepton Beauchamp – Cowleaze Meadow (13/14)	Informal Play/Landscaping	£750	Project completed
Somerton Recreation Trust (13/14)	Support for master planning / feasibility	£750	Project plan to be prepared.
Ash Parish Council (14/15)	Refurbishment - Ash Churchyard walls	£500	Work to commence in September
	Total committed to date	£4500	
	Remaining budget for 14-15 (Total less commitments)	£15,480	

Ward members are encouraged to look out for local opportunities for SSDC to achieve its aims and address the Area North priorities. Small grants (under £1000) in particular can help start something new or revitalise an existing activity within any community. Larger grants are generally for capital schemes and can take considerable time to plan and design. The Area Development team spends significant time on supporting these types of projects which can have a lasting and positive effect on local life.

Area North Discretionary funds – special project budgets.

The Area North annual budget includes around £9000 to support various activities during the year designed to meet local priorities. This can include the cost of arranging our own

workshops and meetings; providing specialist advice additional advice, or help with printing costs to promote community led meetings and consultations. Decisions on this budget are generally taken by the Neighbourhood Development Officers, on receiving requests for SSDC assistance. Officers try to avoid repeat funding, and will suggest alternatives when they seem obvious. Decisions are made with reference to the agreed Area / Ward level priorities, as well as the Council Plan. Without doubt, the ability to respond quickly with practical help at a local level is much appreciated by the many volunteers, councillors or business groups we support during the year.

There is £22,000 in the 2014-15 Area North budget to support priorities for new or additional services in Area North. This is a one-off budget and has been carried forward from previous years. At the time of allocation in 2010 there was an intention to support community transport services, however no realistic / affordable scheme has been identified and it is felt other funding sources are likely to be available should the opportunity arise. For example helping a car share service to set up, or to assist with the costs of an accessible vehicle.

The area of work currently identified as the highest priority for support through this financial provision is small business support through additional marketing for the 'visitor economy' – linked to the objectives of SSDC's Council Plan and the 20 Year Flood Action Plan for the Somerset Levels and Moors. However there are other potential sources such as the Government grant for small business support, and the future potential of the Levels and Moors Leader programme expected to open in January 2014. A marketing / business support plan is under preparation.

Financial Implications

The level of Area North's funding is shown in the body of this report and on the appendix. There are no additional financial implications to this report.

Council Plan Implications

Include links to the Council Plan – see separate document for copying and pasting of focuses.

Carbon Emissions & Climate Change Implications

None from this report.

Equality and Diversity Implications

None from this report.

- Background Papers:**
- *Area North Development Plan 2014-15*
 - *Area North Committee June 2014 - Area Development (North) Review of 2013-14 and Priorities for 2014-15.*
 - *Somerset Levels and Moors 20 Year Flood Action Plan*

Appendix A

AREA NORTH

	2014/15 Estimated Spend £	Actual Spend to 30/06/2014 £	2014/15 Remaining Budget £	Future Spend £	Responsible Officer (s)	Responsible Officer's Comment on Slippage & Performance Against Targets
Capital Programme						
Improvement to District owned Play Areas January 2001 Play Audit.	16,055	7,752	8,303		R Parr	Curry Rivel Stanchester Way Phase 2 (£16,055). Work re-scheduled for 2014-15 together with DX allocation to site; work is completed and final payments to contractor will complete this allocation.
New Bridge at Cockle Moor, Langport (final payment to completed scheme)	28,452	0	28,452		P Burr	Works completed. Payment to be made to SCC once easement across SSDC land approved. This is in hand with SCC / SSDC legal services and progressing well. Minor alterations to draft agreement received from SCC recently to be agreed by SSDC Legal Dept. Sign off should be within next 1-2 months.
Langport Vision - improvements to Langport and River Parrett Visitor Centre and car parking at Westover	2,597	0	2,597		P Burr	Final amount to be used on improving off-road parking for visitors to cycleway / local businesses and signage following changes to former visitor centre. This was delayed due to extensive flooding at the Westover estate.
Martock, town centre improvements - Phase 2 (YD979(YC233) A140 AN08)	2,638	0	2,638		P Burr	The main scheme completed. Final balance for improved lighting in car park, linked to community led project for enhancements to precinct. Scheme designed and agreed but currently delayed pending legal agreement between MPC and the site owners (the Co-op). Work at Pre-precinct due to start October 2014.
Area North marketing programme (gateway and promotional signage)	20,000	1,255	18,745		P Burr	Schemes prioritised which are community led and include additional partnership. Councillors working group criteria to administrate scheme. New signage installed in Martock. Langport sign designed – awaiting sign off by local representatives
Loan to start-up Seavington Community Shop (loan repayments)	-1,000	0	-1,000	-2,000	S Kelly	Loan to Seavington Community Shop and Services. Underwritten by Seavington Parish Council. £5K Loan drawn March 2010. Revised payment plan agreed November 2012 over 3 years with payments being made and the shop's revised business plan is going well.
New Footpath at Minchington Close, Norton Sub Hamdon	17,000	0	17,000		T Oulds	Construction of a footpath on SSDC land between Minchington Close & Skinners Lane in Norton-sub-Hamdon agreed March 2014. Works supervised by SSDC Property and Engineering. Main pathway completed.
Footpath at Minchington Close, Norton Sub Hamdon - Income	-4,000	0	-4,000		T Oulds	Norton-sub-Hamdon PC contribution of £1K and Yarlinton £3K.
Community Grants						
Refurbishments to Robert Sewers Village Hall, Curry Rivel	8,000	0	8,000		S Kelly	Grant to Robert Sewers Village Hall, Curry Rivel approved Oct 13. Works underway as part of phased programme. £4,500 budget from District Wide Village Hall Grants Budget.
Acquisition of land for Barrington Football Club	9,500	0	9,500		T Oulds	Grant to Barrington Football Club approved Feb 14. Legal agreement with parish council being finalised prior to completion of sale - expected by Autumn 14.
Extension to storeroom at Chilthorne Domer Village Hall	5,000	0	5,000		J Divall	Grant to Chilthorne Domer Village Hall towards the construction of an extension to the store room, final details agreed with Parish Council March 2014. Building has currently started and completion expected September 2014.

New Youth Park at High Ham Recreation Ground	6,000	0	6,000		J Divall	Community grant to High Ham Parish council for £6k approved May 2014. Working party currently in the process of trying to secure final contributions needed before drawing down our funding and starting the build process.
Refurbishment of pavilion at Chiltorne Domer Recreation Ground	6,000	0	6,000		S Kelly	Grant to Chiltorne Domer Recreational Trust for the refurbishment of the Pavilion. Grant awarded July 14, works to be programmed once all matchfunding and consents in place.
Construction of footpaths at The Seavingtons Playing Field	6,000	0	6,000		S Kelly	Grant to Seavington Playing Field Association for new accessible footpaths. Approved July 14, works to be programmed once all matchfunding and consents in place.
Total North Capital Programme	122,242	9,007	113,235	-2,000		
<u>Reserve Schemes Awaiting Allocation But Approved in Principle</u>						
Local Priority Projects - enhancing facilities and services	4,850	0	4,850	223,686	C Jones	Detailed allocations through grants or capital appraisal. Support for partnership investment into local infrastructure and facilities. Additional £25,000 awarded February 2014 for 2014/15
Planning Enforcement	0	0	0	45,000	I Clarke	Provision for compensation relating to planning enforcement action.
Total Reserve Schemes	4,850	0	4,850	268,686		
<u>Summary</u>						
North Capital Programme	122,242	9,007	113,235	-2,000		
Reserve Schemes (Unallocated)	4,850	0	4,850	268,686		
Total Programme to be Financed	127,092	9,007	118,085	266,686		

Appendix B

Area North Priorities 2014/2015

The four Area North priorities provide the framework for work supported or directly managed by the Area North Development team, underpinned by the Area Committee's influence and use of delegated budgets.

Jobs – *we will aim to add value to the economy in Area North, through promoting local economic development and the availability of local employment, promoting the availability of Superfast Broadband; and enhancing the offer to visitors to extend stay and spend.*

- In the coming year this will specifically include actions to support the 20 Year Flood Action Plan (business resilience); the success of the future Leader programme for the Levels and Moors; completing the signage and marketing project; and further work to assess the current supply / demand for employment land in Area North.
- **Affordable Housing** – *we will promote the delivery of affordable homes in Area North, including support to test and develop new models.*
 - In the coming year this will specifically include work to secure as much progress as can be achieved in Norton sub Hamdon, Compton Dundon and Ash. In addition assistance with local housing needs surveys can be provided, together with help understand how delivering affordable housing works, and to connect parishes with housing providers.
- **Self-Help** – *we will promote greater levels of self-help to promote the sustainability of local services and facilities for all ages.*
 - In the coming year this will specifically include support to locally led projects as set out in the Area Development Plan - supporting progress in a variety of ways. We will continue to promote our general enquiries service to help residents; councillors; businesses and groups find the help and information they need to make a difference in their local communities.
- **Flood and Water Management** – *we will promote locally led solutions which prevent unacceptable flood events in our communities; we will support the work of the Somerset Water Management Partnership including the task force for the Levels and Moors; we will seek to include past learning from the Parrett Catchment Project into future solutions and we will support the partnership of the 20 Year Flood Action Plan to deliver its objectives including a long term solution to flood relief and the return of our rivers to their 1960's profile.*
 - In the coming year this will specifically include support to raise awareness of and promote achievement of the objectives of the 20 Year Flood Action Plan - particularly for the 'Building Local Resilience' workstream. This includes the completion of the Repairs and Renewal and Business Support Grants programmes; and construction of the Thorney Ring Bank.

Area North Office 01935 462252 or email areanorth@southsomerset.gov.uk

Agenda Item 12

Assessment of Nominations Under Community Right to Bid (Item for information)

Strategic Director: Rina Singh, Place & Performance
Assistant Director: Helen Rutter/Kim Close, Communities
Service Manager: Area Development Manager (North)
Lead Officers: As above
Contact Details: charlotte.jones@southsomerset.gov.uk 01935-462251

Purpose of the Report

This report is to inform councillors of the result of assessments completed by the Area Development Manager (North) following nominations for The Bell Inn, Ash and the Drayton Arms, Drayton to be added to the council's Register of Assets of Community Value.

Public Interest

The Community Right to Bid is one of a series of community rights' established by the 2010 Localism Act. It can 'pause' the sale of buildings or land a community cares about such as the local pub, shop, library or playing field. It gives the community time to develop a bid to buy it.

Before this can happen, the land or building must be registered by the local council in its 'Register of Assets of Community Value'. If the property on this register is offered for sale, (and providing certain criteria are met) a local community organisation can have up to six months to prepare a bid.

Background

In August 2013 District Executive agreed a process for considering nominations received from communities to place assets of community value onto the SSDC Register of Assets of Community Value, based on criteria which are set out in the Localism Act. SSDC has 8 weeks to consider a nomination.

The decision is delegated to the relevant Area Development Manager in consultation with the Ward Member and Area Chair. The result of a nomination is reported to the Area Committee for information only, with a quarterly report being presented to District Executive for information. (NB: decisions about any SSDC-owned properties are presented to District Executive for decision)

The assessment

This report publishes 2 assessments that are set out in the appendices attached to this report.

- Appendix 1 is the assessment for The Bell public house in Ash - completed on 11th July 2014
- Appendix 2 is the assessment for the Drayton Arms in Drayton – completed on 24th July 2014

Both nominations meet the relevant criteria and have been placed on the register of assets of community value.

Next Steps

Notification letters have been sent to the Land Registry, relevant parish councils, property owners and the nominating group and the asset will be placed on the SSDC Register of Assets of Community Value.

The owners can appeal against the decision; any appeals are considered by the Council's Monitoring Officer.

Once an asset has been listed, nothing further will happen until the owner decides to dispose of the asset (either through a freehold sale or the grant of a lease for at least 25 years). At this point the owner must* notify SSDC of the intention to sell (*some exemptions apply).

SSDC then publicises the opportunity under the Community Right to Bid for a relevant group to trigger the moratorium period. A relevant 'community interest group' has six weeks to notify SSDC that it intends to bid for the property(s).

If any written intentions are received, the Council must pass on the request to the owner, at which point the full moratorium period of 6 months (from the date that SSDC is notified of the intention to sell) comes into force. If no written intention(s) to bid are received, the owner is free to sell the asset.

All accepted nominations will normally remain on the Register for 5 years.

Financial Implications

None at this stage

Property owners who believe they have incurred costs as a result of complying with these procedures can apply for compensation from the Council. SSDC is in the process of designing this compensation scheme. Government recognises this as a potential risk to local authorities and will provide a safety net whereby any verified claims of over £20,000 will be met by Government.

Council Plan Implications

None from this report

Carbon Emissions & Adapting to Climate Change Implications

None from this report.

Equality and Diversity Implications

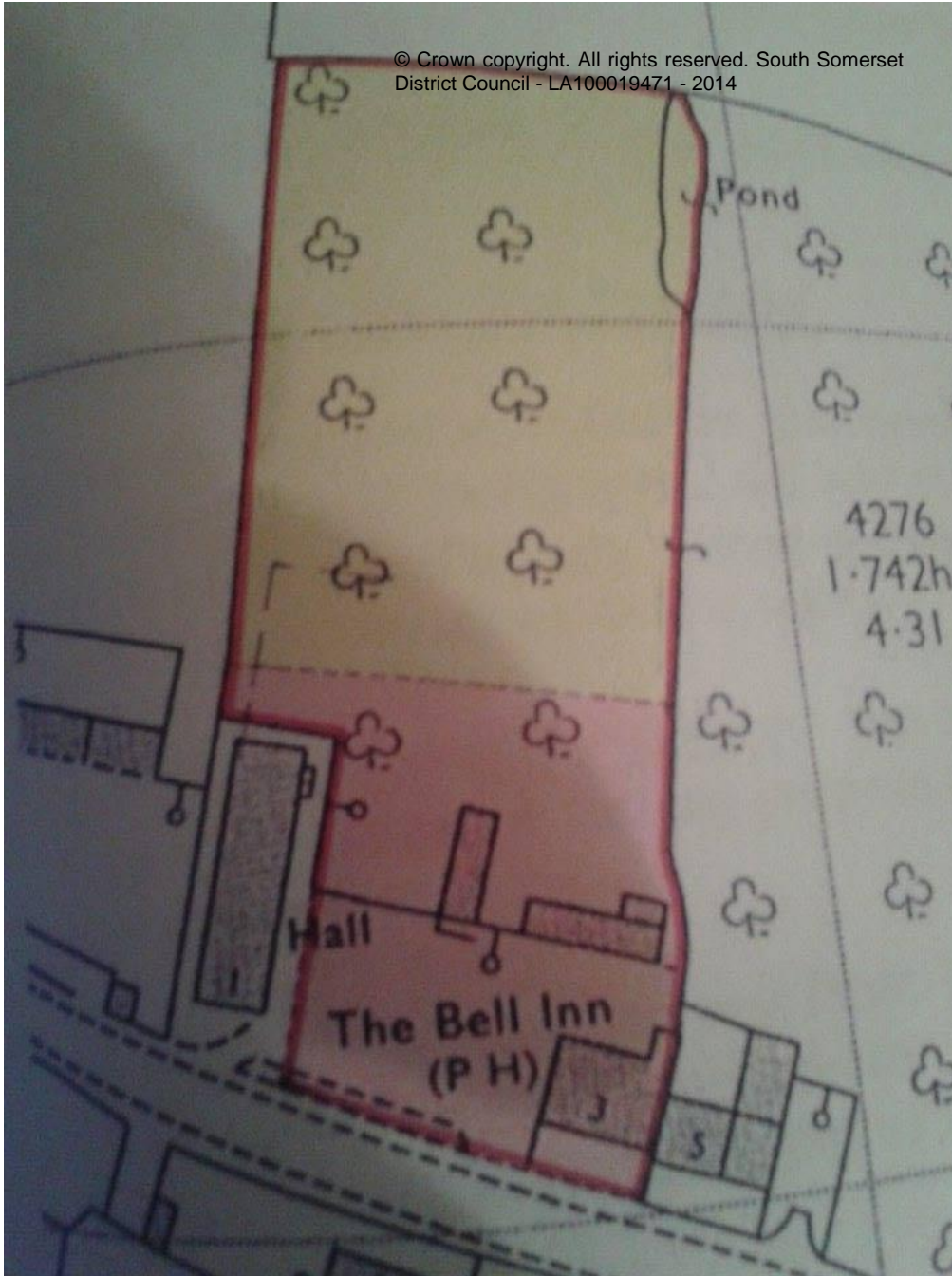
The Council's Equality Objectives and the General Equality Duty have been considered in the assessment of this nomination. There are no implications requiring action arising from this decision.

Appendix 1 - Community Right to Bid Assessment The Bell Public House, Ash

Name of property/land	The Bell Public House, Ash
Date of decision	11/7/2014
Area Development Manager	Charlotte Jones (North)
Area Chair	Cllr Shane Pledger
Ward Members	Cllr Patrick Palmer, Graham Middleton (Martock)

	Community Right to Bid criteria	Detail	Fits Criteria Y/N
Nominating body	Does the nominating body fit the definition of a 'Community Interest Group?'	Ash Parish Council	Y
Area of interest	Does the nominating body have a 'local connection'? ie. are its activities wholly or partly concerned with the South Somerset area or with a neighbouring authority (which shares a boundary) and is any surplus it makes wholly or partly applied for the benefit of the South Somerset area or a neighbouring authority's area?	Ash Parish Council	Y
Use in recent past	Does the current use of the property or its use in the 'recent past' (ie. the past 5 years) further the social wellbeing and interests of the local community?	Public House with function room, gardens and skittle alley. Also allows use of car park by Primary School	Y
Proposed future use	Does the proposed continued use (or in the next 5 years) further the social wellbeing and interests of the local community?	Intend to continue with existing use with possible addition of community facilities ie shop/post office`	Y
Conclusion	This nomination meets the criteria required and therefore should be added to SSDC's register of assets of community value.		
Decision	The Bell Public House is to be added to SSDC's list of assets of community value		

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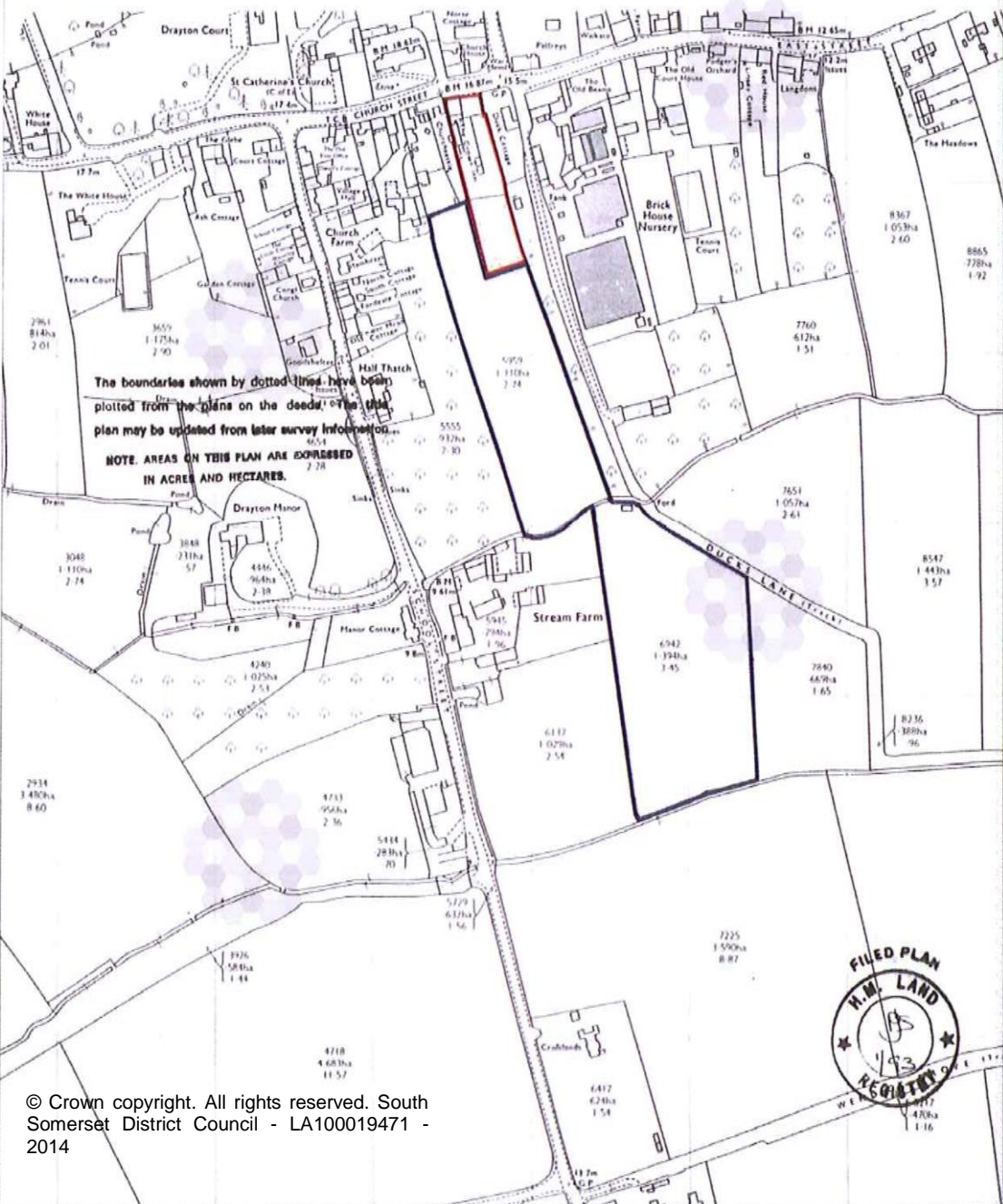


Appendix 2 - Community Right to Bid Assessment The Drayton Arms, Drayton

Name of property/land	The Drayton Arms, Drayton
Date of decision	24 th July 2014
Area Development Manager	Charlotte Jones (North)
Area Chair	Cllr Shane Pledger
Ward Members	Cllr Terry Mounter (Curry Rival)

	Community Right to Bid criteria	Detail	Fits Criteria Y/N
Nominating body	Does the nominating body fit the definition of a 'Community Interest Group?'	Drayton Parish Council	Y
Area of interest	Does the nominating body have a 'local connection'? ie. are its activities wholly or partly concerned with the South Somerset area or with a neighbouring authority (which shares a boundary) and is any surplus it makes wholly or partly applied for the benefit of the South Somerset area or a neighbouring authority's area?	Drayton Parish Council	Y
Use in recent past	Does the current use of the property or its use in the 'recent past' (ie. the past 5 years) further the social wellbeing and interests of the local community?	Public House with garden area	Y
Proposed future use	Does the proposed continued use (or in the next 5 years) further the social wellbeing and interests of the local community?	Public House in community ownership	Y
Conclusion	This nomination meets the criteria required and therefore should be added to SSDC's register of assets of community value.		
Decision	The Drayton Arms, Drayton is to be added to SSDC's list of assets of community value		

H.M. LAND REGISTRY		TITLE NUMBER
		ST95116
ORDNANCE SURVEY PLAN REFERENCE	ST 4024	Scale 1/2500
COUNTY SOMERSET	DISTRICT SOUTH SOMERSET	© Crown copyright



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Agenda Item 13

Flood Recovery and 20 Year Flood Action Plan Update

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Kim Close/Helen Rutter, Communities
Service Manager: Charlotte Jones, Area Development Manager (North)
Lead Officer: As above
Contact Details: charlotte.jones@southsomerset.gov.uk or (01935) 462251

The Area Development Manager (North) will provide a verbal update on the progress of schemes and actions within the 20 Year Flood Action Plan.

Agenda Item 14

Area North Committee – Forward Plan

Strategic Director: Rina Singh, Place and Performance
Assistant Directors: Helen Rutter & Kim Close, Communities
Service Manager: Charlotte Jones, Area Development (North)
Lead Officer: Becky Sanders, Committee Administrator
Contact Details: becky.sanders@southsomerset.gov.uk or (01935) 462596

Purpose of the Report

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

Public Interest

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

Recommendation

Members are asked to note and comment upon the Area North Committee Forward Plan as attached at Appendix A, and identify priorities for further reports to be added to the Area North Committee Forward Plan.

Area North Committee Forward Plan

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

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

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

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders.

Background Papers: None

Appendix A – Area North Committee Forward Plan

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

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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
Monthly	Somerset Levels and Moors 20 Year Flood Action Plan	A progress report on the Somerset 20 Year Flood Action Plan, and Flood Recovery Plan	Charlotte Jones, Area Development Manager (North)
24 Sept '14	Building at Risk (Confidential)	A report on a particular historic building at risk in Area North, with an assessment of the council's options for its longer term conservation.	Ian Clarke, Assistant Director (Legal and Corporate Services)
24 Sept '14	Arts and Entertainment	A report from the SSDC Arts and Entertainment Service including the Octagon Theatre and Arts Development service.	Adam Burgan, Arts & Entertainment Manager and Pauline Burr, Arts Development Officer
24 Sept '14	Local Housing Needs in Area North	A report from the SSDC Housing and Welfare Service and an update on housing need in Area North.	Kirsty Larkins, Housing and Welfare Manager
24 Sept '14	Section 106 Monitoring Report	Update report on the completion of the terms of various s106 agreements, including the collection and re-investment of financial obligations from developers.	Neil Waddleton, Section 106 Monitoring Officer
24 Sept '14	Appointment to an Outside Body.	To appoint a councillor to serve on the Executive Board of the Levels and Moors Local Action Group	Charlotte Jones, Area Development Manager (North)
22 Oct '14	Flooding, land drainage and civil contingencies	General report providing an annual update.	Roger Meecham, Engineer and Pam Harvey, Civil Contingencies & Business Continuity Manager

22 Oct '14	<i>LEADER report</i>	<i>To report on the outcome of applications to DEFRA for funding under the Leader+ programme, with implications for South Somerset.</i>	<i>Helen Rutter, Assistant Director(Communities)</i>
22 Oct '14	Community Offices	Update report	Lisa Davis, Community Office Support Manager
26 Nov '14	<i>Langport and Huish Episcopi Conservation Area</i>	<i>To consider proposed changes to the Conservation Area boundary (following consultation).</i>	<i>Adron Duckworth, Conservation Manager</i>
TBC	<i>Community Youth Project</i>	<i>A presentation from the Community Youth Project, whose members include Martock, Somerton, Tintinhull, the Hamdons, and Kingsbury Episcopi.</i>	<i>Teresa Oulds, Neighbourhood Development Officer (North)</i>
TBC	<i>Economic Development in Area North</i>	<i>Presentation / discussion on opportunities to promote local economic development</i>	TBC

Agenda Item 15

Planning Appeals

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

Purpose of the Report

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

Public Interest

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

Recommendation

That members comment upon and note the report.

Appeals Lodged

None

Appeals Dismissed

13/04764/OUT – Land adjoining Fosse Way Farm, Stoke Road, Martock.
Outline application for the erection of a detached dwellinghouse.

Appeals Allowed

None

The Inspector's decision letter is attached.



Appeal Decision

Site visit made on 15 July 2014

by Colin Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 28 July 2014

Appeal Ref: APP/R3325/A/14/2217120

Land between Venn Farm and Fosseway Farm, Stoke Road, Martock, Somerset TA12 6AQ.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Sarah Dike against the decision of South Somerset District Council.
 - The application Ref 13/04764/OUT, dated 16 January 2014, was refused by notice dated 12 March 2014.
 - The development proposed is the erection of 1no detached dwellinghouse.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline, with all details except access reserved for future determination. I have determined the appeal on this basis.

Main Issue

3. The main issue is whether the proposal would be consistent with the principles of sustainable development.

Reasons

4. Policy ST5 of the *South Somerset Local Plan Adopted 2006* (the Local Plan) indicates, in criterion 1, that development should promote a pattern of land use that reduces the need to travel, minimises the length of journeys and provides choice of transport options. This is broadly consistent with a core principle of the *National Planning Policy Framework* (the Framework) to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. To promote sustainable development, Paragraph 55 of the Framework makes it clear that new isolated homes in the countryside should be avoided unless special circumstances apply.
5. Although the appeal site is situated between two existing dwellings, it is not part of an established rural settlement and the surrounding area is mostly agricultural in nature. It is therefore in a relatively isolated location. Nonetheless, the appellant argues that future occupiers of the proposed dwelling could access local services in Stoke Sub Hamdon and Martock by means other than private vehicle. Although relatively few details are provided, I understand that these settlements contain a range of shops and services capable of meeting many everyday needs, including schools.

6. According to the appellant, the pedestrian route to local services within Stoke Sub Hamdon and Martock is 1.4 kilometres and 1.7 kilometres respectively. Whilst this may be a relatively short drive, it is likely to be beyond convenient walking distance for many potential occupiers of the proposed dwelling. Furthermore, this part of Stoke Road contains fast moving traffic and is mostly unlit, with large sections having no paved footway. As such, the route may be perceived as unsafe by lone persons or schoolchildren, especially during winter when daylight is limited during working hours. For similar reasons, it does not provide a particularly attractive route for potential cyclists.
7. Apart from nearby settlements, there is also a garage incorporating a convenience store approximately 800 metres from the appeal site. However, the pedestrian route indicated by the appellant would involve walking along Stoke Road and crossing an unlit footbridge which passes over the A303. Even though the appellant may choose to walk the route, it is unlikely to be perceived as an attractive or safe option by all potential occupiers of the proposed dwelling especially during hours of darkness.
8. Information is provided showing an hourly bus service connecting Yeovil with Martock via Stoke Road. However, it is not clear how far the nearest bus stop is from the appeal site and, in any event, these services do not appear to run beyond late afternoon during weekdays. As such, these buses are unlikely to provide a convenient alternative to private vehicles for quick day-to-day journeys to local shops and services. Although the appellant refers to additional school services and on-demand buses running along Stoke Road, few details have been provided regarding the frequency of these services.
9. Overall, it seems likely that future occupiers of the proposed dwelling would be heavily reliant on private vehicle use to meet most of their day-to-day needs. Whilst there may be some potential to walk, cycle or catch buses to access local shops and services, these are not particularly convenient or attractive options in this particular location. Whilst private vehicle journeys to Martock or Stoke Sub Hampton may be relatively short in length, the need for making such journeys in the first place is likely to be frequent given the relatively isolated location of the appeal site outside established rural settlements where most local services are concentrated.
10. When the application was originally determined, the Council were unable to demonstrate a 5-year housing land supply. Evidence has since been provided to show that this situation may have now changed. Nonetheless, even if there is not such a supply, I consider that the very limited contribution that a single dwelling would make towards addressing an undersupply of housing and improving the choice of homes would be minimal. Similarly, any benefits to the local economy that may arise through the construction process would not be particularly substantial.
11. As such, any benefit that the proposal may bring does not outweigh the environmental harm (in terms of carbon emissions) that would arise by developing in a relatively inaccessible location outside established settlements. Whilst it is argued that the dwelling would be highly energy efficient, this matter is reserved for future determination. Therefore, even though the landscape and ecological impact of the proposal would be minor, the proposal would not represent sustainable development for which the Framework states there is a presumption in favour.

12. In reaching this decision, I have had regard to the Appeal Decision¹ allowing a gypsy and traveller site near the appeal site. It is reported within this decision that the local authority consider the location to score well in sustainability terms, being within a reasonable distance of services and facilities. The appellant points out that it is more inaccessible than the appeal site. However, the assessment was made in the context of gypsy and traveller accommodation which is assessed under different policy criteria than general market housing. With regard to the appeal proposal, Paragraph 55 of the Framework makes it clear that isolated homes in the countryside should be avoided unless there are special circumstances. Little evidence has been put forward to indicate that any of the special circumstances outlined in the Framework would apply in this particular case.
13. I therefore conclude that the proposal would not be consistent with the principles of sustainable development. There would be conflict with Policy ST5 of the Local Plan which, amongst other things, aims to achieve sustainable land use patterns that reduce the need to travel by private vehicle. The proposal would also conflict with a core principle of the Framework to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. Furthermore, it would conflict with Paragraph 55 of the Framework which aims to avoid isolated homes in the countryside.
14. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Colin Cresswell

INSPECTOR

¹ Appeal Decision APP/R3325/A/10/2129616

Agenda Item 16

Schedule of Planning Applications to be Determined by Committee

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

Purpose of the Report

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

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 3.45pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 3.35pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
17	WESSEX	13/03663/ FUL	Erection of 7 houses, refurbishment of premises to create retail units and flats etc	1-4 West Street, Somerton.	Somerton Park Ltd
18	WESSEX	14/02558 /FUL	Erection of dwelling house (retrospective) – resubmission of planning application 13/03703/FUL.	Banbury House, 5 Old Somerton Hotel, New Street, Somerton.	Mr & Mrs P Frayne
19	ST MICHAEL'S	14/00230/ FUL	Erection of anaerobic digester with associate plant and works.	Land OS 0002, Bearley Lane, Tintinhull.	Greener For Life Energy Ltd
20	ISLEMOOR	14/02962/ S73A	Application to remove agricultural occupancy condition.	Spruces, Cathanger Lane, Fivehead.	Mr S Newis
21	TURN HILL	14/01163/ FUL	Retention of detached garage and new access.(retrospective)	Bridge Horn Barn, Henley, Langport.	Mr S Cowling

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

Agenda Item 17

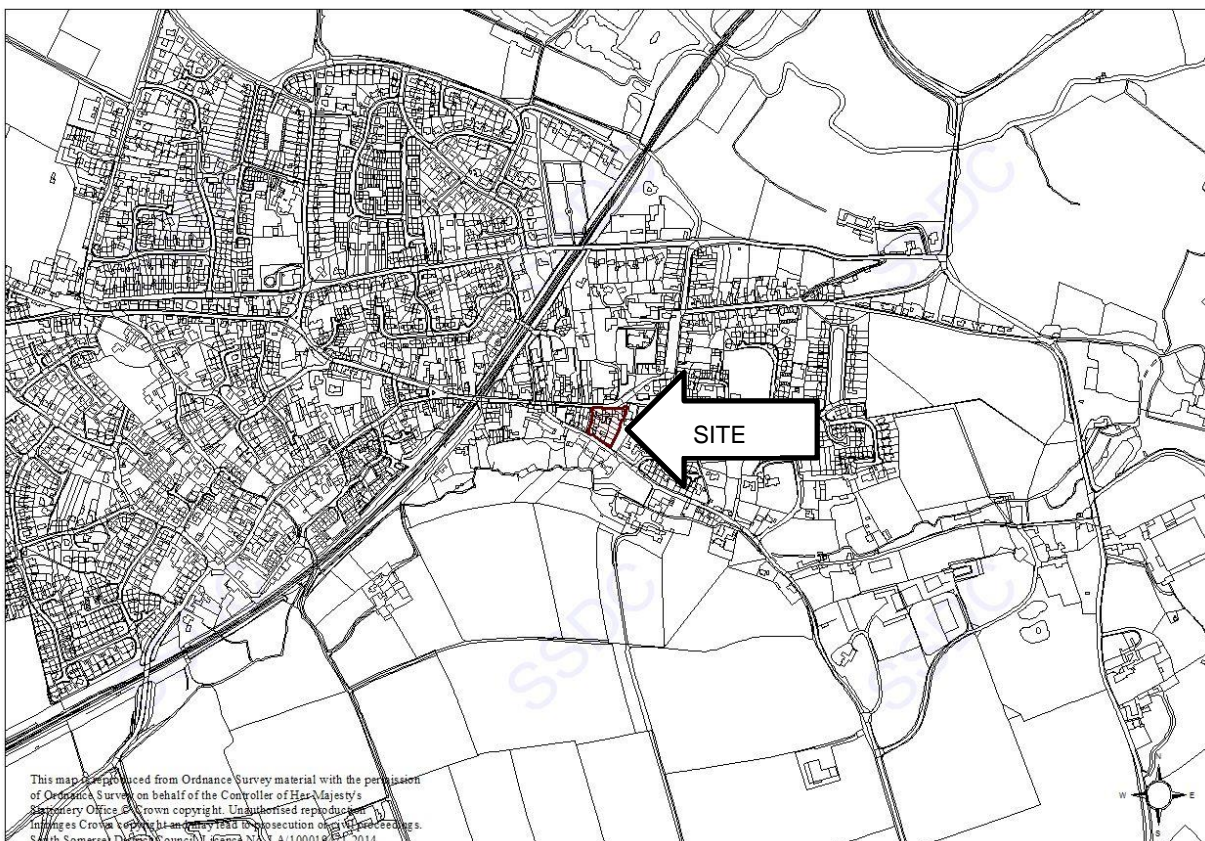
Officer Report On Planning Application: 13/03663/FUL

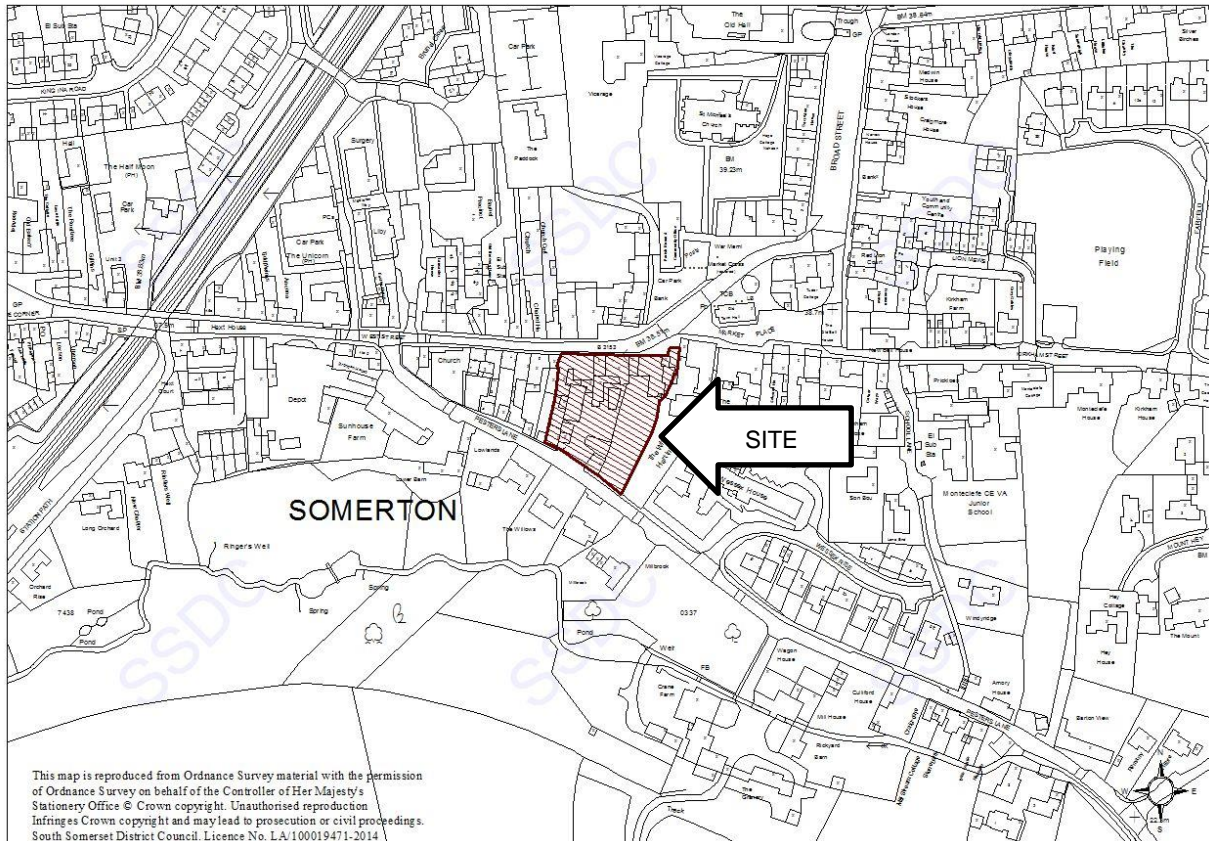
Proposal :	Demolition of various structures, erection of 7 no. 2 bedroom houses, refurbishment of existing premises along West Street to create 6 retail units and change of use and extension of various 1st floor residential and business accommodation to 7 flats (6 no. 2-beds and 1 no.1-bed) (GR:348990/128498)
Site Address:	1-4 West Street, Somerton, Somerset.
Parish:	Somerton
WESSEX Ward (SSDC Members)	Cllr Pauline Clarke Cllr David Norris
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	16th December 2013
Applicant :	Somerton Park Ltd
Agent: (no agent if blank)	John Sneddon, Unit 2, Eclipse Office Park, High Street, Staple Hill, Bristol BS16 5EL
Application Type :	Major Dwlg 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

The application is referred to Committee at the request of the Ward Members, with the agreement of the Area Chair to enable local concerns to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The site is located in the centre of Somerton, within the Conservation Area, less than 30 metres from the Market Place to the east. The site fronts onto both West Street and Pesters Lane, with the application site adjoining The White Hart Inn to the east, and a residential property to the west. The West Street frontage contains 2 storey buildings, comprising a mix of retail and residential accommodation, including The Old Courthouse and 1-4 West Street. The rest of the site contains a number of rear extensions, garaging and storage buildings running towards Pesters Lane, along with areas of open space comprising a mix of hardstanding and grassed areas. Stone boundary walls form both the eastern and western boundaries.

The Courthouse building, located in the north east part of the site, contains retail and residential accommodation and a gallery for the Somerset Guild of Craftsmen. Vehicular access can be gained from West Street through the narrow arched passageway in between the former Courthouse and 1-4 West Street however the site is generally accessed from Pesters Lane.

The proposal is for the extension and conversion of the West St frontage to 7 flats (6 two-bed and 1 one-bed) with 6 retail units at ground floor, the clearance of the rear part of the site and erection of 7 two-bedroom houses together with access from Pesters Lane and associated parking (29 spaces). Amended plans have been provided (20/11/13) to omit windows.

The application is supported by a Planning Statement, Design and Access Statement Transport Statement, Travel Plan, Archaeological and Heritage Assessment, Statement of Community Involvement, Affordable Housing Statement, Sustainability Assessment,

Drainage Design Strategy and an Ecological Survey Report. Subsequently, at the request of the Council's ecologist a Bat Survey has been provided (20/06/14).

RELEVANT HISTORY

09/03669/FUL Permission granted at appeal for refurbishment and regeneration of existing retail units, and creation of a mixed use scheme including a care home, assisted living and extra care apartments

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise. For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

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

ST3 - Development Areas
ST5 - General Principles of Development
ST6 - The Quality of Development
ST10 - Planning Obligations
EH1 – Conservation Areas
EH5 – Setting of listed buildings
EH12 – Archaeology
EC8 - Protected Species
EU4 - Drainage
TP1 - New Development and Pedestrian Movement
TP2 – Travel Plans
TP4 - Road Design
CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development
CR3 - Off-Site Provision of Outdoor Playing Space and Amenity Space in New Development

National Planning Policy Framework

Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 8 - Promoting Healthy Communities
Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 11 - Conserving and Enhancing the Natural Environment

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments
Goal 4 - Services and Facilities
Goal 8 - High Quality Homes

Other Policy Considerations

Somerset County Council Parking Strategy (March 2012)

CONSULTATIONS

Somerton Town Council – Support subject to no garages opening direct on to Pestors Lane, retention of archway access from West Street and ecological issues being addressed.

County Highway Authority – no objection subject to conditions. With regard to issues raised locally the following comments are offered:-

1. **Traffic Regulation Order (TRO)** – *it has been brought to my attention that one of the conditions attached to the previous application approved at Appeal sought to amend the existing TRO on Pestors lane and not mentioning it in my earlier email was an oversight and I would therefore recommend that the same condition be attached to any consent granted by the LPA.*
2. **Deliveries** – *This was again an aspect of the previously approved application that was considered by the Inspector and was satisfied that it would not be issue by attaching a suitable condition to the previous consent, notwithstanding the fact that the retail units which form part of the development have the benefit of extant consent. As such I would recommend that is the LPA Planning committee is concerned about deliveries to the development, that a similar condition be attached to any consent.*
3. **Parking proposals** – *As the planning officer will be aware I made reference in my original response to the number of parking spaces being proposed on site meeting the appropriate standard. That said, I understand that concern has been expressed about the two garages being proposed on the Pestors Lane frontage, it is self-evident however that Pestors Lane is traffic calmed and there are a number of existing garage sized buildings on the site which front Pestors Lane in a similar manner. It is also understood from paragraph 4.10 of the Transport Statement that the developers are proposing that houses 1 and 4 will have automatically controlled garage doors which will open automatically so that vehicles do not have to wait in Pestors Lane while an occupant of the car has to get out of the vehicle to open the garage doors. Such an arrangement would also have the added benefit of firstly effectively self-regulate parking in front of these properties (and existing ones on the opposite side of the road) as it would be an offence to park a car in front of the garages (blocking access) and secondly ensuring that visibility from the main vehicular access point is adequately maintained. As such I consider the proposed arrangement to be acceptable.*
4. **APC Liability** - *The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such, under Sections 219 to 225 of the Highway Act 1980, will be subject to the Advance Payment Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore, in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.*

English Heritage – recommends determination in line with SSDC specialist conservation advice.

Landscape Architect – no objection subject to agreement of external materials

Tree Officer – No objections.

SSDC Community Health and Leisure – Requests a contribution of £4,165.39 per dwelling (total £49, 984.79) towards mitigating the impact of the development on sports arts and leisure facilities. Such obligations would be directed towards:-

- the enhancement of the equipped play area at Etsome Terrace, Somerton (£9,462.40);
- the enhancement of the youth facilities at Gassons Lane Recreation Ground, Somerton (£1,857.98);
- the enhancement of the playing pitches at Gassons Lane Recreation Ground, Somerton (£4,628.28);
- the enhancement of the changing facilities at Gassons Lane Recreation Ground, Somerton (£9,369.86);
- Commuted sums to above £10,211.02:
- expanding and enhancing the Octagon Theatre in Yeovil (£3,651.26).
- the development of a new 3G AGP at Huish Episcopi Academy School (£937.81);
- towards the development of a new indoor swimming pool in the Langport/Huish Episcopi area or towards the development of a centrally based 8 lane district wide competition pool in Yeovil (£2,135.37);
- the provision of a new indoor tennis centre in Yeovil, likely to be within Yeovil Sports Zone (£2,764.55).
- the enhancement of the sports hall at Huish Episcopi Academy School or towards the development of a centrally based 8-court district wide competition sports hall in Yeovil £4,444.27.

A leisure monitoring fee of £494.90 is also sought.

Economic Development – Suggests the provision of a loading bay for the retail units.

Area Development Manager – Concerned to see that the retail component is delivered.

County Archaeologist – No objections subject condition to require archaeological monitoring of the development and a report made of any discoveries.

Ecologist – Requested bat survey as original bat information was considered out of date. Has now confirmed that the submitted ecology report and survey are acceptable. Recommends ecological safeguarding conditions.

Climate Change Officer – Encourages the use of renewables

Environmental Health: No observations

Wessex Water: No objections raised.

South Somerset Disability Forum – Notes that proposed access ramp from West St is steep.

Open Spaces Officer – No contribution sought.

Area Engineer: No objections raised.

Environment Agency: No comment to make on this application.

REPRESENTATIONS

7 residents have raised the following issues:-

- Garage doors should not open directly onto Pestors Lane which is a busy, narrow road;
- Height of extended building would have poor relationship with listed White Hart;
- Three storey buildings fronting pestors lane would be too dominant
- Up-to-date ecology surveys are needed;
- Drainage needs careful consideration;
- Rear access to West St premises should be provided ;
- Narrow pedestrian access to West St is dangerous;
- This is an improvement on the previous scheme and is supported
- Any parking on Pestors Lane would be dangerous

CONSIDERATIONS

It is considered that the proposal is acceptable in principle subject to consideration of the following:-

- Access and parking
- Visual impact
- Residential amenity
- Ecology
- Planning obligations

Access and Parking

It is considered that the proposal incorporates sufficient parking (29 spaces) for 14 modest units in this town centre location and as such complies with the Somerset Parking Strategy and it is noted the proposed access is supported by the highways authority. No highways safety objection is raised to the pedestrian walkway through to West Street.

Whilst there are local concerns about the configuration of the garages facing onto Pester's Lane, the highways authority does not share these concerns for the reasons set out in their comments above. On this basis it is considered that these local concerns could not sustain a reasonable objection.

Accordingly it is considered that this aspect of the proposal complies with the Council's saved policies.

Visual Impact

It is considered that the proposal new buildings would create an acceptable frontage to Pestors Lane. Whilst the houses fronting the lane would have 3-storeys, the top floor would comprise rooms in the roof-space and the buildings would not therefore appear as full height 3-storey structures as feared by local residents. Within the site the alterations to the West St frontage buildings are considered appropriate and of a suitable scale. Overall it is considered that the proposal would preserve and enhance the character and appearance of the conservation area.

Although there are local concerns about the relationship with the listed White Hart it is not considered that this is objectionable. Accordingly the proposal is considered to comply with saved policies ST5, ST6, EH1 and EH5.

Residential Amenity

It is considered that the proposal would provide a suitable standard of amenity for future occupiers in terms of amenity space, parking and outlook. With regard to existing residents it is considered that an appropriate relationship would be created with existing properties. The relationship with the rear garden of the White Hart is noted, however the environmental health officer raised no objection.

Accordingly it is considered that the proposal complies with the requirements of policy ST6.

Ecology

Whilst the initial report relied on an out of date bat survey the applicant has now provided a new survey. It is accepted that this development will result in the destruction of bat roosts and there it needs to be assessed against the 3 Habitats Regulations tests. Permission can only be granted if all three derogation tests are satisfied. The tests are:

1. the development must meet a purpose of *'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'*
2. *'there is no satisfactory alternative'*
3. the development *'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'*.

In respect of test 3, our ecologist concludes that the favourable conservation status is likely to be maintained due to the presence of only low numbers of bats, and the securing of appropriate mitigation by condition. The surveys in May/June 2014 recorded brown long-eared bat, common pipistrelle, and soprano pipistrelle emerging from or entering roosts on site. Numbers observed were limited to one or two individuals only. These three species are all considered to be relatively common, both locally and nationally. Lesser Horseshoe bat was also recorded roosting. This is a rarer species with a limited UK distribution although has been recorded in small numbers at widespread locations across South Somerset district. Again, only a single individual was recorded. The mitigation recommended in the survey report is consistent with Natural England guidance and there is scope for such replacement roosting opportunities to be provided. Such mitigation can be secured by condition.

With regard to the other tests it is considered that the benefits of renovating and bringing the site into use include social and economic benefits that clearly could not be met at another site. Given the ecologist's comments in relation to the numbers of affected bats and the scope for agreeing mitigating measures, it is considered that the proposal complies with saved policy EC8.

Planning Obligations

This proposal for 14 houses on a site of less than 0.5 hectares falls below the threshold for affordable housing. The developer is agreeable to the requested sports, arts and leisure obligation and the appropriate monitoring fee. As s106 agreement has been provided to deliver these obligations.

Other Issues

No objection has been received from the Environment Agency, Wessex Water or the Council's engineer to the proposed drainage, the details of which can be satisfactorily agreed by condition. The county archaeologist has suggested a condition to address the archaeological potential of the site.

Whilst dedicated servicing for the retail premises would be helpful, the lack of such facility, not enjoyed by many other premises, could not reasonably sustain a refusal. As an adopted road, the new 'mews' would be available for delivery vehicles.

Conclusion

Notwithstanding local concerns it is considered that the proposal would make good use of this town centre site, with an appropriate mix of retail premises, 14 modest residential units and associated parking. Any highways impact would not be severe and character and appearance of the conservation area would be preserved and enhanced without detriment to ecology, drainage or residential amenity. As such the proposal complies with the saved policies of the South Somerset Local Plan and the policies contained within the National Planning Policy Framework.

RECOMMENDATION

That application reference 13/13/03663/FUL be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-
 - 1) Provide for a contribution of £49,489.79 (or £4,165.39 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing).
 - 2) Provide for a S106 monitoring based on 20% of the outline planning application fee.
- b) The following conditions:

Justification

Notwithstanding local concerns it is considered that the proposal would make good use of this town centre site, with an appropriate mix of retail premises, 14 modest residential units and associated parking. Any highways impact would not be severe and character and appearance of the conservation area would be preserved and enhanced without detriment to ecology, drainage or residential amenity. As such the proposal complies with the saved policies of the South Somerset Local Plan and the policies contained within the National Planning Policy Framework.

Conditions

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 (except where directed otherwise by other conditions attached to this permission):
P100 P2; P113 P3; SK53 P1; E110 P3; E112 P3; E111 P3; E113 P3; E114 P2; SK52 P1; P110 P4; P111 P3; P112 P3; S100 P2; S101 P1; C102; C101

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

03. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority;
- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
 - c. details of all hardstanding and boundaries
 - d. details of the rainwater goods and eaves and fascia details and treatment.
- Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with saved policies EH1, ST5 and ST6 of the South Somerset Local Plan.

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

Reason: To safeguard the archaeological potential of the site in accordance with policy EH12 of the South Somerset Local Plan.

05. The development hereby permitted shall not be commenced (including any demolition or site clearance) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a bat mitigation plan. The works shall be implemented in accordance with the approved details and timing of the mitigation plan, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

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

06. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EC8 of the adopted South Somerset Local Plan.

07. No development hereby approved shall be commenced until surface water drainage details, including calculations, have been submitted to and approved in writing by the local planning authority. Such details shall incorporate sustainable drainage techniques where appropriate and shall include measures to prevent surface water from private properties draining onto the public highway. Once approved such details shall be fully implemented prior to the occupation of any of the units and shall be maintained in good working order at all times thereafter.

Reason: To ensure that the development is adequately drained in accordance with saved policy EU4 of the South Somerset local Plan.

08. The development hereby permitted shall not commence unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction operation hours, construction vehicular routes to and from site, construction delivery hours, car parking for contractors and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice. Once approved the development shall be carried out in accordance with the approved Construction Management Plan.

Reason: To safeguard the amenities of the locality in accordance with accord with Policy EP6 of the South Somerset Local Plan.

09. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 286620 P4 and shall be available for use before any work commences on the dwellings hereby approved. Once constructed the access shall be maintained thereafter in that condition at all times.

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

10. Before any dwelling hereby permitted is first occupied, a footway shall be constructed over the Pestors Lane frontage of the site as shown generally in accordance with drawing number 286620 P4 and to a specification approved in writing by the Local Planning Authority prior to commencement of any work on the site.

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

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

Reason: In the interests of visual amenity and highways safety in accordance with accord with Policy ST5 of the South Somerset Local Plan.

12. The area allocated for parking and turning on the submitted plan, drawing number 286620 P4, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason To ensure that the development is served by sufficient parking to meet future residents needs in accordance with the Somerset Parking Strategy (2012).

13. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the splay areas having co-ordinates of 2.4m by 33m on each side of the junction of the proposed estate road with Pestors Lane. Such visibility splays shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

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

14. All the recommendations of the Travel Plan by Transport Planning Associates dated September 2013 submitted with the application shall be implemented in accordance with the timetable therein. Thereafter the development shall operate the Approved Travel Plan or any variation of the Travel Plan agreed in writing by the Local Planning Authority.

Reason In the interests of sustainable development in accordance with saved Policy TP2 of the South Somerset Local Plan.

Informative:

01. Before this development can commence, a European Protected Species Mitigation Licence (under The Conservation (Natural Habitats, &c.) Regulations 2010) will be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.

Agenda Item 18

Officer Report On Planning Application: 14/02558/FUL

Proposal :	Erection of three bedroom dwelling house - retrospective- resubmission of planning application 13/03703/FUL (GR 349280/128720)
Site Address:	Banbury House, 5 Old Somerton Hotel, New Street, Somerton.
Parish:	Somerton
WESSEX Ward (SSDC Members)	Cllr Pauline Clarke Cllr David Norris
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	1st August 2014
Applicant :	Mr & Mrs P Frayne
Agent: (no agent if blank)	Mr Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Area North Committee at the request of the Ward Members and Chair to allow the impact to be considered.

SITE DESCRIPTION AND PROPOSAL



agents letter dated 21st April 2009 and accompanying proposed site plan and proposed east elevation - Application permitted with conditions 08/05/2009

06/00209/LBC - Erection of part glazed timber screen forming lounge (retrospective) - Application permitted with conditions 26/04/2006

POLICY

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

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

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

ST5 - General Principles of Development

ST6 - The Quality of Development

EH1 - Conservation Areas

EH3 - Alterations to Listed Buildings

EH5 - Setting of Listed Buildings

The National Planning Policy Framework

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and Enhancing the Historic Environment

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

CONSULTATIONS

SSDC Conservation Officer - Given the importance of the conservation officer's opinion in the determination of this application his comments are given verbatim below:

"This proposal relates to a revised retrospective application for the construction a dwelling in Somerton. The building is an extension to a listed building, within the curtilage of the listed building, and within the conservation area.

The starting point for the exercise of listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 16)

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

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

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

The NPPF also states that sustainable development involves seeking positive improvements to the historic environment.

The dwelling was part of the development of the site which had previously been a hotel/public house with range of outbuildings. This allowed five dwellings in total with the house the subject of this application being an extension to the outbuildings. To that end we are dealing with an extension to a listed building as part of a larger scheme. The site is also within the conservation area.

The original consent dates from 2007, with a scheme which ran the outbuildings round to form an enclosed courtyard. The scheme sat well in context and showed timber lintels, chimneys and simple roof form. The building ran through at one eaves level. Tiles were to match existing.

Building works commenced and due to local difficulties, the element to the west of dwelling 5, the subject of this application was retained at the existing height, not brought up level as previously approved. No changes were made in relation to dwelling 5 in terms of there was no change from the original approval. These works were the subject application number 13/00458 & 54.

It had though become clear that dwelling 5 was not built as approved. Discussions with the agent on site revealed that he had altered the drawings for number of technical, not design, reasons, but had not informed the planning office. The alterations included a loss of the chimneys, the use of non-matching concrete tiles, changes to the overall form of the building with change in roof heights, the loss of the timber lintels and changes to fenestration, and changes to eaves heights. These alterations were significant, and resulted in the applications made in 2013 Nos 13/03703 and ? [sic]

This was and remains an unfortunate situation where the approved, quite acceptable scheme has been compromised on two occasions. The first approved, to not build a second floor to link across, remains acceptable. The changes to dwelling 5, made for technical reasons, not conscious design reasons have compromised the design further.

In an effort to help the applicant we in the conservation section looked closely at what had been built and looked at the issues. Whilst we have some latent issues with the changes to the building, we felt that it could be rescued by the matters raised, and whilst would not be ideal would improve the situation to being more benign.

This is an extension to a listed building in a conservation area. Concrete tiles are rarely

proposed on extensions to listed buildings, and are rejected when proposed. Character relates to the material used, as well as the colour finish, and in this case concrete tiles are an inappropriate material to use on this extension to a listed building in a conservation area, it is an alien material. Perhaps if we ask the question would it be appropriate to reroof the other outbuilding to the rear in 'matching' concrete tiles? Would that be acceptable? Would it be acceptable to apply that more widely across the conservation area, would there be no impact? In my view there would be a loss of special interest to the listed building and the conservation area. The applicant has submitted one new clay tile to suggest that if this was used to replace the concrete tiles there would be more harmful than to leave the current concrete tiles, but this is just one example of a non-traditional form made in another country.

The roof form has been altered. The original form was simpler and traditional and the central chimney meet [sic] and explained the change in roof heights between the gable and main ridge. That on site (note the roof plan submitted is not what has been built) is more complicated with three ridges meeting in a complicated and non-traditional form which can be seen from the main road immediately to the north of the application site, the one which rises up the mini roundabout. To this end the introduction of the chimney will help resolve the roof form and reintroduce a traditional feature."

County Highways - Standing advice applies

Town Council - Recommends approval

REPRESENTATIONS

None received.

CONSIDERATIONS

History and Principle of Development

A scheme was approved in 2009 for the conversion of the hotel and outbuildings into four dwellings and the erection of a new dwelling. The scheme was commenced, as two of the converted dwellings have been converted and occupied, and the new build has been constructed and occupied. A subsequent permission altered the conversion to allow it to be converted into three dwellings rather than the originally approved four. The new build element was not constructed in accordance with approved plans in a number of regards and therefore effectively does not have planning permission. A scheme was submitted in 2013 in order to regularise the situation by pursuing permission for the new build dwelling as built. The 2013 scheme was refused for the following reason:

"The proposed dwelling, by reason of its complicated roof design with no chimneys, concrete roof tiles, and lack of traditional lintels, would have an adverse impact on the setting of the listed building and the character of the conservation area contrary to policies EH1 and EH3 of the South Somerset Local Plan and the aims and objectives of the NPPF. Furthermore, the lack of details relating to the treatment of the west elevation gable do not allow a complete assessment of the total visual impact to be made."

Given the previous permission for a dwelling in this location, within the defined development area of Somerton, it is considered that the principle of a new dwelling in this location is already established, and need not be considered further here. All matters, with the exception of the previous reason for refusal, are considered to be satisfactory. The only matter that needs to be

considered in detail is whether the above reason for refusal has been satisfactorily addressed. The reason for refusal relates entirely to visual amenity, which is discussed below. The only difference between the refused scheme and the current scheme is the level of justification supplied for the proposed alterations.

Visual Amenity

The building adjoins, and is within the curtilage of a Grade II listed building. The site is within the Somerton conservation area. As such the SSDC conservation officer was consulted as to the impact on the setting of the listed building and the conservation area. The opinion of the conservation officer holds considerable weight in applications of this nature, and his comments and arguments have been included in full in the above section. It is not necessary to repeat his arguments here, but he concludes that the use of concrete tiles is not appropriate and the roof form remains overly complicated and should include a central chimney stack. It is considered that the lack of timber lintels has been adequately addressed, and the detail relating to the treatment of the west elevation gable supplied and is satisfactory.

However, whilst two elements of the reason for refusal have been satisfactorily addressed, it is still considered that the proposed dwelling, by reason of its complicated roof design with no chimneys and concrete roof tiles would have an adverse impact on the setting of the listed building and the character of the conservation area contrary to policies EH1 and EH5 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Other Matters

It is not considered that changes from the approved scheme would have any significant impact on residential amenity, or highway safety.

The highway authority has referred to their standing advice.

Conclusion

Whilst the proposal would not cause demonstrable harm to residential amenity or highway safety, it is considered that it would have an adverse impact on the setting of the listed building and the character of the conservation area contrary to policies EH1 and EH5 of the South Somerset Local Plan and the aims and objectives of the NPPF. As such the application is recommended for refusal.

RECOMMENDATION

Refuse for the following reason:

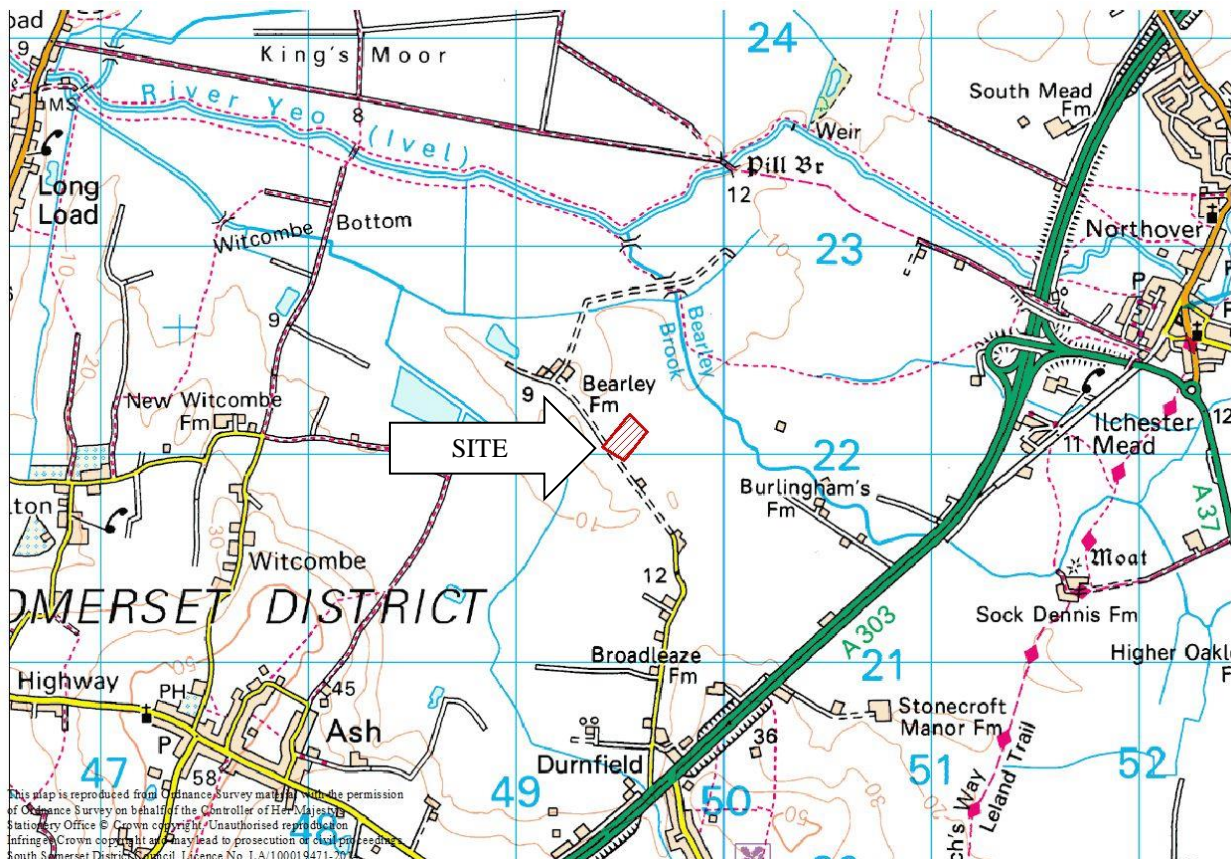
01. The proposed dwelling, by reason of its complicated roof design with no chimneys and concrete roof tiles would have an adverse impact on the setting of the listed building and the character of the conservation area contrary to policies EH1 and EH5 of the South Somerset Local Plan and the aims and objectives of the NPPF.

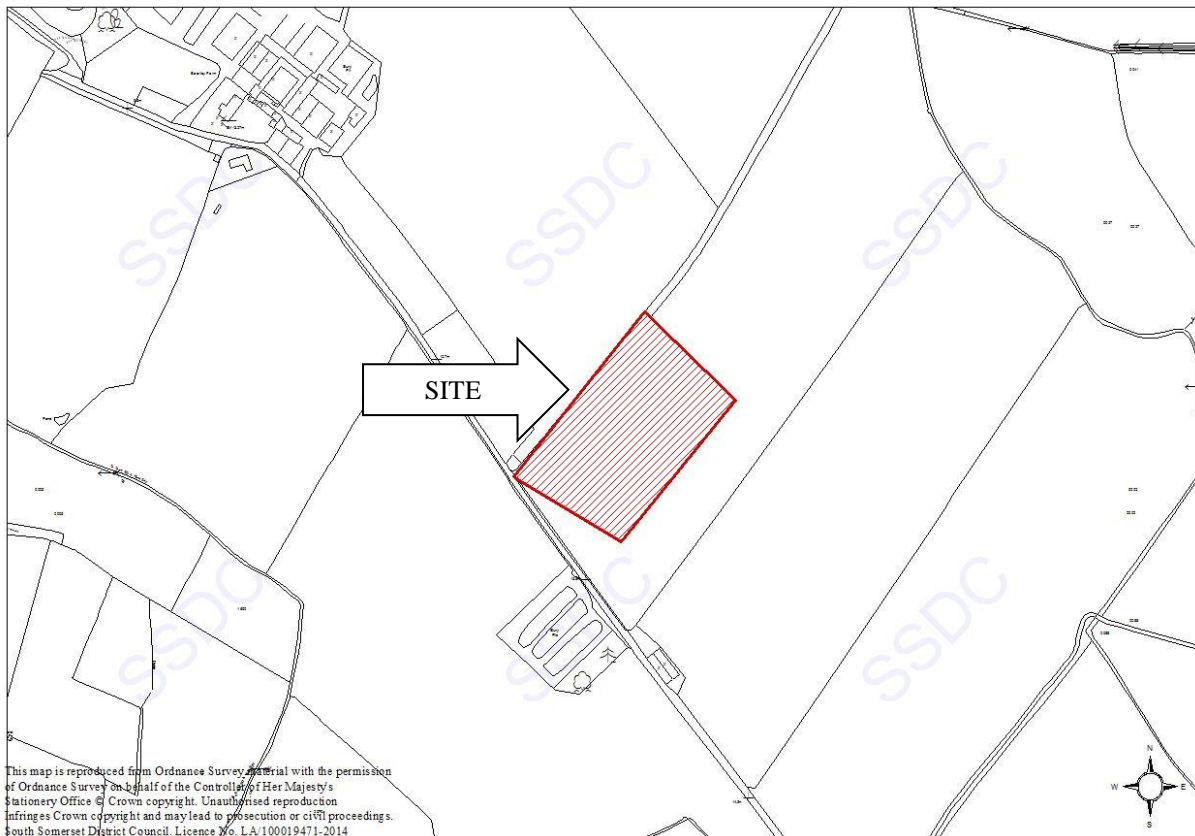
Agenda Item 19

Officer Report On Planning Application: 14/00230/FUL

Proposal :	The erection of a 1.3mW anaerobic digester with associated plant and works. The aim of the development is to generate energy and digestate for spreading as a soil conditioner and fertiliser (GR 349663/122127)
Site Address:	Land OS 0002, Bearley Lane, Tintinhull.
Parish:	Tintinhull
ST MICHAELS Ward (SSDC Member)	Cllr Jo Roundell Greene
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	18th June 2014
Applicant :	Greener For Life Energy Ltd
Agent: (no agent if blank)	E4environment Ltd (FAO: Ms Deborah Cairns), Hilley Farm, Pentre, Shrewsbury, Shropshire SY4 1 BP
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

SITE DESCRIPTION AND PROPOSAL





SITE

This application is seeking planning permission to erect a 1.3 MW anaerobic digester with associated plant and works on a 2.24 hectare site for the generation of biogas, the majority of which is to be exported into the national grid but with some converted to electricity to run the plant.

The proposed structures and equipment include:

- 3 silage clamps, measuring 85m long, 30m wide and 4m high;
- Pre-slurry tank and buffer tank separator measuring 12m in diameter and 4m high, to be dug into the ground to a depth of 3.75m;
- Two substrate feeders with a capacity of 80 cubic metres;
- Pumping station;
- Digester measuring 45m in diameter and 7m high, to be dug into the ground to a depth of 4.8m;
- Digestate tank (A), measuring 30m in diameter and 7m high, to be dug into the ground to a depth of 2m. A gasholder double membrane dome measuring 30m in diameter and 7.5m high to site on top of the tank;
- Digestate tank (B), measuring 32m in diameter and 7m high, to be dug into the ground to a depth of 2m;
- Operation building to contain Combined Head and Power (CHP) unit and control panels;
- Gas flare and separator;
- Gas conversion plan;
- Concrete yard.

The proposed facility is to treat 38,314 tonnes of farm feedstock per annum in the following form:

- 7,000 tonnes of cow slurry from Bearley Farm;
- 2,500 tonnes of farmyard manure from Bearley Farm;
- 4,500 tonnes of chicken litter from off-site;
- 3,000 tonnes of beet grown on land to the north side of the A303;
- 4,000 tonnes of maize silage grown on land to the north side of the A303;
- 11,150 tonnes of grass silage grown on land to the north side of the A303;
- 6,164 tonnes of rye grown on land to the north side of the A303.

The resulting products are digestate, heat and biogas. The resulting heat is to be used to heat the anaerobic digester and operations buildings. The digestate is to be used on the land at Bearley Farm and where the crops for the digester are being grown, with the liquid digestate used as a fertiliser and solid (fibre) digestate as a soil conditioner. It is intended that the liquid digestate be piped to the crop fields to the north of the A303.

The application site forms part of a wider field which forms part of the farm holding known as Bearley Farm. The site is located in the open countryside and is accessed via a single junction leading on to the A303 approximately 1.5km to the north and along Bearley Lane, a no-through unclassified road, which leads into a private farm track serving Bearley Farm. Bearley Lane also forms the access to a number of residential properties and businesses, including another farm.

The site is some distance from the main farmstead (approximately 600m) but is situated on rising ground adjacent to the site of an existing barn and a lagoon (96/02605/CPO) currently used in association with the farmers Viridor contract for the storage and spreading of food factory waste water on his holding. The nearest residential properties are approximately 300m to the south.

There are no public rights of way that pass close to the site however the site sits just to the north and within the consultation zone for a number of high pressure gas pipelines. The site is also within an RSPB consultation zone, within approximately 700m of Ashmead Fishery, a commercial fishery and local wildlife site, and within approximately 3.5km from Wet Moor SSSI to northwest.

The farmhouse at Bearley Farm is grade II listed and there are a number of archaeological sites in the area including a roman settlement at Bearley Farm and roman settlements / villas at Pill Bridge Lane and close to the Ilchester Interchange to the east.

The site is located within the lowest flood risk zone (zone 1)

RELEVANT HISTORY

14/01051/FUL: Provision of a flood prevention bund. Permitted.

12/03481/LBC: Partial demolition of existing barn, conversion and extension of existing barn to provide farm office and three units of holiday letting together with access and associated parking. Withdrawn.

12/02652/FUL: Partial demolition of existing barn, conversion and extension of existing barn to provide farm office and three units of holiday letting together with access and associated parking. Withdrawn.

12/01357/FUL: Proposed installation of roof mounted photovoltaic panels to outbuilding

(restrospective). Permitted.

11/03371/FUL: Installation of ground mounted photovoltaic panels. Withdrawn.

05/01607/REM: Erection of an agricultural dwelling. Permitted.

04/01289/OUT: Erection of an agricultural dwelling. Permitted.

98/02220/FUL: Erection of a covered yard. Permitted.

98/00703/CPO (county application): Landfill at Bearley Farm - Section 73 to vary condition 01 on application

94/02216/CPO. Permitted.

97/00818/AGN (agricultural notification): Notificaiton of intent to construct a new concrete field access bridge and retain existing hamstone bridge. Permitted.

96/02517/FUL: Use of land as extension to fishing lake. Permitted.

96/02605/CPO (county application: Increase the site of an existing storage lagoon with central bank for the storage of wash water waste from food factories. Permitted.

94/02216/CPO (county application): Use of land for landfill operation involving sub-soil and builders inert waste materials. Permitted.

880928: Conversion of part of existing farmhouse and outbuildings into four holiday flats. Permitted.

880929 (listed building consent): Conversion of part of existing farmhouse and outbuildings into four holiday flats. Permitted.

7875: Erection of a hay shed. Permitted.

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.

The development plan comprises the South Somerset Local Plan. The policies of most relevance to the proposal are:

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EC3 - Landscape Character

EC5 - Nationally Important Sites (SSSI)

EC6 - Locally Important Sites

EC7 - Networks of Natural Habitats

EC8 - Protected Species

EH5 - Development Proposals Affecting the Setting of Listed Buildings

EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological Interest

EP2 - Pollution and Noise

EP3 - Light Pollution

EP7 - Potential odour generating developments

EP9 - Control of other Potentially Polluting Uses

EU1 - Renewable Energy

ME5 - Farm Diversification

ME8/9 - Hazardous Installations

International and European Policy Context

There are a range of International and European policy drivers that are relevant to the consideration of renewable energy developments. Under the Kyoto Protocol 1997, the UK has

agreed to reduce emissions of the 'basket' of six greenhouse gases by 12.5% below 1990 levels by the period 2008-12.

Under the Copenhagen Accord (2010), the UK, as part of the EU, has since agreed to make further emissions cuts of between 20% and 30% by 2020 on 1990 levels (the higher figure being subject to certain caveats). This agreement is based on achieving a reduction in global emissions to limit average increases in global temperature to no more than 2°C.

The draft European Renewable Energy Directive 2008 states that, in 2007, the European Union (EU) leaders had agreed to adopt a binding target requiring 20% of the EU's energy (electricity, heat and transport) to come from renewable energy sources by 2020. This Directive is also intended to promote the use of renewable energy across the European Union. In particular, this Directive commits the UK to a target of generating 15% of its total energy from renewable sources by 2020.

National Policy Context

At the national level, there are a range of statutory and non-statutory policy drivers and initiatives which are relevant to the consideration of this planning application. The 2008 UK Climate Change Bill increases the 60% target in greenhouse gas emissions to an 80% reduction by 2050 (based on 1990 levels). The UK Committee on Climate Change 2008, entitled 'Building a Low Carbon Economy', provides guidance in the form of recommendations in terms of meeting the 80% target set out in the Climate Change Bill, and also sets out five-year carbon budgets for the UK. The 2009 UK Renewable Energy Strategy (RES) provides a series of measures to meet the legally-binding target set in the aforementioned Renewable Energy Directive. The RES envisages that more than 30% of UK electricity should be generated from renewable sources.

The 2003 Energy White Paper provides a target of generating 40% of national electricity from renewable sources by 2050, with interim targets of 10% by 2010 and 20% by 2020. The 2007 Energy White Paper contains a range of proposals which address the climate change and energy challenge, for example by securing a mix of clean, low carbon energy sources and by streamlining the planning process for energy projects. The Planning and Energy Act 2008 is also relevant in that it enables local planning authorities (LPAs) to set requirements for energy use and energy efficiency in local plans.

National Planning Policy Framework:

- Part 1 - Building a strong, competitive economy
- Part 3 - Supporting a prosperous rural
- Part 4 - Promoting sustainable transport
- Part 7 - Requiring good design
- Part 8 - Promoting healthy communities
- Part 10 - Meeting the challenge of climate change, flooding and coastal change
- Part 11 - Conserving and enhancing the natural environment
- Part 12 - Conserving and enhancing the historic environment

The NPPF outlines that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative

landscape and visual impacts;

- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

The NPPF further advises that when determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

The NPPF states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

In determining applications, the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

It is considered that the main thrust of the NPPF is to positively support sustainable development, and there is positive encouragement for renewable energy projects. However the NPPF reiterates the importance of protecting important landscapes, especially Areas of Outstanding Natural Beauty, as well as heritage and ecology assets.

Other Material Considerations

South Somerset Sustainable Community Strategy:

Goal 1 - Safe and Inclusive

Goal 3 - Healthy Environments

Goal 4 - Quality Public Services

Goal 5 - High Performance Local Economy

Goal 7 - Distinctiveness

Goal 8 - Quality Development

Goal 10 - Energy

Goal 11 - Environment

South Somerset Carbon Reduction and Climate Change Adaption Strategy 2010- 2014

CONSULTATIONS

Tintinhull Parish Council: Objects for the following reasons:

- Transport Statement is inaccurate - Para 4.1.2 states that feedstock would come from Bearley farmland surrounding the facility however Appendix B outlines a number of farms around Tintinhull called Bearley land, only one of which belongs to the farm. The other areas belong to various farmers and include apple orchards under contract to a cider company and the official gypsy camp owned by the County Council and leased to SSDC. There is no evidence that these farmers have been approached let alone undertaken to supply the required feedstock.
- Highway safety - The amount of heavy traffic both along Bearley Lane and through the village has not been accurately represented. Bearley Lane is a sub-standard, single-track road that is already breaking up under the present volume of lorries delivering Viridor waste to the farm. The proposal will exacerbate this issue. Residents living along this road already find it difficult at times to drive along the road freely without encountering lorries. Traffic entering from the A303 to Tintinhull from the west bound lane would need to be prevented from existing at the Queen Street turnoff by restricting this to 7.5 tonnes. Whilst the total number of vehicle movements is proposed to remain the same, the tractor / trailer and 29 tonne lorry traffic through Tintinhull will increase and cause delays at peak times. It is considered that there will be a material impact on the surrounding highway network.
- Land - The land requirements has risen from 800 acres to 1100 acres but as this can only be used on a crop rotation basis every three years the actual land needed to feed the AD would be three times greater than this. This is neither achievable or sustainable.
- Pipeline - The application refers to cow slurry being pumped to the site and that liquid digestate will be pumped to surrounding farms but no pipework nor pumping stations are detailed.
- Silage clamp - The fibre digestate is to be stored at a satellite clamp on the same land that is presently subject to the solar farm application. There is no detail about what this clamp consists of or its size and there are concerns about odour from it.
- Ashmead Fishery - This could affect this fishery which attracts country-wide membership.

The Parish Council has no objection to the position of the AD and does not object to AD's in principle but consider that this one is unacceptably and unnecessarily large and takes too much productive land out of use for the food chain. In summary the Parish Council considers that the proposal is extremely immature in its planning, seriously short on essential detail and full of ambiguity. It has serious concerns about the transport and land sustainability.

Ash Parish Council (neighbouring parish): No comments received

Chilthorne Domer Parish Council (neighbouring parish): No comments received

Long Load Parish Council (neighbouring parish): No comments received

Ilchester Parish Council (neighbouring parish): Whilst accepting the principle of energy production as good, the parish were concerned at the impact of any potential smell on Ilchester and felt that there was insufficient detail as to how the power produced is being put into the mains system and disposal of waste from the plan.

Health & Safety Executive: Do not advise against the development

National Grid: No objection

Climate Change Officer: Supports application. This is a very sustainable renewable energy development of exactly the type the council should be supporting. The proposal to inject bio methane to the gas grid is especially welcome.

Based on data from the Anaerobic Digester that has been operating at Poundbury for a year using 41,000 tonnes of feedstock p.a. injecting 400 m³ gas to the gas grid an hour, the proposed annual feedstock of 38,000 tonnes p.a. could potentially inject 370 m³ of gas to the grid per hour. At the Carbon Trust stated energy density of 11.13 kWh per m³ of methane this could be 4.118 MWh per hour and 36073 MWh per year. To put this in perspective, Yeovil's 19868 households consumed 237919.3 MWh in 2012 (DECC district level data).

Therefore the proposed AD plant could potentially supply 15% of Yeovil's gas needs on an annualised basis, which is a very significant amount, especially considering that gas demand is falling. Gas injection to the grid is the most carbon and energy efficient use of biomethane and reduces our reliance on foreign supply.

Environment Agency: No objection subject to conditions requiring the following:

- Submission and approval of a farm management plan with regard to the waste digestate;
- Submission and approval of a construction management plan, including construction details of the slurry and silage storage facilities and any associated pipelines; and
- Submission and approval of a detailed scheme for contaminated and clean surface water run-off.

They further note that the development will most likely require a standard rules permit under the Environmental Permitting Regulations 2010. We have not identified any major concerns about issuing a permit for this development based upon the current information submitted in support of this planning application. We consider risks to people and the environment are capable of being reduced to a satisfactory level using measures to prevent, minimise and/or control pollution. In particular, mitigation is likely to be required to control potential odour issues arising from the operation, and in relation to containing and managing slurry feedstock and digestate.

Somerset Drainage Board: No comments received

Environmental Health: No objection. The site will be covered by a permit enforced by the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2010. In this instance I have been advised by the Agency that a Standard Rules SR201No16 permit will be issued and enforced. The permit accordingly covers matters such as noise and odour problems and, in relation to the planning regime, the permitting process is the primary legislation in these matters.

Highway Agency: No objection in principle based on the evidence provided in the Transport Statement. As part of any permission it will be necessary for the applicant to prepare a Construction Management Plan for our agreement.

We have checked the accident record at this location and found that there have been five recorded collisions within 350 metres either side of the junction between January 2008 and December 2012. Notably one collision involved a right turning HGV from the A303. We

therefore welcome the inclusion of paragraph 4.3.2 in the Transport Statement proposing that vehicles turn left out of Bearley Lane onto the A303 and left into Bearley Lane from the A303. While we recognise that this is not enforceable we would strongly recommend that drivers of vehicles using the site are briefed on the left in/left out manoeuvre and sign a form acknowledging that they are aware of this paragraph in the Transport Statement.

County Archaeology: The site lies close to findspots of roman material and a geophysical survey took place in 2005 very close to the site revealed pits and ditches relating to Romano-British settlement. Therefore this proposal has the potential to impact on archaeological features and I recommend a condition requiring the applicant to provide archaeological monitoring of the development and a report on any discoveries made.

MOD: No comments received

Natural England: (Comments in respect of the EIA screening opinion) It is unlikely that there would be air quality impacts on the qualifying features of any nearby designated sites given their distance from the application site. In respect of statutory designated sites, landscapes and protected species there are no significant impacts. We agree with the recommendations for mitigating potential ecological impacts proposed in the Habitat Survey Report but advise that the development, if approved, be located no closer than 5 metres from the field margin buffer strip.

Ecology: I've noted the various objections stating concern about risk of harm from pollution or nutrient enrichment to wildlife habitats, particularly at Ashmead fishery (approximately 650m to the west) which I confirm is designated as a Local Wildlife Site. I've also noted the applicant's Extended Phase 1 Habitat Survey Report (Cornwall Geo-environmental Limited).

Due to the application site being entirely within an arable field, it's very unlikely that there'll be any significant impacts within the development footprint or from construction of the plant.

Greatest concern and potential for harmful impacts are associated with the operation of the proposed plant, associated storage of feedstock and use or spreading of digestate, and the risk of pollution from accidental failure events. These are issues that come under the remit of the Environment Agency and their licencing or permit role, and farm management.

Whilst I leave consideration of the wider environmental issues and risks to the Environment Agency, I make the following observations.

The site and much of the land nearby is already under modern intensive agricultural use, and therefore presumably there are already comparable risks of pollution from agricultural waste, and comparable risks of nutrient enrichment from current fertilization of the fields.

As the intention is that the plant operates in a way that avoids any adverse environmental impacts, I'm unable to provide any further comment on the risk of harm of diffuse nutrient pollution causing harm to wildlife habitats in the area. However, I have no reason to believe the risks are any greater than at present, and I'll have to leave it to the Environment Agency to be the final judge and enforcer in this respect.

RSPB: No comments received

Conservation: No comments

Landscape Officer: The latest plan and specification has noted much of the detail that is necessary for the scheme to be considered satisfactory, it is not entirely clear about its

intentions, however, I am happy to accept the landscape proposal as a statement of intent. If you are minded to approve a detailed landscape plan and specification should be sought based on the submitted material.

REPRESENTATIONS

Written representations have been received from 17 members of the public raising the following concerns and observations:

Residential amenity:

- The AD and its contents in transport may have an appalling effect on local residents. The smell will be as bad as that soon to be caused by the intensive 1000 cow dairy shed at Witcombe. We had hoped that when the wind direction changed from time to time that there may be some relief but we will be surrounded.

Silage clamp:

- This is to be within 200m of my listed building (Halfway House Farm, Tintinhull) however no details of the clamp, its size or visual impact have been provided. It is my understanding that all silage clamps within 400m of a protected building require planning permission. It is impossible for me to assess its impact in terms of visual impact, odour etc.

Environmental, ecology and landscape concerns:

- This could destroy the local environment water systems. The area is sensitive to pollution and prone to flooding.
- The site is less than 1km from the new dairy farm, the AD plant is a step too far.
- The benefits may be dwarfed by the energy required to produce the waste it uses.
- A recent accident grossly polluted a water course and the River Parrett near Bridgwater demonstrating the need to located AD plants away from water courses, wetlands and rivers.
- The current plant is likely to runoff into local water systems.
- AD plants are new and prone to problems, their long-term implications are not fully known, until the potential impact is understood sites should be sited out of harms way.
- The EA states that it cannot guarantee that AD plants will not smell surely they should be sited away from homes, people and water systems.
- Ashmead is an important wildlife site and fishery which depends entirely upon the quality of its water supply. I have a licenced right of abstraction from Bearley Brook for use in dry weather to maintain the water supply to the wetland. It is an important fishery with a small syndicate of anglers which funds the maintenance and management of this wetland on a not for profit basis. The wetland supports a diverse range of wildlife. The environmental and ecological reports supporting the application are seriously flawed as they were carried out in winter and identify none of the sensitivities to the wetland and Bearley Brook.
- This is an industrial development on greenfield land.
- The development is dependent on the importation and storage of slurry, poultry waste and other toxic material upstream from Ashmead fishery. Any catastrophic pollution from this waste could destroy this delicate wetland ecosystem.
- The site has only just remained about flood water level in the past two years.
- The digestate is to be spread on the remainder of Bearley Farm, this land is not suitable to take the digestate.
- The current fertilisation practices at the farm already cause water quality problems. This proposal will exacerbate this problem.
- Harmful effect visually upon the enjoyment of Ashmead Fishery. Not only will the built structures be visible during day time the gas flare will cause light pollution at night.

- Impact of additional noise, smell and disturbance will be detrimental to the wildlife and peaceful enjoyment of the wetland.
- This is a very special, unspoilt part of Somerset.
- Ashmead Fishery is an educational resource and visited regularly by children from local schools.
- AD plants produce waste water with high-levels of biochemical and chemical oxygen demand indicating the ability to pollute or promote eutrophication in watercourses.
- The digestate contains high levels of nutrients, the run-off of which increases weed growth in freshwaters leading to the water becoming choked, low oxygen levels and low survival of invertebrates, fish and other species.
- There must be more suitable sites other than on greenfield agricultural land.
- There is no detailed plan for the disposal of waste.
- Potential loss of income to local business owners and loss of capital value.
- There is no economic value to the area instead it will damage the economy of those already earning a living there.

APPLICANT'S CASE

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The development of renewable energy sources on a commercial scale is a crucial element in meeting the Government's commitments on reducing emissions and combating climate change. It is irrefutable that Government policy is to stimulate the exploitation and development of renewable energy sources wherever they have the prospects of being economically attractive and environmentally acceptable in the interests of sustainable development.

It is believed that the proposed development offers a sustainable and modern approach whilst complying with relevant planning policy.

CONSIDERATIONS

This application is seeking to erect an anaerobic digester with a capacity of producing 1.3 MW of electricity per house for the generation of biogas, the majority of which is to be exported into the national grid but with some converted to electricity to run the plant.

The application is supported by the following documents:

- Volume 1 - Supporting Information
- Volume 2 - Process Information
- Volume 3 - Environmental Review
- Landscape & Visual Impact Assessment
- Landscape Planting Scheme
- Pre-Development Flood Risk Assessment Report
- Habitat Survey Report
- Transport Statement

Principle:

The NPPF is very clear in its support for renewable sources of energy and states (para 98) that local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and approve the application if its impacts

are (or can be made) acceptable. Policy EU1 of the South Somerset Local Plan states that proposals for renewable energy projects designed to generate or capture energy from naturally sustainable sources will be permitted provided that there will not be any unacceptable impact on landscape character, nature conservation value or amenity.

The application site is greenfield land located in the open countryside where normally new development is strictly controlled, in this instance however, the clear national and local policy support for such renewable energy schemes is considered to over-ride such strict controls. Bearing this in mind and that the development is a land-based operation using farm generated feedstocks the principle of the proposed development in this location is considered to be acceptable.

The key issues in respect of this application are set out as follows:

Environmental Impact Assessment (EIA)

The development is considered to fall within the scope of Schedule 2 sub-sections 3a and 3b of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and as such a Screening Opinion has been undertaken to determine whether an EIA is required. The proposal has been assessed against the criteria set out within Schedule 3 of the EIA Regulations and having sought the views of the Environment Agency, English Nature, Highways Agency, County Highways, County Archaeology and SSDC's Ecology and Landscape Officers it was determined that the potential effects of the proposed development were not so significant as to require an EIA.

Transport Impact / Highway Safety

The application site leads directly on to the private farm track serving Bearley Farm which in turn leads into Bearley Lane, a no-through, unclassified road that feeds on to the A303 to the south. This is the only means of access to the site from the highway network and the junction leading on to the A303 is considered to be poor. The A303 is a dual carriageway at this point and the junction does not benefit from any slip roads to allow traffic to accelerate when joining or decelerate when leaving the flow of traffic. Further to this any traffic coming from an easterly direction and turning into Bearley Lane has to utilise a central island and cross over the flow of traffic coming from the opposing direction. This is also true for vehicles leaving Bearley Lane and heading west bound along the A303.

The main highway safety concern therefore relates to whether the development will lead to an intensification of use of this substandard junction and the local road network over and above that existing.

The application is supported by a Transport Statement (TS) setting out the anticipated number of vehicle movements associated with operational activities of the AD plant. The report also sets out vehicle movements associated with an existing factory waste water contract that the farmer currently has with Viridor. The traffic figures set out in the report indicate that the level of movements for the Viridor contract is greater than that for the AD plant. The applicant has confirmed that the farmer will give up the Viridor contract should the AD plant be granted permission and that on this basis there would be no intensification of use of Bearley Lane or the Bearley Lane / A303 junction.

Concerns have been raised by Tintinhull Parish Council and several members of the public with regard to the accuracy of the figures set out within the TS and the applicant has been asked to clarify a number of points in relation to the estimated number of loads and the size of these loads relating to the feedstock and digestate. Further to this, the Environment Agency,

(who issues the permit in respect of the Viridor contract) has provided details of their own records in respect of traffic movements for the Viridor contract. From the EA's figures it appeared that there were discrepancies within the original TS in relation to the Viridor movements which the applicant accepted and subsequently submitted a revised TS to reflect this.

The revised TS indicates that the AD plant will generate a lower number of vehicle movements than the Viridor contract. This is based on the following assumptions:

- All slurry and manure will come from Bearley Farm;
- The chicken litter and some rye is to come from off-site;
- The main crops including beet, maize, grass silage and rye is to be grown on land to the south side of the A303 near Tintinhull;
- Any liquid digestate to be spread on land on to the south side of the A303 where the main crops are grown will be piped across the A303.

There is no evidence to support the view that the revised figures are inaccurate or intended to be misleading. Therefore provided conditions are imposed to ensure the liquid digestate pipeline is installed and operational prior to the AD plant becoming operational; that any slurry / manure will be from Bearley Farm only; and the AD plant shall only be run off agricultural based feedstocks; and a legal agreement signed to ensure the current Viridor contract is rescinded and no other waste disposal activities are carried out on the landholding at Bearley Farm then it is accepted that the development is unlikely to lead to any new substantive highway safety concerns. The Highway Agency has raised no objection to the application.

It is noted that concern has been raised with regard to the impact of the development upon the road network around Tintinhull village as a result of the feedstocks being grown in the vicinity. The land in question however is agricultural land and there is no reason to believe that its use to grow crops for the AD plant will result in a significant change in the nature and number of traffic movements associated with the farming of this land.

Visual Amenity / Landscape Impact

The application site is situated on rising ground but is relatively low within the surrounding landscape. The AD plant is to be partially dug into the ground and whilst the tallest structure is to be the gasholder at 12.5m in height this should still have a fairly low visual presence in particular from views to the south given that the land rises away from the site in this direction largely screening it from view. The most open aspect will be views from Ash to the west however the indicative planting plan submitted as part of the application indicates a 30m deep strip of planting along the west side of the site, which will in time provide a good level of screening in this direction. Based on this proposal and subject to a condition to secure a detailed planting scheme the Landscape Officer has raised no substantive objection to the proposal.

It is noted that a number of concerns have been raised in respect of the gas flare and the light pollution this will cause at night. The gas flare is required as a safety measure to burn off any excess gas that cannot be accommodated into the gas mains and that such circumstances should be very rare.

A further observation relates to the storage of the solid digestate which was originally stated to be on land adjacent to Tintinhull Fortes interchange in an existing silage clamp. At the time the application was submitted a decision was pending in regard to an application for a large solar park on this site however the appeal has since been dismissed. It has also been raised with the applicant that there is no silage clamp on this land and they stated that the solid digestate

would be stored in plastic bags on the land, which does not require planning permission.

Amenity

Bearley Lane provides the sole means of access to the site and all deliveries whether of incoming feedstock or outgoing solid digestate will have to be transported along this lane. The lane also provides access to number of residential properties, the closest of which is approximately 300m to the south, which in some instances are positioned quite close to the road. As already discussed the overall number of traffic movements to the farm should not increase as a result of this development however it is acknowledged that the nature of the movements will with more concentrated activity during harvest periods possibly late into the evening which could potentially affect residential amenity. The harvesting of the crops however is an agricultural activity, whether it is for feedstock for the AD plant or food production, and is not subject to planning control and an activity that is synonymous with the open countryside, as such it would not be reasonable to object to the proposal based on disturbance from associated traffic.

In terms of odour and noise the council's Environmental Health Officer has raised no objection to the proposal noting that the development will be covered by a permit enforced by the Environment Agency and that the permit addresses matters of noise and odour and is the primary legislation in this regard. The Environment Agency's comments supports this view and states that they have identified no major concerns about issuing such a permit and that they consider that risk to people and the environment from pollution are capable of being reduced to a satisfactory level to.

Concerns have also been raised about the impact the proposal will have upon the amenity of nearby Ashmead Fishery, however, for the reasons above the development is not considered to raise any substantive harm to either the amenity of nearby residents or the rural amenities of the area, including the fishery,

Flood risk / drainage, storage and disposal of farm waste

Whilst nearby land to the north of the site is within Flood Zones 2 and 3 the application site itself is not located on land known to be at risk of flooding. Due to the size of the development however a Flood Risk Assessment (FRA) was required as part of the submission to demonstrate that drainage matters would be addressed in a sustainable manner and to safeguard against flooding and contamination in the locality.

The Environment Agency has raised no objection to the development provided a number of conditions requiring the provision of a Farm Waste Management Plan (to deal with the storage and disposal of the digestate), a Construction Management Plan (in respect of the construction details of the slurry and silage storage facilities and any associated pipelines) and dirty and clean water drainage scheme. Provided these conditions are imposed it is considered that the adequate measures will be put in place to safeguard the development against increased run-off and potential contamination concerns and that it will not cause any undue risk to the quality of the local water courses.

Ecology

The application site is within an RSPB consultation zone, within in approximately 700m of Ashmead Fishery (commercial fishery and wildlife reserve) and within approximately 3.5km from Wet Moor SSSI.

Neither Natural England or the council's Ecologist have raised any objection to this application.

No specific habitat or protected species threats have been identified. The concerns regarding the risk of harm from pollution or nutrient enrichment to wildlife habitats, particularly at Ashmead Fishery, a local wildlife site, are noted. Whilst the council's Ecologist has noted that the issues falls under the control of the Environment Agency and their licencing role he observes that the site and much of the land nearby is already under modern intensive agricultural use and that there are already likely to be comparable risks of pollution from agricultural waste and risks of nutrient enrichment from current fertilization of the fields. The intention of the plant is to operate in a way that avoids any adverse environmental impacts and he therefore has no reason to believe that the risks are any greater than at present.

The Environment Agency comments referred to in the previous section address these concerns and, subject to their recommended conditions, it is considered that any potential contamination concerns can be adequately addressed and that the proposal should not lead to any undue risk to the quality of the local water courses or associated ecological concerns.

Loss of productive agricultural land

Whilst concerns about loss of agricultural land for food production is acknowledged the land in question will continue to be used to produce crops and as such remains productive agricultural land. The growing of crops whether for human / animal consumption or as in this instance as a feedstock / biofuel for the AD plant involves no change of use and remains an agricultural activity. As such the land will not be taken out of productive agricultural use or become unavailable for agriculture.

Hazardous Installations

There are several high pressure gas pipelines that pass close to the site to the south. The National Grid has raised no objection to the proposal and it is understood that the development should not affect access to the pipelines for maintenance purposes or result in any health and safety concerns.

Impact on Heritage Assets

There are a number of heritage assets in the area, in particular sites of archaeological interest, as such County Archaeology has requested a condition to provide archaeological monitoring of the development.

Conclusion

Government advice is clear. Planning Authorities should approve applications for renewable energy projects where impacts are (or can be made) acceptable (NPPF Para 98). A thorough assessment of the potential impacts of the development indicates that, for the most part, they are acceptable - or can be made acceptable by appropriate mitigation measures - in the context of Government advice and the clear need for renewable energy sources. Where impacts can be overcome by way of pre-commencement or other conditions (i.e. ecology, landscaping) appropriate conditions are recommended. Subject to the appropriate controls set out in conditions and a legal agreement to rescind the Viridor contract and prevent any future similar activities being carried out on the landholding at Bearley Farm, it is considered that the impacts of the proposal can be considered 'acceptable' as set out in Government guidance. The application is therefore recommended for approval.

RECOMMENDATION

That application reference 14/00230/FUL be approved subject to:

1. The prior completion of a section 106 planning agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to ensure:-
 - (a) The existing Viridor contract held by Mr S Walters relating to the storage and disposal of factory waste water (Standard Rules SR 2010 No4 Permit, reference EAWML 105230) is rescinded and to prevent any other waste related activities being carried out on any part of the land holding known as Bearley Farm.
 - (b) A Section 106 Agreement monitoring fee based on 20% of the application fee.

JUSTIFICATION

Notwithstanding local concerns, the development through the provision of a renewable source of energy will make a valuable contribution towards cutting greenhouse gas emissions without resulting in any substantive harm to landscape, residential or visual amenity, ecology, archaeology or highway safety. As such the scheme is considered to comply with the saved policies of the local plan and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING CONDITIONS

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 drawings numbered Figure 1b - Site Location, Figure 1a – Site Location, PBP_07, GS_07, GS_06, EL_07, EL_06, and PBP_06.

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

03. The feedstocks to serve the anaerobic digester hereby permitted shall only comprise farm waste and agricultural crops, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of highway safety and the rural amenity of the area in accordance with Policy ST5 of the South Somerset Local Plan.

04. The operator of the development hereby permitted shall keep records to include the number of vehicles which enter or leave the site associated with the operation hereby permitted. The records shall also include the size, type and load details, as well as the vehicles point of origin and destination. These records shall be made available to the local planning authority within 14 days of a request that they are to be inspected.

Reason: In the interest of highway safety and the rural amenity of the area in accordance with Policy ST5 of the South Somerset Local Plan.

05. Any liquid digestate resulting from the anaerobic digester hereby permitted that is to be spread on land outside the area outlined in blue on the Site Location Plan (Figure 1b), shall be transported only by the means of a below ground pipeline to the land where it is to be applied. This pipeline shall be installed and be fully operational prior to the anaerobic digester first coming into use and shall be permanently retained and maintained in this fashion unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of highway safety and the rural amenity of the area in accordance with Policy ST5 of the South Somerset Local Plan.

06. No development hereby permitted shall be commenced unless details of the means of connection to the gas / electricity grid from the site have been submitted to and approved in writing by the local planning authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with Policies EC3, ST5 and ST6 of the South Somerset Local Plan.

07. No development approved by this permission shall be commenced until a Farm Management Plan for waste digestate, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent pollution of the water environment in accordance with Part 11 of the NPPF and Policy EP9 of the South Somerset Local Plan.

08. No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating construction details of the slurry and silage storage facilities and any associated pipelines, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent pollution of the water environment in accordance with Part 11 of the NPPF and Policy EP9 of the South Somerset Local Plan.

09. No development approved by this permission shall be commenced until a detailed scheme for contaminated and clean surface water run-off, has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall clarify all final construction details and levels/specifications for the sites water management system, and shall also specify 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 and pollution of the local water environment in accordance with Part 11 of the NPPF and Policy EP9 of the South Somerset Local Plan.

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

Reason: To safeguard the archaeological interest of the site in accordance with Policy EH12 of the South Somerset Local Plan.

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

Reason: To safeguard the rural character of the area to accord with Policies ST5 and EC3 of the South Somerset Local Plan.

12. Prior to the commencement of works, a detailed scheme of groundmodelling, that illustrates both existing levels and earth modelling as expressed by the proposed contours, has been submitted to and approved in writing by the local planning authority. Particular attention shall be given to the build-up of spoil to the northeast and southeast of the application site.

Reason: To safeguard the rural character of the area to accord with Policies ST5 and EC3 of the South Somerset Local Plan.

13. No means of external illumination/lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with Policies EC3, ST6 and EP3 of the South Somerset Local Plan.

14. The development hereby permitted shall not be commenced unless the surfacing materials for all hardstanding and tracks to serve the development hereby permitted have been submitted to and agreed in writing by the local planning authority.

Reason: In the interests of the amenities of the locality in accordance with Policies ST5 and ST6 of the South Somerset Local Plan.

Informative:

01. The developer's attention is drawn to the informatives and recommendations set out within the Environment Agency's letter dated 14/04/2014.
02. The operator is encouraged to follow the recommendations set out in paragraph 4.3.2 of the Transport Assessment.

Agenda Item 20

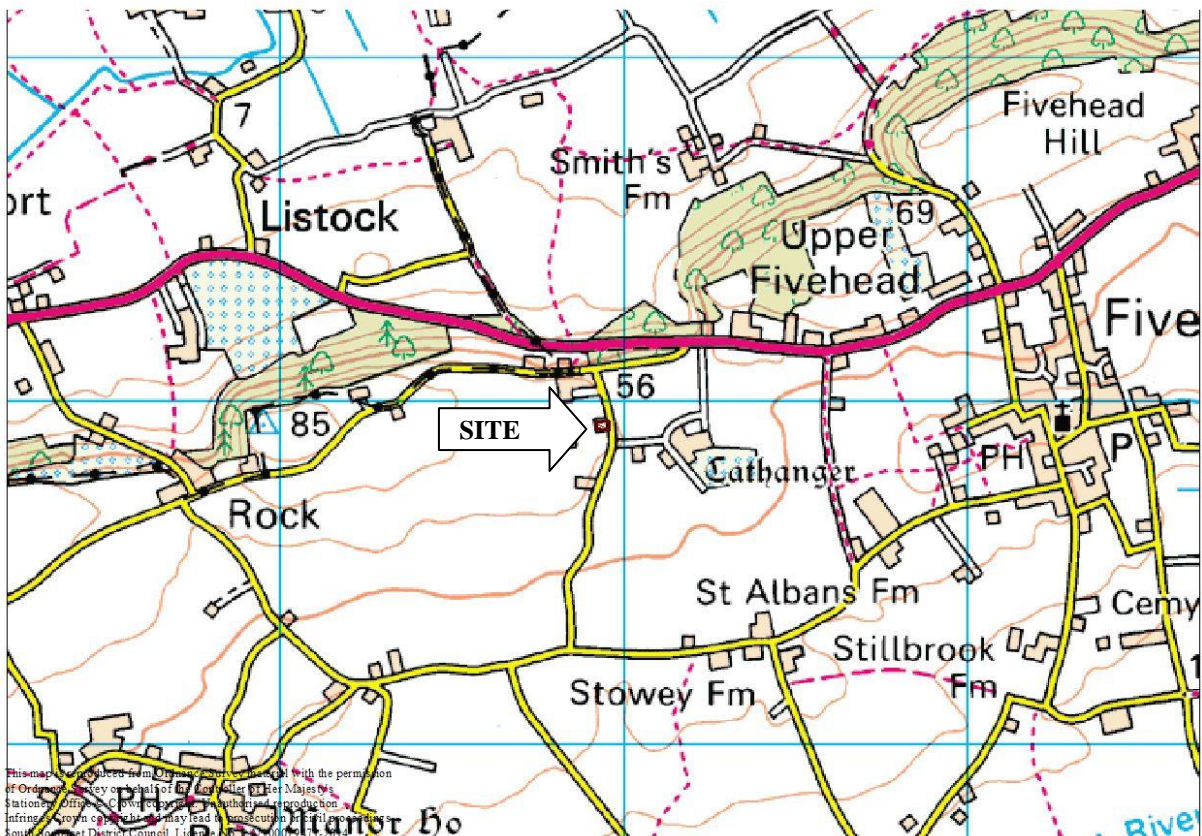
Officer Report On Planning Application: 14/02962/S73A

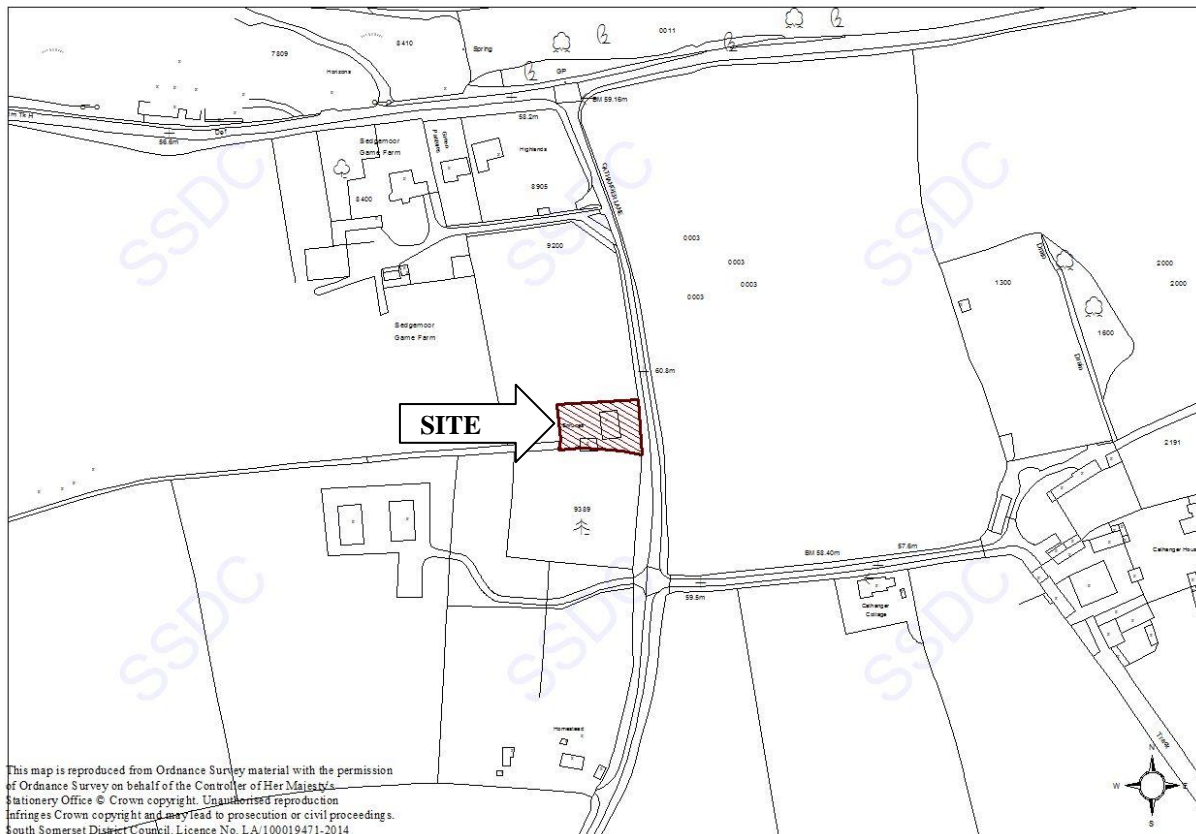
Proposal :	Section 73A application to remove condition 4 of planning approval 96540 dated 09/08/1973 (Agricultural occupancy condition) (GR:333944/122928)
Site Address:	Spruces, Cathanger Lane, Fivehead.
Parish:	Fivehead
ISLEMOOR Ward (SSDC Member)	Cllr Sue Steele
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	20th August 2014
Applicant :	Mr Shane Newis
Agent: (no agent if blank)	
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at request of the Ward Member with the agreement of the Area Chairman to enable the merits of the proposal to be fully debated by Members.

SITE DESCRIPTION AND PROPOSAL





The application property is a detached bungalow located on Cathanger Lane in a rural setting outside of any defined development areas. It was built in the 1970s, following the granting of planning permission on the basis that the property would be occupied by an agricultural worker. A restrictive planning condition is included on outline planning permission 96540, limiting the occupation to persons employed full-time locally in agriculture or in forestry. The property is sited within a generous plot and includes garden area to the front and rear and a parking area and detached garage on the eastern side of the dwelling, the latter set behind the property's rear elevation. The property is constructed of reconstructed stone under a concrete tiled roof with openings of white UPVC. A lean-to conservatory structure is attached to the property's eastern flank. The site is surrounded by open land with the nearest built form being livestock buildings located to the south west and, at some distance to the north, dwellings and Sedgemoor Game Farm. Planning permission was granted in 2012 for a modest single storey extension.

This application is made to remove condition 4 (agricultural occupancy condition) of planning permission 96540, approved in August 1973, to allow the continued occupation of the property without needing to comply with the existing occupancy restrictions.

HISTORY

12/044230/FUL: Erection of a single storey bedroom extension - Permitted with conditions.

05/00620/COL: The continued use of land and dwelling without agricultural tying condition (96540) dated 9/8/73 - Refused.

04/02625/COL: The continued use of land and dwelling without compliance with agricultural tying condition (96540) dated 9/8/73 - Refused.

POLICY

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

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

Relevant Development Plan Documents

South Somerset Local Plan 2006:

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EC3 - Landscape Character

HG15 - Agricultural and Forestry Dwellings

HG16 - Agricultural and Forestry Dwellings (Removal of Occupancy Conditions)

Policy-related Material Considerations

National Planning Policy Framework (March 2012):

Chapter 3 - Supporting a Prosperous Rural Economy

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 11 - Conserving and Enhancing the Natural Environment

CONSULTATIONS

Parish Council: No objections to the removal of the occupancy condition. The Parish Council are of the opinion that the applicant has made every effort to remain in agricultural employment. It is also considered that there is no viable agricultural use for the house and that there is no longer a need for it to be tied to serve the needs of the local farming community.

County Highway Authority: No observations.

REPRESENTATIONS

Five letters have been received from local residents in regard to this application. Four raise objections to the removal of the agricultural occupancy condition and one supports the proposal.

The main points raised by the objectors are as follows:

- The property was should remain only for occupation by an agricultural worker. Agricultural occupancy conditions should not be removed from this or any other property.
- Removal of the agricultural occupancy condition will deny other families or younger generations in the local farming area, who are disadvantaged by employment in

agriculture, the chance of owning their own home.

- Removal of the occupancy condition will potentially allow the applicant to profit from any sale of the property, having bought it at a preferential lower cost.

The following points have been raised by the supporter:

- 'Spruces' was built under the agricultural tie system in connection with 'Sedgemoor Game Farm', however it is not considered that a game farm is classed as agriculture so the property has never been linked to an agricultural use.
- One of the contributors has referred to a need for agricultural housing in Fivehead, however no survey has been carried out to demonstrate this need. There are only six farms based in Fivehead, of which only three are large enough to require extra full-time staff and these already have housing on site. Most seasonal work is carried by migrant workers using caravans on the farms.
- It is stated that agriculture is a large employer in Fivehead, however it is suggested that this is incorrect with very few people employed as workers on farms.
- The applicants are decent and hard-working people bringing up their two children and holding jobs to meet their needs. They should be supported by the people of the village and the District Council in order to resolve an out-dated planning restriction that serves no useful purpose.

CONSIDERATIONS

Principle of Development

The property was approved as an agricultural worker's dwelling following the grant of planning permission in the 1970s and is restricted as such by an agricultural occupancy condition (condition 4 of planning permission 96540). Condition 4 states: "*The occupation of the dwelling shall be limited to persons employed or last employed full-time locally in agriculture as defined by section 290 of the Town and Country Planning Act, 1971, or in forestry and the dependents of such persons*". The application is made to remove condition 4, thereby allowing the property to be occupied without complying with the occupancy condition.

The property is located in an isolated location, remote from key local services and as such residential development in this location would be viewed as unsustainable and therefore contrary to the aims and objections of saved Local Plan policies and the provisions of the National Planning Policy Framework (NPPF), other than for the essential need identified, in the form of an agricultural worker's dwelling. While local and national planning policies have changed since the dwelling was granted planning permission, the fundamental need to appropriately justify dwellings in open countryside remains. In this case, the need to identify an essential need for a rural worker to live permanently at or near their places of work in the countryside is contained within Chapter 6 of the NPPF (paragraph 55) and saved policy HG15 of the South Somerset Local Plan.

In considering applications to remove agricultural (or other rural) occupancy conditions, it is necessary to provide appropriate justification and evidence to prove that there is no longer a need for the restriction to remain in place. This would usually require a realistic assessment of the continuing need for the dwelling for occupants solely, mainly or last working in agriculture in the area as a whole, and not just the needs of the particular holding. The applicant will have to demonstrate that there is no need for the agriculturally restricted dwelling in the area and as such no longer serves its original purpose in providing for an essential local need. Saved Local plan policy HG16 states:

"Proposals for the removal of agricultural or forestry occupancy conditions will only be permitted where:

- 1. The restricted occupancy dwelling is not needed to meet the needs of agricultural or forestry business in the area as a whole and not just the particular relevant holding.*
- 2. The property concerned has been appropriately marketed for a reasonable period of time, taking into account resale price, the condition of the dwelling and the likely price which an agricultural/forestry worker could pay for the actual value of the property.*

In this case, the applicant states that they were employed locally as a farm manager when the property was purchased nine years ago, however was made unemployed four years later. It is advised that efforts have been made to find other employment in agriculture, however this has been unsuccessful and other efforts to start a business have not been sufficiently profitable to be considered as a main source of income. As such, the applicant has been employed as a driver, not in agriculture, and is therefore in breach of the agricultural occupancy condition.

The applicant has indicated that that they are settled at the property and have children attending local schools. Furthermore, they have recently had the property extended and have no intention of moving or selling the house. Beyond this, no other justification or evidence has been provided in respect to whether there is a need for an agriculturally restricted dwelling in the area.

Four local residents have objected to the application on the basis that the property should remain available for agricultural workers, however the Parish Council and an adjoining rural business owner support the application on the basis that there is no local demand for an agricultural worker's dwelling. The supporting contributor has gone further and suggested that no survey has been carried out to demonstrate that there is a need. While it is possible that there may be no demand locally, the onus is on the applicant to demonstrate this, not the other way round. As the property has not been appropriately marketed and no supporting evidence provided in regard to whether there is indeed a local demand or not, Planning Officers have no choice but to recommend refusal. It is therefore considered that the proposed removal of condition 4 is unacceptable as it has not been appropriately demonstrated that there is no longer a need for such a dwelling, which would not have been granted planning permission but for the identified special need.

Other Issues

There are considered to be no other detrimental issues as a result of the proposed development. Consideration has been given to impact on residential amenity, highway safety and local landscape character, however these are considered to be unaffected.

RECOMMENDATION

Refuse.

FOR THE FOLLOWING REASON:

01. The proposed removal of condition 4 of planning permission 96540 is deemed to be unacceptable as it has not been sufficiently demonstrated that the agriculturally restricted dwelling hereby referred to as 'Spruces', is no longer needed to meet the

needs of agriculture or forestry locally. In addition, no marketing has been carried out in order to determine the need for agricultural workers dwellings in the area. The proposal is therefore contrary to saved policies ST3 and HG16 of the South Somerset Local Plan 2006 and the provisions of chapter 6 and the core planning principles of the National Planning Policy Framework.

Agenda Item 21

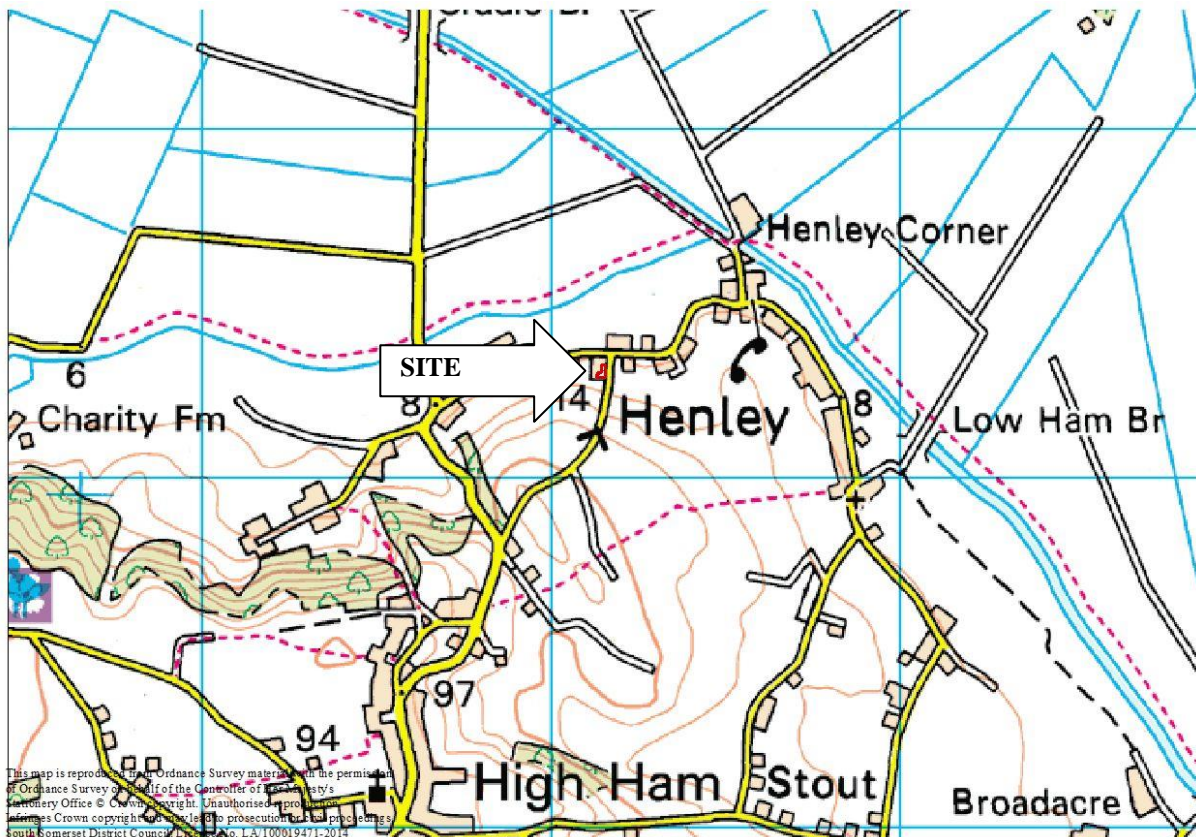
Officer Report On Planning Application: 14/01163/FUL

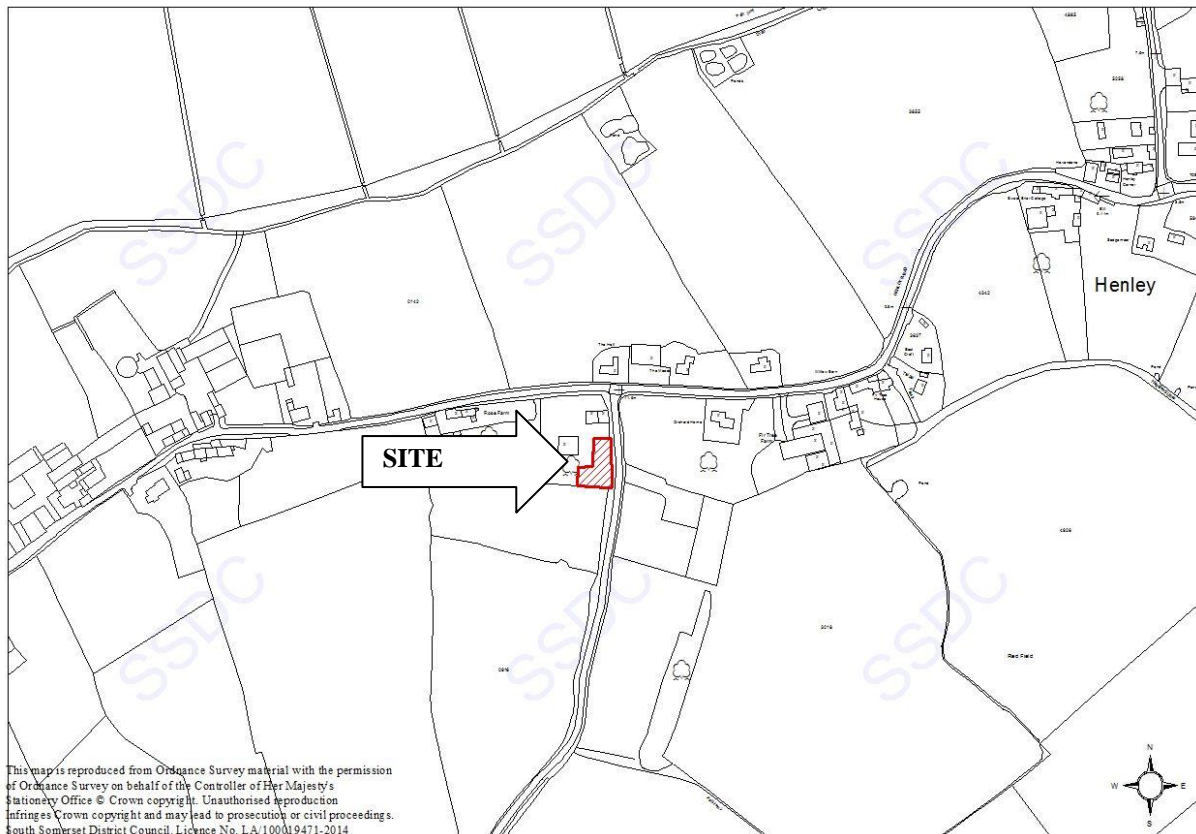
Proposal:	Retention of detached garage and engineering works to facilitate new access (retrospective) (GR: 343153/132316)
Site Address:	Bridge Horn Barn, Henley, Langport.
Parish:	High Ham
TURN HILL Ward (SSDC Member)	Cllr Shane Pledger
Recommending Case Officer:	Anuska Gilbert Tel: 01935 462159 Email: anuska.gilbert@southsomerset.gov.uk
Target date :	6th May 2014
Applicant :	Mr S Cowling
Agent: (no agent if blank)	Paul Dance, Foxgloves, 11 North Street, Stoke Sub Hamdon, Somerset TA14 6QR
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at request of the Ward Member with the agreement of the Area Vice Chair to allow Members to fully debate the impact of the proposed development.

SITE DESCRIPTION AND PROPOSAL





The application property is a two storey detached house constructed from natural stone and timber cladding, with timber window frames and a clay tiled roof. The house is a converted barn and was originally approved as a workplace home including living accommodation (C3) and a workshop area (B2). The house is located close to a commercial yard and open countryside. The site is located on an unclassified road, outside the development area as defined by the South Somerset Local Plan. Neighbouring properties are located to the north, east and west of the application site.

The proposal follows the grant of planning permission in 2013 for the erection of a detached garage (13/00004/FUL). The current application is retrospective and seeks to regularise changes to the design of the garage as built, which differ from that approved under 13/00004/FUL. The garage is finished in natural stone, timber and clay tiles, as per the original application.

The changes to the garage from that approved under 13/00004/FUL are as follows:

- East (front) elevation: x1 window instead of x1 door
- West (rear) elevation: x2 roof lights and x 3 windows instead of x2 doors
- South elevation: No changes
- North elevation: Addition of x1 high level window and change of door design
- Scale: The proposed garage is 0.6 metres shallower in depth than that previously approved with a ridge height 0.6 metres lower than that previously approved. The eaves height is 0.1 metres higher than that previously approved.

During the course of the application, an amended plan was submitted (received 02 June 2014) to include the creation of a vehicular access, driveway and associated groundworks. In addition, the agent confirmed by email (received 17 March 2014) that the application is retrospective.

RELEVANT HISTORY

13/00004/FUL - Erection of a detached garage and a domestic storeroom/porch extension - Application permitted with conditions 05/02/2013

Other history relates to the original barn conversion and the applicant's business.

POLICY

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

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan and the National Planning policy Framework.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (April 2006)
Policy ST5 - General Principles of Development
Policy ST6 - The Quality of Development

National Planning Policy Framework - March 2012
Chapter 7 - Requiring good design

South Somerset Sustainable Community Strategy
Goal 8 - Quality Development

CONSULTATIONS

High Ham Parish Council - Recommend refusal on the basis of the history of the site, the applicant, enforcement issues and that the application is retrospective.

SCC Highways - Standing advice applies. Internal vehicle parking space dimensions: 3 metres x 3 metres. External vehicle parking space dimensions: 2.4 metres x 4.8 metres. 2.5 parking spaces required for a two bedroom property in this location; 3 for a 3 bedroom property and 3.5 spaces for a property with 4+ bedrooms.

Engineer - No objections raised with regard to local concerns. Advises that he is not aware of any flooding problems at this location and the EA's flood risk mapping only indicates some relatively minor surface water flooding to the highway. The roadside ditch should remain fully functional. In legal terms its maintenance is the responsibility of the owner of the adjacent land. If anyone wants to pipe/culvert the ditch they should obtain the consent (under Section 23 of the Land Drainage Act) of Somerset County Council.

REPRESENTATIONS

5 neighbours consulted and site notice (general interest) erected - 3 letters received; one of representation and two of objection.

- The application form is incorrect; the application should be retrospective.
- Objections to the retrospective nature of the application.
- The garage was not built as per the original approved plans and enforcement action was not taken.
- A new entrance has been formed which crosses a roadside ditch. A lot of water comes down this hill. Is the highways authority aware? The garage as built has 5 extra windows, one garage door instead of two in the east wall and an extra pedestrian doorway.

CONSIDERATIONS

Visual impact

The amended garage design is considered to be of a design and detailing that would have an appropriate relationship with the main dwelling in terms of scale and design. The materials are stated as being to match the existing property. The engineering works are contained within the garden area and the new gates which form part of the new access are constructed of matching timber and are no higher than the existing fenced boundary. On this basis it is not considered that the proposal would harm the character of the property or have a detrimental impact on the visual amenity of the area.

Residential Amenity

It is not considered that the amendments proposed by this application with regards the window layout and general bulk of the garage are such that they would give rise to undue overlooking or an overbearing relationship with neighbouring properties. Therefore the proposal is not considered harm residential amenity.

Highway Safety

The highway authority has referred to standing advice as their response on the application. Whilst, as on the previous application, the internal dimensions of the garage are slightly below those required by the Somerset Parking Strategy, it is considered that there is sufficient additional on-site space for the parking of vehicles. As such and with the formation of an access onto an unclassified road constituting permitted development, the scheme is considered acceptable in terms of highway safety. It is considered reasonable to re-impose the condition included on planning permission 13/00004/FUL to require that the garage shall only be used for purposes ancillary to the residential use of the main dwelling and for no other purpose whatsoever.

Other matters

Neighbours and the parish council have noted their objection to the retrospective nature of the application, the history of the site including enforcement issues and the applicant. These issues are not considered to constrain the grant of planning permission for the garage. The agent has confirmed (email received 17 March 2014) that the application is retrospective. Applications for planning permission can be made retrospectively and this application simply seeks to regularise inconsistencies between the previous application and that garage as built.

With regards the access, driveway and associated groundworks, an amended plan has been provided (received 02 June 2014). The formation of an access onto an unclassified road is permitted development; however, this has been included for the sake of completeness. Finally, clarification has been sought from the Highways Authority with regards to the roadside ditch. However, as the new access constitutes permitted development they have no further comments to make in this regard. Nevertheless, the Council's engineer has also looked at this issue and an informative is suggested to remind the applicant of his

responsibilities in this regard.

Conclusion

Accordingly the proposal is considered to comply with policies ST5 and ST6 of the South Somerset Local Plan and the provisions of the NPPF and is as such recommended for approval.

RECOMMENDATION

Grant permission

01. The proposal, by reason of its size, scale and materials, respects the character of the area, and causes no demonstrable harm to residential amenity in accordance with the aims and objectives of Policies ST6 and ST5 of the South Somerset Local Plan (Adopted April 2006) and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing number 14/1400/01 received 11 March 2014 (with the omission of the 'site plan' shown on this drawing).
Amended drawing number 14/1400/02 received 02 June 2014.

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

02. The garage hereby approved shall only be used for purposes ancillary to the residential use of the main dwelling and for no other purpose whatsoever.

Reason: To determine the scope of the permission.

Informatives:

01. The applicant is reminded that the 'site plan' shown on approved drawing number 14/1400/01 received 11 March 2014 does not form part of the plans approved under this permission. This drawing was superseded by amended drawing number 14/1400/02 received 02 June 2014.

02. It should be ensured that the roadside ditch remains fully functional. Its maintenance is the responsibility of the owner of the adjacent land. Consent to pipe/culvert the ditch should be obtained (under Section 23 of the Land Drainage Act) from Somerset County Council.