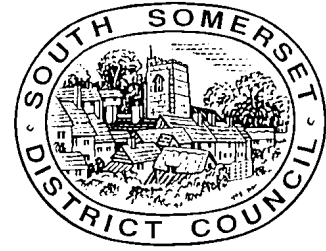


South Somerset District Council

Notice of Meeting



Area East Committee

Making a difference where it counts

Wednesday 11th November 2015

9.00 am

**Council Offices
Churchfield
Wincanton
BA9 9AG**

(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 10.30am.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Angela Cox 01935 462148**.

This Agenda was issued on Tuesday 3 November 2015.

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



INVESTORS IN PEOPLE

Area East Committee Membership

Mike Beech
Tony Capozzoli
Nick Colbert
Sarah Dyke-Bracher

Anna Groskop
Henry Hobhouse
Tim Inglefield
Mike Lewis

David Norris
William Wallace
Nick Weeks
Colin Winder

South Somerset District Council – Council Plan

Our focuses are: (all equal)

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

Scrutiny Procedure Rules

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

Consideration of Planning Applications

Members of the public are requested to note that the Committee will break for refreshments at approximately **10.15 am**. Planning applications will not be considered before **10.30 am** 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 formal written report from the Area Highways Officer should be on the main agenda in May and November. A representative from the Area Highways Office should attend Area East Committee in February and August from 8.30 am to answer questions and take comments from Members of the Committee. Alternatively, they can be contacted through Somerset County Council on 0300 123 2224.

Members Questions on reports prior to the meeting

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

Information for the Public

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

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

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

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman's discretion, members of the public are permitted to speak for up to up to 3 minutes on agenda items; and
- see agenda reports.

Meetings of the Area East Committee are normally held monthly at 9.00am on the second Wednesday of the month in the Council Offices, Churchfield, Wincanton (unless specified otherwise).

Agendas and minutes of Area Committees are published on the Council's website <http://www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions>

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

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

Public Participation at Committees

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

Public Question Time

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

Planning Applications

Comments and questions about planning applications will be dealt with at the time those applications are considered, when planning officers will be in attendance, rather than during the Public Question Time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

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

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant/Agent
- 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 East Committee

Wednesday 11 November 2015

Agenda

Preliminary Items

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the previous meeting held on 14th October 2015.

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 Sarah Dyke-Bracher, Tony Capozzoli and Nick Weeks.

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

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

4. Public Participation at Committees

a) Questions/comments from members of the public

b) Questions/comments from representatives of parish/town councils

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

5. Reports from Members Representing the District Council on Outside Organisations

6. Feedback on Reports referred to the Regulation Committee

No reports have been referred to the Regulation Committee.

7. Chairman Announcements

Items for Discussion

8. Work of the Conservation Service (Pages 9 - 14)

9. Area East Development Plan and Budget - Half Year Progress Report (Pages 15 - 26)

10. Somerset Highways Report - Area East (Pages 27 - 29)

11. Community Offices Update (Pages 30 - 39)

12. Area East Committee Forward Plan (Pages 40 - 41)

13. Planning Appeals (Pages 42 - 69)

14. Date of Next Meeting (Page 70)

15. Schedule of Planning Applications to be determined by Committee (Pages 71 - 72)

16. **15/03373/FUL Land West of Tinkers Lane, Southeast of B3081, Cucklington, Wincanton** (Pages 73 - 85)
17. **15/02991/S73 New House Farm, Burrowfield, Bruton** (Pages 86 - 93)
18. **15/03371/S73A The Two Swans, Station Road, Castle Cary** (Pages 94 - 98)
19. **15/03853/FUL Land adj 2 Rush Close, Folly Lane, South Cadbury** (Pages 99 - 103)
20. **15/03596/FUL Holbrook Farm Barns, Bratton Seymour, Wincanton** (Pages 104 - 108)
21. **15/03640/FUL Land OS 5464, Hilltop Road, Pen Selwood** (Pages 109 - 115)

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

This does not apply to decisions taken on planning applications.

Recording and photography at council meetings

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

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

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

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

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Agenda Item 8

Work of the Conservation Service

<i>Executive Portfolio Holder:</i>	<i>Shane Pledger, Listed Buildings, Conservation Portfolio</i>
<i>Strategic Director:</i>	<i>Rina Singh, Director Place and Performance</i>
<i>Assistant Director:</i>	<i>Martin Woods, Assistant Director (Economy)</i>
<i>Service Manager:</i>	<i>David Norris, Development Manager</i>
<i>Lead Officer:</i>	<i>Adron Duckworth, Conservation Manager</i>
<i>Contact Details:</i>	<i>Adron.duckworth@southsomerset.gov.uk or (01935) 462652</i>

Purpose of the Report

To summarise the role and review the work of the Conservation Team of the Development Management Service.

Public Interest

The Conservation Team is part of the Development Management Service and provides specialist advice on the built and natural environment to the Council as a whole but particularly to planning, to members of the public, agents and developers and Town and Parish Councils.

Recommendation

That Members note the report.

Report

The work of the Conservation team is wide ranging across issues relating to the built and natural environment of the District. South Somerset is an area of fine, varied landscapes and attractive towns and villages and the team sees its role as helping to care for these important assets and deliver well-designed and sensitive new developments.

The team consists of:-

Landscape Architect	– Robert Archer (4/5fte)
Tree Officer	– Phil Poulton
Ecologist	– Terry Franklin (0.5fte)
2 Conservation Officers	– Andrew Tucker and Greg Venn
Team manager/Conservation Architect	– Adron Duckworth (3/5fte)

Landscape Architect

- Provides advice on planning applications and pre-apps on the landscape impact of development proposals and those affecting AONBs and Historic landscapes, Parks and Gardens - 460 consultations 2014
- Landscape and architectural design advice in relation to historic areas and the wider landscape
- Negotiation of mitigation measures for applications eg major schemes such as PV Arrays
- Input to masterplanning of major development sites and production of design codes
- Input to Spatial Policy work/ Local Plan on strategic landscape capacity

Tree Officer

- Advises on trees in relation to development proposals - 182 consultations 2014

- Enforcement casework involving tree works
- Negotiates proposals affecting TPO and Conservation Area trees - 387 applications 2014
- Makes TPOs, 18 new TPOs this year
- Deals with Hedgerow Removal Notices (10 in 2014) and High Hedge disputes,
- Gives support for the Parish tree wardens
- Implements amenity tree planting schemes -1800 trees planted last season.

Ecologist

- All planning applications are screened for impact upon designated sites and protected species through the Bioplan Agreement with Somerset Environmental Record Centre and monitored by the ecologist. Where a potential impact is identified the ecologist advises and negotiates on appropriate mitigation measures - 337 applications 2014

Conservation Officers

- Building conservation advice on applications on listed buildings and in conservation areas and negotiations over proposals - 395 consultations 2014
- Providing pre-app advice, advice to potential purchasers - 361 pre-apps 2014
- Giving technical conservation advice
- Listed buildings at risk casework
- Enforcement casework
- Conservation Area reviews, appraisals and new designations
- Input to regeneration schemes

Team Manager/Conservation Architect

- Team management
- Input to work of Conservation Officers as above
- Architectural and urban design advice and negotiation over one-off buildings, residential developments etc and advice on planning applications.
- Technical conservation advice and specifications
- Input to masterplanning of major development sites and production of design codes
- Input to Spatial Policy/ Local Plan

The team provides a considerable amount of pre-application advice in all its roles and this is regarded as a particularly effective way of assisting applicants to produce good proposals and reducing the number of application refusals.

The team works in partnership with other services where appropriate, to help provide an integrated approach to finding solutions:-

Spatial Policy – Conservation policies, landscape capacity studies, Heritage Strategy

Building Control – Works to listed buildings, dangerous buildings

Legal team – Statutory notices

Land Charges - Mapping listed building curtilages to help with searches

Environmental Health - Reuse of empty properties

Area Development – Regeneration and enhancement projects such as Langport Town Centre, Prince's St. Yeovil

Work of the team over the past year

Particular activities over and above the usual run of consultations include:

- Substantial input to the Local Plan Enquiry over landscape and historic environment impacts of Directions of Growth.

- Input to masterplanning of Yeovil urban extensions at Primrose Lane and Keyford.
- Preparation of initial draft of Heritage Strategy.
- Conservation Area Review and Appraisal completed for Langport, Huish Episcopi. And Charlton Mackrell/West Charlton conservation areas.
- Mapped listed curtilages for 60 Parishes.
- Provided in-depth working experience for the two planning/conservation interns
- Promoted the listing of unlisted village war memorials in partnership with English Heritage (now Historic England). 24 new listings added.
- Provided a specification for stone repairs to Preston Plucknett War Memorial.
- With grant aid from English Heritage (now Historic England) commissioned a condition survey, historical analysis and options appraisal for 'at risk' Grade 1 listed 7-11 Fore St. Chard.
- Worked towards resolving other buildings at risk.

Some Statistics			
	2013	2014	2015 (*to 31.7.15)
Consultations			
Landscape Architect	408	460	289*
Tree Officer	171	182	107*
Ecologist	257	337	223*
Conservation Officer AT	191	196	147*
Conservation Officer GV	159	199	126*
Team manager	72	58	41*
Listed building Consent Applications			
East	66	107	70*
North	73	96	60*
South	32	24	21*
West	93	95	55*
Building Conservation Pre-Apps			
Conservation Officer AT (East & South)	150	162	89*
Conservation Officer GV (North & West)	209	199	65*
Tree Applications			
TPO (works to TPO trees)	61	72	46*
TCA (works to trees in CA)	272	315	132*
HDG (hedgerow removal)	4	10	2*

Forward Work Plan includes

- Work in the Local Development Scheme for Spatial Policy: Landscape and Heritage Strategies, detailed site assessments
- Continue to provide advice to consultees within expected time constraints
- Complete mapping listed building curtilages for Land Charges
- Work towards resolving long-standing listed buildings at risk cases.
- Continue Conservation Area review and appraisal programme. See Annex to this report.

Financial Implications

None above the budgeted cost of the service

Corporate Priority Implications

Focus 2 – Enhance the Environment

Carbon Emissions and Climate Change Implications

No adverse implications

Equality and Diversity Implications

No implications indicated

Background Papers

None

Annex to report on Work of the Conservation Team

Conservation Area Appraisals and boundary changes - procedure

Statutory Requirements

Section 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on Local Planning Authorities:

'from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and shall designate those areas as conservation areas.'

And it continues:

'(2) It shall be the duty of a local planning authority from time to time to review the past exercise of functions under this section and to determine whether any parts or any further parts of their area should be designated as conservation areas; and, if they so determine, they shall designate those parts accordingly.'

The majority of Conservation Areas (CAs) in the District were designated in the 1970s and 80s and many are now in need of review. While the places they apply to are all considered to be appropriate, reviews are needed to determine whether their boundaries need to be extended, anomalies corrected or parts excluded because of recent development.

There is also a need to extend the coverage of conservation area character appraisals. Whilst there is no statutory requirement to prepare conservation area appraisals, the Act requires

'a local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas.'

At the time of designation this requirement was fulfilled by the detailed policies contained in the various local plans now no longer in effect. Now the NPPF¹ expects local authorities to make information about the significance of the historic environment publicly accessible and appraisals perform this role for CAs and explain what makes an area special. They are not however a mandatory duty, but are best practice.

Appraisals carry weight in planning appeals or appeals against enforcement action, assist in making informed planning decisions and can offer constructive guidance about local character to guide development proposals. Although 15 Appraisals have been approved to date resources are likely to be insufficient to complete full appraisals for all the remaining 73 conservation areas and therefore priorities have been identified.

Our programme

Currently, and where time allows, the team are working on the basis that future priority will be given to the review of conservation areas

- In the larger settlements and market towns where they have not been reviewed and there is no current appraisal in place.

¹ NPPF 141

- Areas where there is substantial pressure for change within or to the setting of the area.
- Areas where changes since designation have led to significant boundary anomalies.

The appraisal of the recently designated extended Charlton Mackrell/West Charlton area is first priority. This will be followed by review and appraisal at:

- Iminster – currently underway
- Somerton
- South Petherton
- Martock and Bower Hinton
- Milborne Port
- North and East Coker - currently in hand with parish Neighbourhood Plan team preparing initial stages of the work.
- Henstridge

We are also required by the Act to designate New Conservation Area where appropriate while ensuring that:

'an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest'. (NPPF 127)

Designating any part of the district as a conservation area also carries resource implications for the council. Further designations will therefore be made only if the council is satisfied it can meet its consequential duties and responsibilities and is satisfied that there is a strong local commitment.

Over the past ten years 4 new conservation areas have been designated but there are now considered to be very few wholly new areas that warrant consideration. Areas that will be considered for new designations are:-

- Barwick
- Allowenshay

Where boundary reviews or new designations are proposed we aim to produce an appraisal to accompany the proposal wherever possible.

Procedure

The designation of a CA is a decision for the Area Committee.

There is no statutory requirement to consult but we believe reviews or new proposals should involve consultation with local residents and businesses, Ward Members, Parish Councils and local amenity societies wherever possible to ensure that the special interest described in the appraisals and the boundaries reflect the views of the local community.

In assessing any new areas the recommendations in the guidance in 'Understanding Place: Conservation Area Designation, Appraisal and Management' (English Heritage 2011) will be utilised.

Once a decision has been made by committee, the only requirement is for the change or new area to be advertised in the London Gazette and appropriate local press. We notify changes widely and the Local Plan and website are updated.

Agenda Item 9

Area East Development Plan and Budget - Half Year Progress Report

Strategic Director: Rina Singh, Place & Performance
Assistant Director: Helen Rutter, Communities
Service Manager: Helen Rutter, Area East Development Manager
Lead Officer: Helen Rutter, Area East Development Manager
Contact Details: helen.rutter@southsomerset.gov.uk or 01963 435012

Purpose of the Report

To provide an update on the progress of projects taking place in Area East, including those resourced through the Area and Corporate Capital Programmes. To give an overview of the Area East Reserve and Grants Programmes at the half way point of the 2015/16 year.

Public Interest

The Area Development Service supports the Council's 4 Area Committees (North, South, East & West) to work closely with local communities to create better places in which to live and work.

Area East Committee has the freedom to use its resources, both financial and through its team of Development staff, to understand what matters to local people and address this by offering support, encouragement and direct financial & practical help. Advice and support to the public is provided at Churchfield, Wincanton. SSDC led Regeneration projects are delivered through the Development team.

The report gives a half year position on progress with implementing the Area Development Service Plan and gives Members the opportunity to consider any adjustments they might wish to make at this point during the year.

Recommendations

- (1) To note the current position on community grants and other project budgets held by Area East
- (2) To note and comment on progress with projects in the Area Development Plan
- (3) To note and comment on the current Area East Capital Programme and Reserve

Background

Budgets are approved in February each year. Each of the 4 Area Committees has delegated responsibility for monitoring budgets within its control. Area East considers all decisions relating to grant requests over £1,000, its Capital Programme and the allocation & spending of its Reserve. The Executive continues to monitor all budgets on a quarterly basis.

The Area East Committee focuses its resources to address local needs in order to promote improved quality of life in Area East. The Area Development Plan 2015/16 contains a set of local priorities, agreed by the Committee and a work programme with targets, to carry these forward throughout the year. A half year progress report is brought to the Area Committee.

Area Development Plan

Area East priorities for 2015-16 and progress against projects in the Area East Development Plan are attached in Appendix 1.

In addition to the half-time ADM and PA / project support, the Area Development Team consists of 3 Neighbourhood Development officers (NDOs) who divide their time across patches and leading on particular themes. In addition there are 2 part time Community Support Assistants (CSAs). Lead responsibilities are summarised below:

	Place Leads	Theme Leads
Pam Williams (half-time) NDO Economy	Castle Cary Wincanton High Street	<ul style="list-style-type: none"> • Economic & business development • Infrastructure projects • Wincanton Town Team & Retail Support Initiative
Tim Cook (full time) NDO Communities	Wincanton Rural areas (shared)	<ul style="list-style-type: none"> • Community research & plans • Community grants programme • Community buildings • Rural services
James Divall (half-time) NDO Communities	Bruton Milborne Port Ilchester Rural areas (shared)	<ul style="list-style-type: none"> • Health & wellbeing • Local Information Centres (LIC)
Jackie Hatcher (29 hrs/week) CSA	n/a	<ul style="list-style-type: none"> • Car park and shop audits • Public front desk • LIC adviser • Officer project support
Terena Isaacs (35 hrs/week) CSA	n/a	<ul style="list-style-type: none"> • Car park and shop audits • Public front desk • RSI & community grants • Officer project support

Funding Overview

Appendix 2 gives a summary of all project and grants budgets for 2015/16. Appendix 3 gives an overview of all funding awards made from AEC budgets within the first 6 months of the 2015/16 year.

Area East Capital Programme

The Area East capital programme supports investment in new or existing, locally important assets. These may be SSDC owned, community owned or privately owned. In the last two categories support will normally be via a grant scheme. Fuller detail on the spending across

the capital programme is attached at appendix 4. It shows live projects, their funding allocation and spending that took place to 30 September 2015 with a progress report from the lead officer. In summary this shows that there is a total of £34,314 unallocated to projects & available for local priority schemes in 2015/16. In addition there is an allocation of £24,971 in the Parish Infrastructure Fund.

Community grant applications for capital projects are considered twice a year in June and December. If a grant request is urgent it may be considered at other times by agreement with the Chair and Vice Chair. At present there is £20,930 unallocated in 2015/16 for community capital grants (within the £34,314 mentioned above) and available for awards in December 2015.

Area East Reserve

There is £3,460 unallocated in the Area East Reserve. This is an historical revenue fund that is not replenished. It can be used to support unplanned or urgent work or schemes that cannot be supported through the main, annual budgets. It has the flexibility to be used for capital or non-capital work, including staff costs or commissioned work. It can also be spent up front for work that is subsequently reimbursed.

Allocation of Reserve	Project commencement date	£	£ Balance Remaining 15/16	£
Balance B/forward 14/15				60,190
Community Planning-Project Spend	Apr 05	50,000	26,930	
Derelict sites, Castle Cary	Jun 05	4,000	4,000	
Rural Business Units	Nov 05	17,050	5,800	
Wincanton Retail Support Initiative top up	July 14	10,000	10,000	
Retail Support Initiative	May 09	10,000	10,000	
Unallocated Balance				3,460

The *Community Planning project budget* is only available to communities with endorsed parish/ community plans but can be used for assisting the delivery of a range of priority projects where community grant budget is not available. Proposals can come forward in any month from this allocation.

The *derelict site* funding is available for essential works on a number of sites in Castle Cary with “at risk” historic buildings, it can be used if the owner is unwilling to comply with the relevant Order

Small Community Grants

A small fund is set aside each year to support community projects. In addition a sum of £10,000 of health and wellbeing money supports project delivery from the Balsam Centre. The latter is subject to separate reporting and award by the Committee against an agreed work plan. See Appendix 3 for details of spending to date this year of community and other small grants.

Area East Discretionary Fund

This annual budget is used, at the discretion of Members, to support partnership work, attract external funding and other regeneration work. Details of how this has been allocated is shown in Appendix 2

Financial Implications

The level of Area East funding is shown in the body of this report, and in the Appendices. There are no additional financial implications arising from this report.

Council Plan Implications

The Area development Plan and resources allocated by AEC are in compliance with the current Council Plan. This is due to be revised early in 2016

Carbon Emissions and Climate Change Implications

None arising directly from this report

Equality and Diversity Implications

None arising directly from this report

Background Papers

Area East Development Plan 2015-16;
Monthly budget monitoring and quarterly capital monitoring reports

Appendix 1

Place & Performance – Communities Area East Development Service Plan 2015-16

Portfolio Holder – Councillor Nick Weeks

Manager – Helen Rutter

Set out below are the key projects & programmes being undertaken by the team (either directly or in support of community groups & other partners) where we have a key role in the delivery of the projects. This Plan sits alongside our core work or responding to issues & problems on a day-to-day basis, working with Councillors & other services across the Authority and beyond, to try and resolve them.

Completed	In progress – on target	In progress – Risk of missing target	Behind target	Future Action – not started
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Service Action Plan: <i>Top level actions – more detail is within individual work programmes/project plans</i>					
Priority Area	Action	Target Date	Milestone	Lead Officer	Current Progress
1. Town centre & neighbourhood management	Transfer of Castle Cary Market House to local ownership	April 2016	Completion of asset transfer agreed via AEC/DX	PW CSA	Internal discussions and joint negotiations in hand working towards a Spring 2016 transfer subject to reaching agreement on terms
	Support “Town Teams” in market towns with projects that enhance attractiveness of High Streets	Ongoing 2015	Report to AEC on project performance	PW/JD CSAs	MTIG successful application (£22,000 Riverside Walk project in Bruton complete)
	Help to resolve local problems by forming short life, solution focused action groups as required	Ongoing 2015	Report to AEC annually	HR	The Deansley Way group is nearing completion of its work and this model can be replicated to respond positively to other problems
	Transfer of specific SSDC town centre assets to local Councils if required	Ongoing 2015	Assets transferred, agree way forward Report to AEC annually	HR	Closed toilets in Bruton and Wincanton have been sold. Next local facility to be considered for transfer are small car parks
	Encourage take up of business rates relief schemes	Autumn 2015	Report to AEC	CSAs	Leaflet delivery and follow up ‘phone calls made to all areas. Ongoing for new businesses
2. Economic development, job creation & regeneration	Project to establish land/ business premises not currently being marketed and bring these to market	Sept 2015	Test the hypothesis that more land & premises can be brought to market	PW	Methodology drafted for further discussion and agreement

schemes	Bring forward further workspace in Wincanton & Castle Cary (corporate ED programme)	March 2016	Specified in project plan	PW	Discussions about employment land at Torbay Rd underway. Needs in Wincanton & castle Cary being considered via Neighbourhood Plans with involvement from Spatial Planning and ED	
	Improvement of Wincanton High Street a) Feasibility work to attract significant new retailers/other attractions to Wincanton High St (corporate ED programme)	March 2016	As set out in project plan Report to AEC	PW	Prioritisation of this work will be done through Districtwide ED work programme	
	b) Enhanced Retail Support Initiative in Wincanton & general RSI elsewhere in Area	Ongoing	Number & leverage of investment reported to AEC	PW CSA	Current operating criteria agreed AEC in June 2015: <ul style="list-style-type: none"> April 2015 to October 2015 – 4 grants awarded Current unallocated budget: Revenue - £7,525 Capital - £1,212 Winc Top-up - £8,700 	
	Encourage eligible projects to bid for Heart of Wessex LEADER funding	Ongoing	Report on performance of programme, AEC March 2016	ADT	The programme was launched nationally 14 th October. A local call for bids anticipated November when all scheme detail authorised by RPA. The team will assist with identifying & supporting projects and a number are expected.	
	Project feasibility for a work/retail incubation unit within Area	March 2016	Report to AEC	PW	Broad allocations approved October 2015. Hot desks being established in Churchfield and demand study being initiated.	
	Common Lane multi-user path	2016	Route opened	PW CSAs	Survey work completed for planning application	
	Help each of the market towns to market & promote themselves	March 2016	Marketing report to AEC annually	PW/JD/ TC	Brand 'Bruton' – new website, step into Bruton leaflet, new logo for the town, completed. Wincanton -Support for high profile events (Wincanton	

					Carnival etc) to promote the town. Castle Cary - MTIG application pending for new Gateway signs. Dedicated Marketing & Promotions Manager working for CCTC	
	Limington to Yeovil multi user path	March 2016	Report to AEC on progress of scheme	JD	Steering group in place, project feasibility & business plan progressing, 3 parishes engaged. Project costs completed (awaiting permission form land owner)	
	Receipt of land & exercising option on car park at Waterside, Wincanton	March 2016	Report to AEC & DX	PW	Ongoing liaison with landowner to bring forward negotiated settlement	
3. Community-led planning & development	Completion of Queen Camel Neighbourhood Plan	March 2016	Final Report and lessons from Front Runner AEC/DX	TC CSAs	The draft plan is complete & is with the Parish Council for consideration. A workshop is planned to help the PC address questions & issues with the content of the plan	
	Support Neighbourhood Plan Wincanton	March 2016	Plan informed by needs identified, draft plan completed	TC	The project group has analysed existing information & held open consultation events to develop strategic objectives, which have now been agreed. Wincanton Town Council is in the process of raising funds to employ a planning consultant to begin to help develop planning policy	
	Support Neighbourhood Plan Castle Cary	March 2016	NDP completed	PW	Research well advanced by NDP Group. Draft document in development. Two consultation events held.	

	Support Towns & Parishes to carry out quality community research (inc Housing Needs Assessments) to influence or achieve planned projects and growth	Ongoing	Completed parish plans are endorsed at AEC	TC/JD/ CSAs	<ul style="list-style-type: none"> Charlton Horethorne – having explored the option of producing a Neighbourhood Plan, the parish council has started work on a community plan and housing needs survey. They have established a steering group & have distributed a household survey & housing needs survey. The Charltons – Steering Group have gathered views on a range of subjects through the main household survey & are now analysing the responses & drafting the plan Marston Magna & Sparkford have expressed an interest in researching local need/producing a plan. Bruton & Milborne Port have expressed an interest in refreshing their plans 	
	Maximising the benefits of growth – monitoring & enhancing project delivery S106 parish accounts	March 2016	Clearer reporting of 106 investment projects to AEC	ADT	Draft template of a parish account has been produced.	
	Support Parish Plans	March 2016	Completed Plans endorsed at AEC	TC/JD	See above. Henstridge & Hadspen plans endorsed by AEC August 2015	
4. Improve access to services & facilities to reduce inequality	(a) Run a high quality access point & advice service for the public at Churchfield	Ongoing	(a) To achieve 98% customer satisfaction rate	HR/LD CSAs	(a) Customer Survey completed September 2015 – 99% satisfaction for overall service provided	
	(b) Support development of Town Council led LICs		(b) Reduce cost whilst improving service offered	JH/JD	(b) Renew/update SLAs – Wincanton & C Cary completed in the summer & Bruton visit planned for November. Also half-yearly visits undertaken to update literature/resources	
	Support development of Balsam Centre services in response to local needs to improve its sustainability	March 2016	Meet targets in Development Plan	JD	Working with Balsam Centre to establish new tools to support performance monitoring & JD to book a cost benefit analysis training session for the Centre	
	Support community-led youth work & youth opportunities	March 2016	Annual report to AEC	TC/JD	Key Projects Team agenda item in December to focus on issues in C Cary, Bruton & Wincanton	

	Development of Henstridge Templecombe and Milborne Port youth work programme				Somerset Rural Youth Project commissioned to work in Henstridge/Templecombe. Report on outcomes requested	
	Explore potential for community/leisure hub facilities across the towns/villages of East Somerset	Dec 2015	Report to AEC Jan 2016	ADT	Work to start December	
	Development of Wincanton Hub to improve people's access to services & facilities	Ongoing	Report to AEC	TC CSAs	Physical improvements to Memorial Hall bus shelter complete. Working with Job Centre Plus on mapping transport arrangements of clients from Area East to develop better transport solutions. Also working with King Arthurs (& potentially Ansford) on increasing access to extra-curriculum activities through use of community transport	
	New and improved community buildings – intensive support to gain sound feasibility that guides development and funding package	Ongoing	At least 2 buildings helped to build ready stage. Report annually to AEC	TC/JD	Working with Bruton Parish Council to develop feasibility study/business plans for new pavilion building. Working with Milborne Port to support the current village hall	
	Master plan for Jubilee Park, Bruton	Ongoing	Annual Report to AEC	JD	Working with steering group to get some initial scoping plans drawn up. This will include the new pitch layouts, proposed pavilion, play park & new MUGA	
5. Effective democratic engagement	Arrange annual parish meeting & workshops in response to demand from AEC, Parishes & community organisations	March 2016	Report to AEC	HR	To be arranged in Feb 2016	

In addition, the service will deliver actions to deliver key corporate strategies, comply with corporate policies, deliver savings, monitor performance, review and monitor complaints and manage risk within the service.

Appendix 2

AE Budget Summary with Available Resources – 2015/16

1	Budget type	AE Capital Programme	AE Reserve	AE Community Grants	AE Discretionary
		<ul style="list-style-type: none"> • Rolled forward annually • £25k top up by DX each year 	<ul style="list-style-type: none"> • Revenue budget • Not replenished 	<ul style="list-style-type: none"> • Annual revenue fund • Must be spent or committed in year • Renewed annually 	<ul style="list-style-type: none"> • Annual revenue • Must be spent or committed in year • Renewed annually
2	Year start position 2015/16	£ 116,199	£ 60,190	£ 14,120	£ 10,200 (+ £ 17,470 allocated to projects carried forward) = £ 27,670
3	Commitments to projects	£ 50,662 For detail please see appendix 4	N/A	Balsam Centre £ 10,000 For overall detail please see appendix 3 (draws funds from this and capital budgets as appropriate)	HoWRP £ 2,000 HoW LAG £ 7,000 Work Hubs £ 8,000 Community Safety £2,470 Sport Devt Officer £1,840 £ 21,310
4	Allocations not yet committed to individual projects	£ 52,153	Community Planning £ 26,930 Derelict sites, C Cary £ 4,000 Rural business units £ 5,800 Winc RSI top up £ 10,000 RSI £ 10,000	N/A	N/A
	Uncommitted balance at October 1 2015	£13,384	£ 3,460	£4,120	£6,360

Appendix 3 - Grant commitments to date

Ward	Name of Group	Project description	Total Amount of Project	Amount awarded	Comments
Blackmore vale	Charlton Horethorne Parish Council	Community plan	£1,920.00	£960.00	Community Grants
Bruton	Robins Netball	Improve lighting			
Camelot	Sparkford cricket club	Kitchen refurbishment	£5,230.00	£2,500.00	C&L Capital
Northstone	Barton St David play area and village hall	Play area improvements	£30,088.82	£1,570.00	C&L Capital
Northstone	Charltons Parish Council	Community plan	£1,500.00	£750.00	Community Grants
Northstone	Charltons Parish Council	Car park improvements	£8,000.00	£1,000.00	C&L Capital
Tower	Pitcombe Parish Council	Parish plan	£1,628.00	£814.00	Community Grants
Tower	Bayford Mission Hall Society	Feasibility study for hall project	£4,205.00	£1,000.00	Community Grants
Wincanton	Wincanton Sports Ground	Sports development officer recruitment	£19,000.00	£1,800.00	Members Discretionary
Wincanton	Wincanton Carnival Committee	Guarantee against loss of start up for first year	£5,966.00	£1,000.00	Community Grants
Wincanton	Wincanton Community Church	Holiday play scheme	£610.00	£100.00	Community Grants
Wincanton	Wincanton British Legion	Tribute book	£2,614.00	£1,000.00	Community Grants
		Community grant Totals	£80,761.82	£12,494.00	Ratio 5:1
RSI					
Wincanton	Alex Appleton Jewellers	Redecorate Shop Front	£6,820.12	£2,500.00	
Cary	Trowbridge Gallery	Redecorate Shop Front	£1,950.00	£975.00	
Cary	Andrew Bishop Electrical	Repair & decorate Front shop windows	£3,221.00	£1,000.00	
Wincanton	Wincanton Wholefoods	Replace scoop bins with gravity fed bins	£2,000.00	£300.00	
		RSI Totals	£13,991.12	£4,775.00	Ratio 2:1

AREA CAPITAL PROGRAMMES 2015/16 - 2016/17

Appendix 4

AREA EAST

	2015/16 Estimated Spend £	Actual Spend to 30/09/15 £	2015/16 Remaining Budget £	Future Spend £	Responsible Officer (s)	Responsible Officer's Comment on Slippage & Performance Against
Capital Programme						
Galhampton-New Village Hall	12,500	0	12,500		T Cook	Approved June 12. Reconfirmed Dec 2014. Fundraising is ongoing. Passed stage 2 of Big Lottery Fund.
Wincanton-Pedestrian/Cycle Link Common Lane	5,520	0	5,520		P Williams	Legal agreements finalised. Surveys carried out in preparation for planning application
Retail Support Initiative Schemes	1,213	0	1,213		P Williams	Balance available to allocate
RSI-Alex Appleton Jewellers	1,000	0	1,000		P Williams	Awarded June 15
Castle Cary Market House	5,000	0	5,000		P Williams	Awarded Mar 2013 as project contingency.Major works completed programme of minor of finishing largely complete. £5K transferred to corporate project Sep 15.
Ilchester Cycleway	1,375	1,375	0		J Divall	
Ilchester Cycleway	-1,375	-1,375	0		J Divall	completed by Streetscene team
Parish Infrastructure Fund						
Barton St David PC-Speed signs	1,500	0	1,500		T Cook	Awarded March 14. Signs erected. Awaiting claim by SCC or return to balances
Parish Infrastructure Fund	3,500	0	3,500		H Rutter	available to allocate
Community Grants						
MUGA Wincanton Town Council	0	0	0		P Williams	£10K Transferred to Corporate Programme 03.4.14 Project completed.
North Cadbury VH-Refurbishment	6,359	6,180	179		T Cook	Awarded June 14. Project completed
SSCAT-New vehicle	10,000	10,000	0		T Cook	Awarded June 14. Vehicle purchased
Barton St David-Play Area Improvements	1,570	1,570	0		T Cook/J Divall	Awarded June 15 project completed
Sparkford Cricket Club-Refurbishment of Pavillion	2,500	0	2,500		T Cook/J Divall	Awarded June 15, project completed awaiting payment
Total East Capital Programme	50,662	17,750	32,912	0		
Reserve Schemes Awaiting Allocation But Approved in Principle						
Unallocated Capital Reserve	13,384	0	13,384	6,252	H Rutter	£25,000 awarded for 2015/16 at DX Feb 2015. AEC June 2015 agreed £19k top up to Comm & Leisure Grants.
Parish Infrastructure Fund	0	0	0	24,971	H Rutter	Rolling fund including eligibility for supporting affordable housing approved at AEC June 2010.
Retail Support Initiative	0	0	0	0	H Rutter	
Community & Leisure Grants	20,930	0	20,930	0	H Rutter	Balance available for 2015
Total Reserve Schemes	34,314	0	34,314	31,223		
Summary						
East Capital Programme	50,662	17,750	32,912	0		
Reserve Schemes (Unallocated)	34,314	0	34,314	31,223		
Total Programme to be Financed	84,976	17,750	67,226	31,223		

Agenda Item 10

Highways Update Report – Area East

Lead Officer *John Nicholson Assistant Highway Service Manager*
Contact Details *County Roads - countyroads-southsom@somerset.gov.uk*

Purpose of the Report

This report aims to give an update of the highway works carried out within this financial year, so far, in Area East and the remaining proposed works programme for 2015/2016.

Recommendation

That the Area East Committee notes the content of this report.

Winter Maintenance

Somerset County Council salts over 1,400km (870 miles) of its roads in anticipation of frost, snow and ice. This is approximately 21% of its entire road network. The M5, A303 and the A36 are maintained and treated by the Highways Agency.

The preparation for this year's winter maintenance has commenced and the salt supply for the upcoming season has been delivered to the Yeovil Depot. At this time there has been no requirement to call upon this resource.

Local Parishes will again be invited to collect their allocation of ten 20kg salt/grit bags. The provisional date for collection is Saturday 21st Nov and a letter will be sent to all Parishes to advise them of this.

If grit bins are being considered at new locations, can the members please confirm the locations as soon as possible as the filling of bins will soon commence.

Surface Dressing

Surface Dressing is the practice of applying a bitumen tack coat to the existing road surface and then rolling in stone chippings. Whilst this practice is not the most PR friendly, it is highly effective in preserving the integrity of the road surface. This year SCC Surface Dressed 53 sites across South Somerset, 13 of which were substantial lengths of A and B roads.

The 2015/16 Surface Dressing within South Somerset was completed earlier in the season than recent years, the weather was favourable and assisted in keeping the program on schedule. The sites have been inspected by SCC, as part of the acceptance requirements, and now entered their guarantee periods.

Patching of sections of the highway in preparation for next year's Surface Dressing has also been completed.

Grass Cutting

Grass cutting was completed as per the enclosed schedule with no concerns to note.

Road Classification	Dates
A and B roads (including visibility splays)	5 May - 2 June
C and unclassified roads	3 June - 31 July
A and B visibility splays only	Mid to late August dependant on rate of growth
Environmentally protected sites	Usually at the end of the growing season

Schemes for 2015/2016

This year's structural maintenance budget remained similar to last year. The below table identifies significant schemes to be implemented in South Somerset and schemes within Area East are highlighted;

Misterton	A356 School Hill and Mosterton Road	Resurfacing	Completed
Crewkerne	A356 North Street	Resurfacing	Completed
Charlton Mackrell	A37 Fosse Way	Resurfacing	Completed
Yeovil	A30 West Coker Road	Resurfacing	Mar 2016
Bruton	Plox/Silver Street	Resurfacing	Completed
Castle Cary	Victoria Park	Resurfacing	Completed
Lopen	Lopen Head - Snap Ant	Resurfacing	Completed
Merriott	Hitchen	Resurfacing	Completed
Yeovil	Dampier Street	Resurfacing	Deferred
Yeovil	St John's Road/Northbrook Road	Resurfacing	Deferred
North Cadbury	Parish Hill	Resurfacing	Completed
Ilminster	Ile Court	Resurfacing	Nov 2015
Charlton Horethorne	Clare Farm Stowell Hill	Resurfacing	Deferred
Queen Camel	Traits Lane	Resurfacing	Completed
Somerton	Somertonfield Road	Resurfacing	Completed
Huish Episcopi	Picts Hill	Resurfacing	Completed
Chard	Avishayes Road	Resurfacing	Completed
Chard	Helliars Road and Crimchard	Resurfacing	Completed
Hinton St George	Lopen Road	Resurfacing	
Yeovil	Goldcroft	Resurfacing	Completed
Yeovil	Hendford & High Street (The Borough)	Resurfacing	Deferred
Milborne Port	A30 Sherborne Road	Resurfacing (R+R)	Dec 2015
Charlton Mackrell	A37 Fosse Way	Resurfacing (R+R)	Completed
Henstridge	A357 High Street & Stalbridge Road	Resurfacing (R+R)	Feb 2016
Henstridge	A357 Templecombe Road	Resurfacing (R+R)	Dec 2015
Yeovil	A3088 Bunford Hollow Roundabout	Resurfacing (Sections)	Completed

Ilchester	B3151 Somerton Road	Resurfacing (R+R)	Feb 2016
Yeovil	Birchfield Road	Footways	
Yeovil	St Michaels Avenue	Footways	
Yeovil	Plantagenate Chase	Footways	
Yeovil	Roping Road	Footways	
Yeovil	Park Street	Footways	
Barton St David	Broadclose Way	Footways	Completed
Bratton Seymour	Jack Whites Gibbet	Footways	Qtr 4
Somerton	Walnut Drive	Footways	Qtr 3
Castle Cary	Millbrook Gardens	Footways	Completed
Tintinhull	St Margarets Road & Head Street	Footways	
Ilminster	Station Road	Drainage	
Closworth	Closworth Road	Drainage	Completed
Closworth	Weston Lane	Drainage	Completed
Bratton Seymour	A371 Cattle Hill	Drainage	Completed
Alford	B3153 Cary Road and Church Lane	Drainage	Completed
Chard	A358 Old Town	Drainage	Completed
Buckland St Mary	Fair End Lane	Drainage	Completed
Muchelney	Thorney Road	Drainage	Completed
Curry Rivel	Parsonage Place	Drainage	Completed
Brympton	Thorne Coffin (Phase 1 & 2)	Drainage	Completed
Pitney	Stowey Road	Drainage	Completed
Yeovil Without	Yeovil Marsh Road	Drainage	Completed
Fivehead	Ganges Hill	Drainage	Completed
Yeovil Without	Yeovil Marsh Road (Eastern end)	Drainage	Completed
Huish Episcopi	Meadow Close	Drainage	Deferred
Chilton Cantelo	Bridgehampton Road	Drainage	Completed
Maperton	Clapton Lane	Drainage	Completed
Bruton	Park Road	Drainage	Completed
Rimpton	Pitfield Corner	Drainage	Completed
Haselbury Plucknett	Claycastle	Drainage	
Crewkerne	Cathole Bridge Road	Drainage	Jan 2016
Stoke Trister	Beech Lane	Drainage	Completed
Curry Rivel	St Andrews Close	Drainage	Completed
Shepton Beauchamp	Lambrook Road	Drainage	Nov 2015
Kingsbury Episcopi	East Lambrook Road (upgrade outfall)	Drainage	Completed
Long Sutton	Shute Lane	Earthworks	Deferred
Tatworth & Forton	Bounds Lane	Earthworks	Completed
Ansford	Ansford Hill	Earthworks	Mar 2016
East Coker	East Coker Road	Earthworks	

Agenda Item 11

Community Offices Update

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Kim Close, Communities
Lead Officer: Lisa Davis, Community Office Support Manager
Contact Details: lisa.davis@southsomerset.gov.uk or 01935 462746

Purpose of the Report

To update Councillors on the yearly footfall / enquiry figures across the district and the results of the recent customer satisfaction survey.

Public Interest

South Somerset District Council (SSDC) has 6 community offices which enable the public to access a wide range of Council related information and other assistance. This supports the other ways of contacting SSDC, which is by phone or the website. This report gives an update of the number of customers who visit the offices and also includes results of the customer survey carried out in September 2015.

Recommendation

That Area East Committee members note the contents of this report.

Background

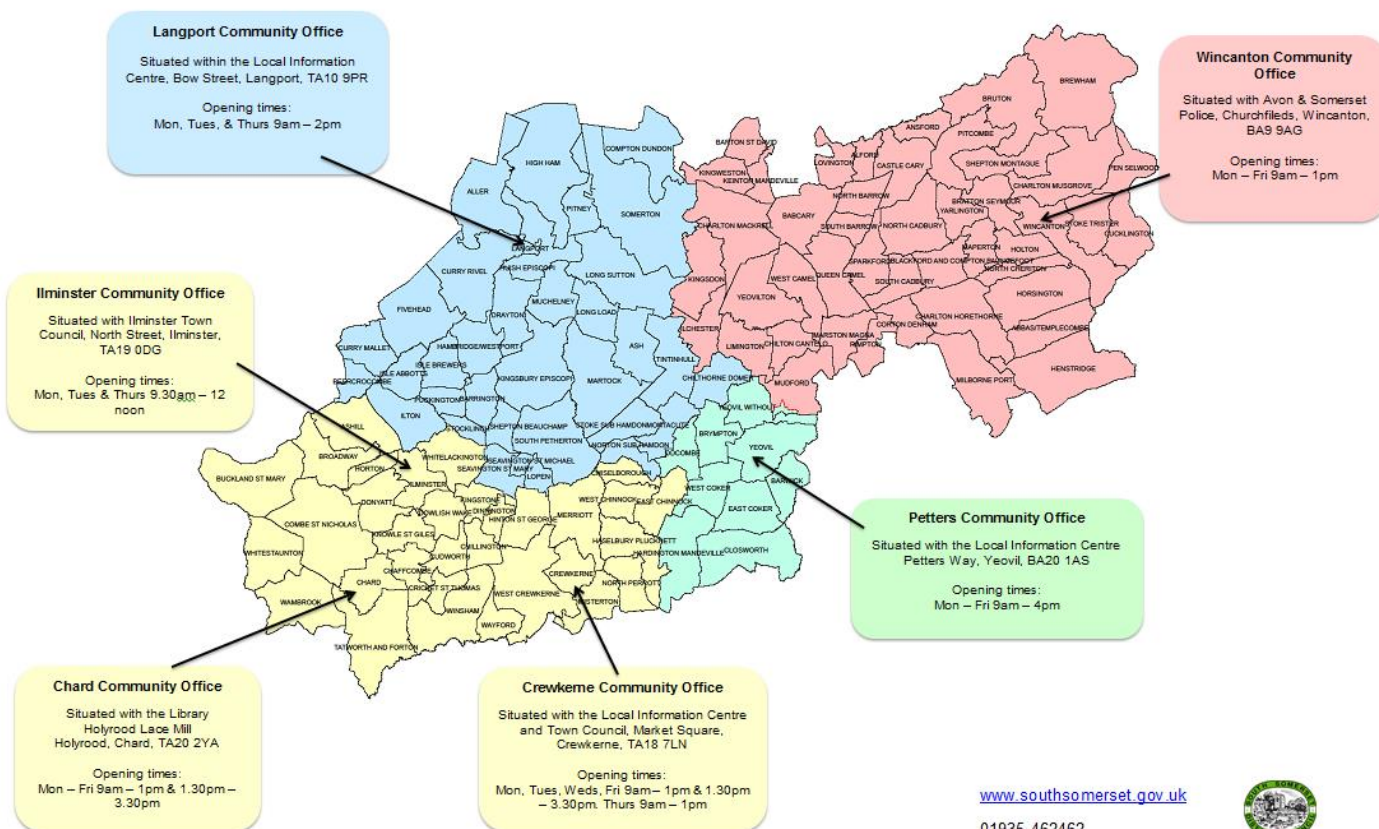
The community offices are located in Yeovil, Crewkerne, Chard, Ilminster, Langport and Wincanton and are managed by the Community Office Support Manager and Deputy Community Office Support Manager, reporting to the Assistant Director, Communities. There are 13 (9.5FTE) Community Support Assistants (CSA) across the team who provide customer access to services assistance at the 6 Community offices. They also provide administrative and project support to the Area Development teams.

The Community Offices

The main SSDC services that customers visit our offices are:

Housing and Council Tax Benefits	Receipt, verification and scanning of applications forms and evidence, general advice and guidance
Council Tax	Advice and guidance on moving in/out of area, discounts and exemptions and instalment plans, processing of payments (debit cards)
Homefinder (online social housing service)	Help with accessing the Homefinder service and weekly bidding process
Waste and Recycling	Advice on collection days, missed collection reports, ordering of new/replacement bins, payment of garden waste bins/bags
StreetScene	Report litter, fly tipping, dead animals, discarded needles, dangerous and stray dogs, dog fouling and graffiti
Community Protection	Report pest problems (rats, wasps, insects)
Horticulture	Report problems with shrub / tree / hedge maintenance
Planning/Building Control	Hand out application forms
Community Safety	Recording incidents

SSDC Community Offices



Not all offices have exactly the same facilities either due to location or number of customers.

- Cash machines are available in Petters Way and Chard. Customers can make payments for council tax, parking fines, planning and building control applications.
- There is free public computers and phone access in Petters, Chard, Crewkerne & Wincanton allowing customers to access online services through self-service or assisted self-service.
- All offices are co-located with other authorities / agencies.
- All front offices have a hearing loop.
- All offices are fully accessible, except for Ilminster where it hasn't been possible to fully adapt.

The community offices provide face to face service and enables customers to receive advice and assistance to many SSDC services, as well as the ability to signpost to other agencies where necessary. They ensure vulnerable members of the community and those who find it difficult or unable to contact the council by other means are able to fully access our services.

As well as the community offices customers are also able to access SSDC services over the phone and/or via the SSDC website. There are a number of services now available online; completing applications, various payment options, reporting issues (including

missed waste and recycling collections) and registering to vote. Homefinder applications can only normally be done via the internet.

All CSAs are trained to deal with the wide range of front office enquiries and are able to cover any community office ensuring that full opening hours are maintained across the district. Generally there is only one member of staff on the front desk, but back up support is provided in the busier offices to help reduce customer waiting time.

The Community Support team have access to the online referral system which enables them to refer customers as appropriate to the Welfare Benefits team and outside agencies such as CAB, SSVCA. The Welfare Benefits Advisors provide support and advice to many of the visitors to the front office and work closely with the Community Support team to raise awareness of the benefits that they may be entitled to.

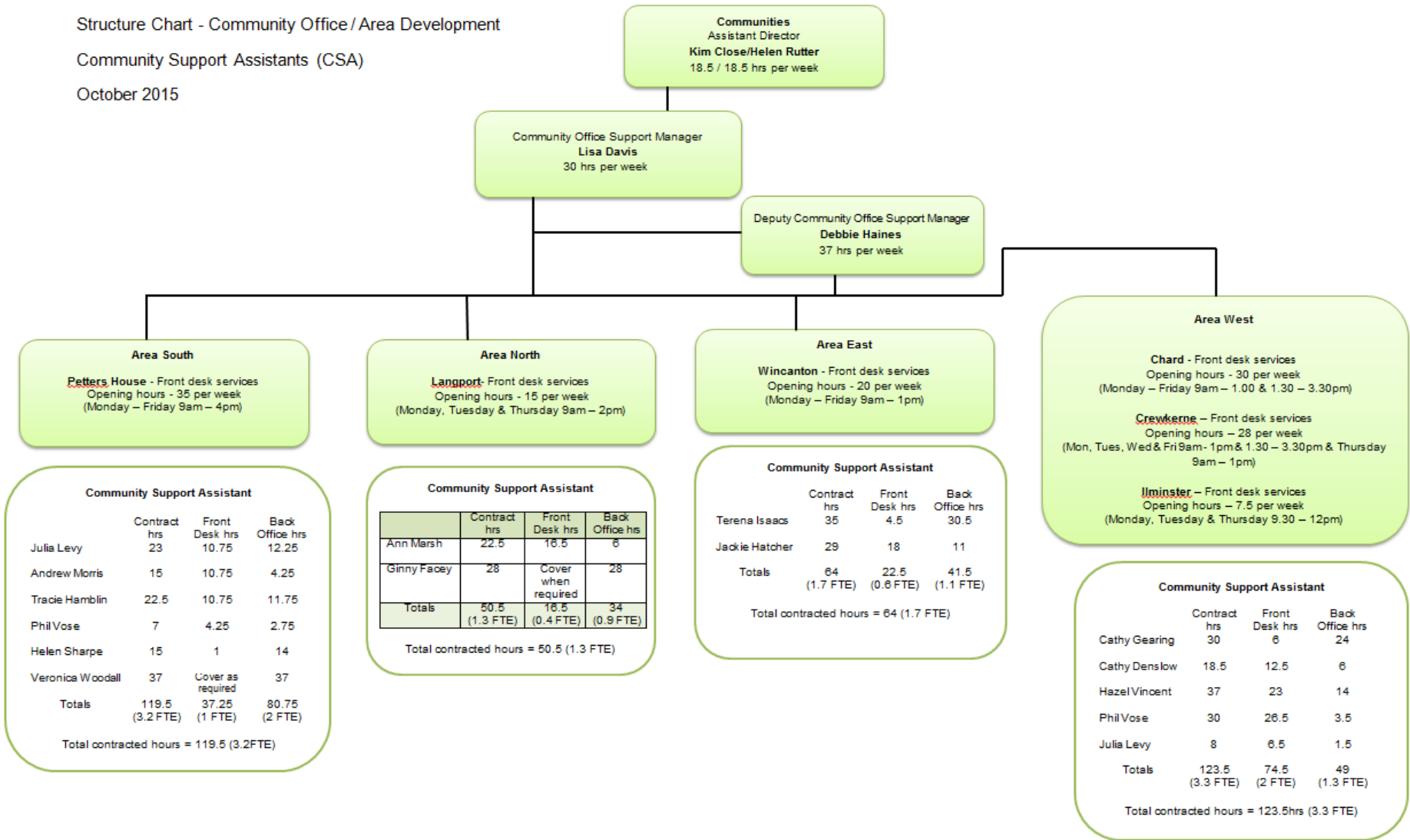
The complexity of enquiries at the front office can vary please see Appendix 1 for case studies.

The following structure chart shows the current level of staffing for each area

Structure Chart - Community Office / Area Development

Community Support Assistants (CSA)

October 2015

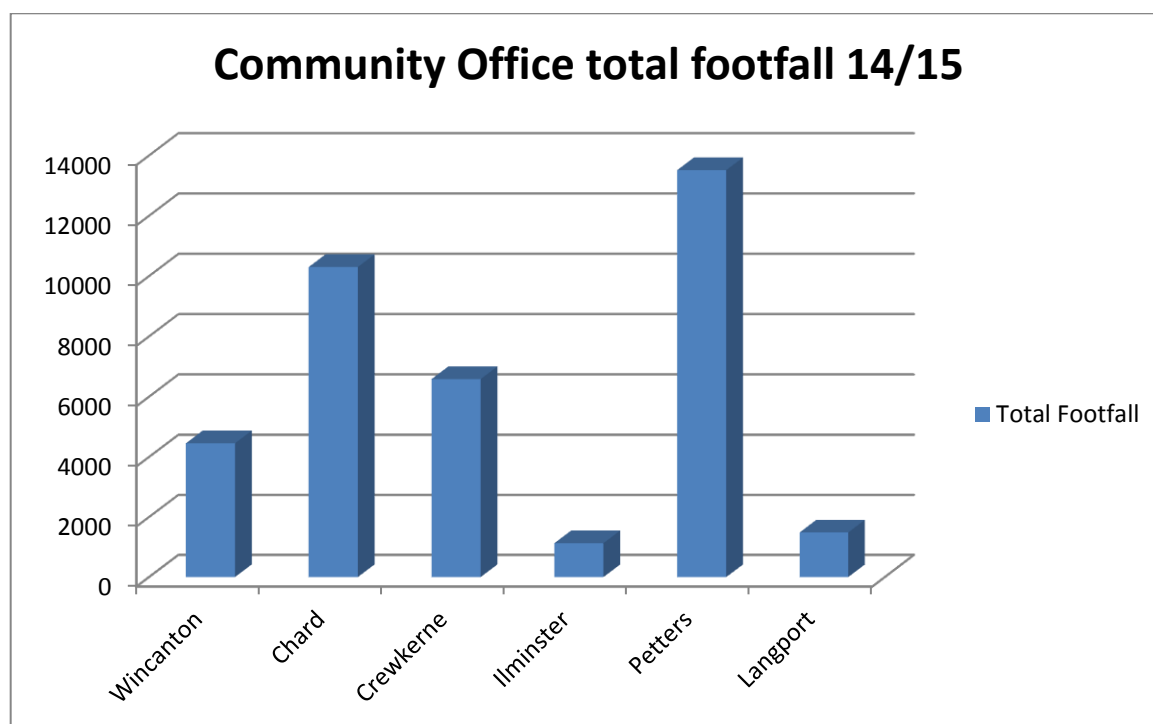


Footfall figures (Number of customers visiting the Community Offices)

Total footfall comparisons for all Community Offices from April 2012 - April 2015

All SSDC Community Offices	12-13	13-14	% change from previous year	14-15	% change in footfall 13/14 - 14/15
Benefits	18561	15345	-17%	13560	-12%
Council Tax	4270	4282	0.3%	4250	-0.7%
Housing & Homelessness	3450	2608	-24%	2306	-12%
Refuse & Recycling	1882	1411	-25%	1469	4%
*Core services total	28163	23646	-16%	21585	-9%
Other SSDC enquiries	5768	4067	-29%	4206	3%
Non SSDC enquiries	10522	8102	-23%	6832	-16%
Reception duties	8462	6189	-27%	4848	-22%
Total Footfall	52915	42004	-21%	37471	-11%

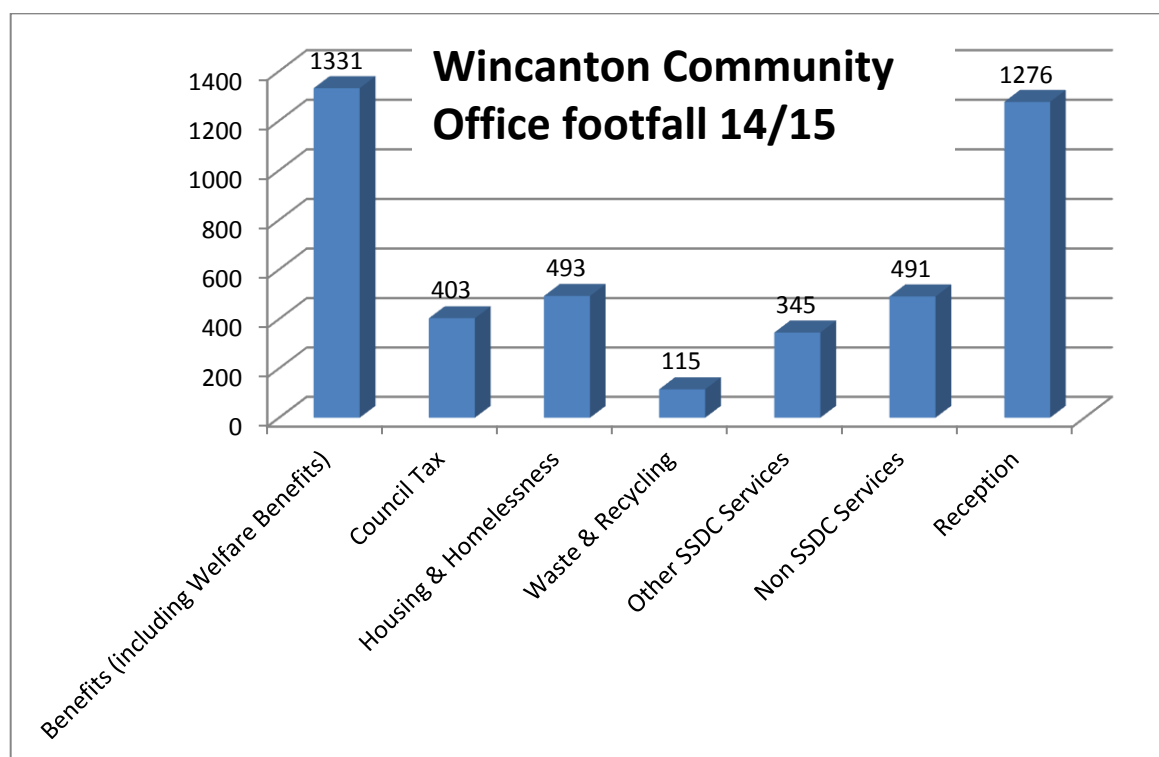
*Core services relate to Benefits, Council Tax, Housing & Homelessness and Refuse & Recycling



Total footfall comparisons for Wincanton from April 2012 - April 2015

Wincanton	12-13	13-14	% change from 12-13 to 13-14	14-15	% change from 13-14 to 14-15
Benefits	1856	1465	-21%	1305	-11%
Council Tax	568	509	-10%	403	-21%
Housing & Homelessness	438	335	-24%	493	47%
Refuse & Recycling	172	122	-29%	115	-6%
Total core services	3034	2431	-20%	2316	-5%
Other SSDC enquiries	645	378	-41%	371	-2%
Non SSDC enquiries	1159	759	-35%	491	-35%
Reception duties	1609	1549	-4%	1276	-18%
Total Footfall	6447	5117	-21%	4454	-13%

Although footfall has reduced from the previous year the decline is not as significant. It should be noted that whilst increasing numbers of the public are accessing services via the website or telephone the residual enquiries tend to be from more vulnerable people many of whom have complex enquiries which take longer to deal with.



The highest proportion of work undertaken by the CSAs in Wincanton front office relates to Benefit enquiries. This is receiving and processing benefit applications forms, evidence and other enquiries. 29% of the enquiries relate to reception duties, this is mainly due to the meeting rooms at Churchfield being used regularly by SSDC departments and also external agencies such as Somerset County Council and Environment Agency.

It should be noted that the non SSDC enquiries include bus pass enquiries/issue of forms, Town Council and SCC enquiries and any other enquiries that fall outside of SSDC's remit. We also provide a reception service for visitors to the building.

Visitors to Churchfield when the SSDC front office is closed but the Police enquiry office is open are able to access SSDC services using the public phone on the front desk and can also access services online using the public computer. We do not have any details relating to the number of calls made outside of SSDC front office opening hours.

A Planning Officer is available at Churchfield every Monday morning, during the period April 2014 – March 2015, 70 planning enquiries were dealt with during the drop in sessions.

Avon and Somerset Police are co-located with SSDC at Churchfield and there has been a recent move to achieve a shared reception desk. The Police only record footfall for the first 7 days of the month and not every day that they are open for business, during the period April 2014 – March 2015, 502 enquiries were recorded at the Police front desk.

The Area East Development Team support the Local Information Centre's (LIC) in Wincanton, Castle Cary and Bruton. There is a Service Level Agreement in place with each of the LIC's and an annual review is carried out with each LIC in addition to three visits per year to ensure that all information is updated and deal with any queries.

Customer Survey

A customer satisfaction survey is carried out every year and was compiled in September 2015 in all of the community offices and 467 responses were received.

Customer age group analysis

16-29	27%
30-44	26%
45-59	22%
60-74	18%
75+	7%

The team once again received a 99% satisfaction score of Good or Very Good relating to the overall service received.

Out of 458 responses 449 customers rated the waiting time before being seen as Good (95) or Very Good (354).

Out of 455 responses 448 customers rated the knowledge of the staff as Good (81) or Very Good (367)

98% of customers said that the CSA had been able to provide the information or help that was needed with the other 2% of customers being referred to another agency.

Comments received from customers on help provided:

“Excellent, brilliant, superb”
“Very helpful and nice to speak to”
“Very helpful”
“Very helpful, friendly”

Customers were also asked why they had chosen to call at the office rather than using another office, phone us or use our website.

79% of customers said the offices was near to their home with 6% saying they found it easier to communicate face to face due to speech, hearing or language problems.

Comments received from customers on why the use the offices:

“I am not confident using a computer of do not know how to access the website on my phone”
“Couldn’t get through to Yeovil by phone”
“Misunderstanding, easier to understand in Person”
“Find it easier to communicate face to face”
“Prefer to deal face to face when providing evidence”

The results for Wincanton show that 1% of customers completing the survey would find it very difficult to get to another office, 7% are not confident or do not have access to a pc or website access on a phone and find it easier to communicate face to face due to speech, hearing or language problems. This highlights the importance of local offices for the more vulnerable residents who are unable or find it difficult to contact SSDC online or by phone or who would be unable to access a central office. 94% of customers received the information or help that they needed whilst visiting Wincanton, with 6% being referred to another agency.

Future development

We will continue to promote the Community Offices and the services that are provided through leaflets, Town and Parish Councils, Area East Bulletin, SSDC website and other methods as appropriate.

Financial Implications

None arising directly from this report.

Council Plan Implications

Focus on Health and Communities. Continue to provide Welfare Benefits support and advice to tackle poverty for our vulnerable residents.

Carbon Emissions and Climate Change Implications

Reduce carbon emissions by increasing awareness of local offices and use of alternative methods of contact i.e. online transactions

Equality and Diversity Implications

All front desk services are accessible, except our Ilminster office, which can only be improved if suitable premises can be found.

Background Papers

None

Appendix 1 - Enquiry examples

Example 1

A non-English speaking lady came to the office and was accompanied by a friend to translate but despite this there were still language barriers.

The lady in question had previously failed to pay her Council Tax and therefore received a summons which had been passed to Ross & Roberts (SSDC debt collectors). The lady had then at this point fulfilled her repayments and the account was cleared.

The lady then received another bill from Ross & Roberts for the same amount and was confused and very upset. Having compared the bills, everything was identical except for a variance on the surname.

I tried to explain to her friend how the error had occurred and reassured them both that nothing was owed but because of the language barrier it was quite difficult for them to understand.

I contacted Council Tax who confirmed the error and said they would get in touch with Ross & Roberts.

I also checked current liability to ensure everything was up to date.

This whole process took about half an hour to resolve but I did manage to reassure the lady that it would be dealt with and she went away happy.

Example 2

A recently widowed lady brought in details of her husband's small private pension. She was hard of hearing and found it difficult to use the phone.

She asked if I could ring and pass on the details, including her email address and mobile phone and explain to them that any communication would have to be done via email or text message if they needed any more information.

Whilst she was in the office I was able to request Single Person Discount with Council Tax, plus knowing that she was in receipt of benefits I explained that she may be able to get help with the funeral costs. I printed and helped her fill in the application form from the Gov.uk website, including a note explaining that she was hard of hearing and could only deal with communication via email or text message.

I also assisted with her moving – i.e. arranging for her garden bin to be removed, processing the move on our systems and reminding her to take final readings on electricity and gas meters etc.

She was very grateful for all the assistance given, saying that she felt comfortable coming in the office.

Agenda Item 12

Area East Committee Forward Plan

Head of Service: Helen Rutter, Area Development Manager
Lead Officer: Kelly Wheeler, Democratic Services Officer
Contact Details: kelly.wheeler@southsomerset.gov.uk or (01935) 462340

Purpose of the Report

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

Recommendation

Members are asked to:-

- (1) Comment upon and note the proposed Area East Forward Plan as attached;
- (2) Identify priorities for further reports to be added to the Area East Forward Plan, developed by the SSDC lead officers.

Area East Committee Forward Plan

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 Committee agenda, where members of the Area Committee may endorse or request amendments.

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

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

Background Papers: *Forward plan document attached*

Appendix A

Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
9 December 15	Henstridge Airfield (Confidential)	To update members on issues at the airfield	Angela Watson / David Norris
9 December 15	Update of the Citizens Advice South Somerset	To update members on the service	David Crisfield Third Sector and Partnerships Co-ordinator
9 December 15 TBC	<i>Provision of Medical Care in Area East</i>	<i>Update report regarding Provision of Medical Care in Area East</i>	<i>Clinical Commissioning Group / ADM</i>
9 December 15	Community & Leisure Grant applications	6 monthly update	Tim Cook, Pam Williams, SSDC
9 December 15	<i>Countryside Service</i>	<i>Annual update</i>	<i>Katy Menday</i>
9 December 15	<i>Retail Support Initiative update</i>	<i>6 monthly Outturn report</i>	<i>Pam Williams</i>
9 December 15	Update report on S215 notices	Report on the use of S215 notices to require land or buildings to be cleaned up when their condition adversely affects the amenity of the area	Adron Duckworth / Andrew Tucker
13 January 16	Affordable Housing development programme for 2015/16	To update members	Colin MacDonald
13 January 16	<i>Lessons from Queen Camel Neighbourhood Plan</i>		<i>Tim Cook</i>
13 January 16	Wincanton Community Sports Centre	An update report on the centre	Steve Joel SSDC
April 16	<i>Funding award the LEADER Programme for rural Economic Development</i>	<i>The outcome of applications for funding the LEADER Programme for Rural Economic Development</i>	<i>Helen Rutter AD Communities</i>

Agenda Item 13

Planning Appeals

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

Purpose of the Report

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

Recommendation

That the report be noted.

Background

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

Report Detail

Appeals Received

15/02847/OUT – Land at Eden Nursery, Charlton Musgrove (Officer Decision)
Outline application for the erection of a dwelling. (GR 373982/130156)

Appeals Allowed

14/00838/OUT – Land adjoining Verrington Hospital, Dancing Lane, Wincanton (Committee Decision against non-determination)
Residential development of up to 55 dwellings, access works, relocation of NHS parking, provision of open space and other ancillary works (GR 370894/128945)

Appeals Dismissed

14/04582/FUL – Land at Camp Road, Dimmer Lane, Dimmer, Castle Cary (Committee Decision)
The erection of a concrete batching plant and associated offices, access road, aggregate storage area, parking, drainage, boundary treatment and landscaping (revised proposal of 13/01142/FUL) (GR 361515/131561)

The Inspector's decision letters are attached.

Background Papers: None

Appeal Decision

Site visit made on 15 September 2015

by Michael J Hetherington BSc(Hons) MA MRTPI MCIEEM

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

Decision date: 13 October 2015

Appeal Ref: APP/R3325/W/15/3024073

Land at Camp Road, Dimmer Lane, Dimmer, Castle Cary, Somerset, BA7 7NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Andrew Hopkins - Andrew Hopkins Concrete Ltd against South Somerset District Council.
 - The application ref. 14/04582/FUL, is dated 8 October 2014.
 - The development proposed is: the erection of a concrete batching plant and associated offices, access road, aggregate storage area, parking, drainage, boundary treatment and landscaping (revised proposal of 13/01142/FUL).
-

Decision

1. The appeal is dismissed and planning permission for the erection of a concrete batching plant and associated offices, access road, aggregate storage area, parking, drainage, boundary treatment and landscaping (revised proposal of 13/01142/FUL) is refused.

Preliminary Matters

2. The Council states that, had it have been in a position to do so, it would have refused planning permission for the reason that the increased traffic generated by the development would have a severe adverse impact on highway safety and the amenity of residents along the section of the B3153 through Clanville, Alford and Lovington in conflict with policies TA5 and EQ2 of the South Somerset Local Plan 2006-2028 (LP).
3. The appellant has submitted a revised site location plan (no. 14.01A) which contains a small amendment to the site boundary. The Council raises no objection to this change and I am satisfied that it does not prejudice the cases of interested parties. I have therefore taken it into account in my decision.

Main Issue

4. The main issue in this appeal is the scheme's effects on highway safety and residents' living conditions, with particular reference to the effects of the flow of heavy goods vehicles (HGVs) along the B3153.

Reasons

5. The appeal site, which is well separated from existing settlements, occupies open land in a partly rural setting. It lies within the Dimmer Industrial Area

which has a Certificate of Lawfulness for B2 General Industrial Use. The site was considered by a previous Inspector who dismissed an appeal relating to a concrete batching plant in 2014 (ref. APP/R3325/A/13/2210452). While his decision is an important material consideration, the present decision is based upon the particular nature of both the scheme that is before me and the evidence that has now been submitted. Nevertheless, I see no reason to depart from my colleague's remarks about the 'fall-back' position put forward at that time. That position was, in summary, that the potential for industrial uses and buildings to be developed on land at Dimmer could result in a considerable additional volume of HGVs using the B3153. However, as my colleague noted, the relevant certificate did not extend to any permission to erect buildings on the site and there was no evidence that significant buildings and uses were to be developed there. I therefore reach a similar view, namely that the impact that the present proposal would have in respect of the B3153 should be measured against the appeal site's current absence of buildings and uses rather than against a theoretical maximum development potential.

6. I also agree with my colleague's assessment of the characteristics of the B3153. The concerns of the Council in respect of this route, particularly in respect of the villages of Clanville, Alford and Lovington, are shared by local objectors. It is common ground that HGV traffic from the appeal site would need to travel along this route, either to the west (through Alford and Lovington) or to the east (through Clanville). I travelled along the B3153 several times by car, and also walked several village sections. I saw that these settlements, which include dwellings sited close to the road, are generally poorly provided with footways. There are several sections in all villages where pedestrians have to walk on the main road carriageway.
7. Bearing in mind that there are lengths of road where large vehicles are unable to easily pass each other, and noting that a number of accesses onto the road have limited visibility, I agree with the previous Inspector that difficult and potentially dangerous conditions exist as a result of the road's existing levels of use. His call for greater certainty in respect of assessing the previous appeal scheme's likely traffic generation, notwithstanding that the local highway authority raised no objections in principle and that the proposal would not exceed the road's theoretical capacity, is therefore understandable.
8. In the present case, accident information has been submitted by the appellant and objectors. It is clear that accidents involving HGVs (as well as other vehicles) have occurred on the B3153 during the period 2009-2014. I note the view of the appellant's transport consultants that the resulting number and type of accidents could be considered 'typical' given the nature of roads and junctions in the search area (which was wider than the B3153). However the basis for that conclusion is not fully explained. In any event, the accident information does not lead me to depart from my colleague's view about the degree of certainty needed in respect of the scheme's likely traffic generation.
9. The appellant has submitted further information aimed at providing such certainty. The nature of the scheme has also been amended, with the extent of the plant machinery (and therefore the maximum output) being halved and a single vehicle collection point being proposed instead of two. However, the average suggested number of trips per day (65) by concrete mixer trucks

arising from the site set out in the transport statement¹ does not depart significantly from the figures of 53-66 quoted in the previous appeal decision.

10. This suggested trip generation figure derives from an assessment of existing movements at the appellant's site in Evercreech. I have no reason to doubt the data that have been supplied in respect of that facility, which operates below its maximum potential output. However, the submitted figures show that there is some variation in the volume of output – implying variation in the number of resulting traffic movements. For example, production in each of April and May 2014 was markedly higher than in March 2014², which was the representative month for which detailed traffic data were obtained. While I accept that assessments based upon the theoretical maximum outputs of the Dimmer proposal or the Evercreech facility would be unrealistic, it is also clear that an average figure does not represent a likely 'worst case' scenario.
11. The appellant states that the present proposal would replace the existing facility at Evercreech. Notwithstanding the reduction in plant size (Evercreech has a maximum output of 60m³ per hour, compared to the 40m³ per hour that is proposed at Dimmer), it is intended that the existing operation would be transferred from Evercreech to Dimmer. The distribution of suppliers and customers would be unaffected. It is stated that some of the existing movements arising from Evercreech already use the B3153: the distance that concrete can be transported is limited and, as such, the appellant expects that the existing and proposed customer bases would be largely unchanged.
12. The appellant's transport consultants carried out a traffic survey near Alford in June/July 2014. This showed that 10.1% of traffic on the B3153 at that point was classified as an HGV: some 6,296 vehicles out of a total of 62,503 vehicles over a four week period (0700-1900, Monday-Friday). Notwithstanding my comments below, I have no reason to dispute these figures. Indeed, Somerset County Council (SCC), the local highway authority, considers them typical.
13. The appellant's transport statement concludes that 'currently approximately 10.1% of traffic travelling along the B3153 within the vicinity of Alford is from HGVs. This includes traffic generated by the Evercreech plant and so it is anticipated that this would remain the same should the reduced sized plant be constructed at Dimmer. However, should the Dimmer plant operate at full capacity the proportion of HGVs would increase to 11.7%. Conversely should the Evercreech plant operate at full capacity the proportion of HGVs would increase to 12.8%.'³
14. Significantly, this assessment assumes that the Dimmer facility would replace that at Evercreech. However, while the Evercreech site is the subject of planning permissions for class B1 light industrial use, no mechanism has been put forward within the framework of planning legislation that would ensure that the Evercreech facility would cease operating in its present form if the Dimmer plant were to be brought into use. If the appellant were to relocate to Dimmer, there is no planning restriction that would prevent the use at Evercreech from being taken forward by another operator. In such a scenario, movements in respect of Dimmer would represent additions rather than replacements.

¹ Hydrock Transport Statement (October 2014) table 6.3.

² Data from Hydrock Transport Statement (October 2014) table 6.2: output figures for March, April and May 2014 of 2,346m³, 3,363 m³ and 3,269 m³ respectively.

³ Hydrock Transport Statement (October 2014) para 7.2.1.

15. The appellant's transport appeal statement says that 'given the location, and the fact that the Evercreech plant has historically not approached its permitted capacity, it seems unlikely that a competitor company would seek to move into the existing plant'⁴. However, the Evercreech site lies closer to the A371 than Dimmer is to the B3153: I have seen no substantive evidence that the Evercreech location is in itself disadvantageous. As already noted, the appellant expects that output at Dimmer will, as at Evercreech, be below the site's maximum permitted capacity. It seems therefore unlikely that these reasons would be sufficient in themselves to rule out a continuation of the existing use at Evercreech. But in any event, even if a new light industrial use were to be established at the Evercreech site it is likely that this would generate HGV movements, although the scale of such movements has not been quantified. To my mind, it is not therefore realistic to assume that the Evercreech movements can be 'offset', as is maintained by the appellant.
16. Irrespective of whether the Evercreech traffic is (or is not) 'offset', the appellant considers that the development would lead to local traffic increases which would be neither material nor severe⁵. This conclusion is based in particular on calculations of traffic impact derived from the Alford survey data. As already noted, I consider that traffic figures based on the theoretical maximum output of the site represent an unrealistic estimate of the 'worst case' scenario. A more reasonable assessment could be, for example, to present a range of traffic movements based upon the likely range of monthly outputs. Clearly, such an exercise would be unnecessary if it could be demonstrated that traffic increases arising from a plant operating at a theoretical maximum capacity would be not material. However, I share the Council's view that the submitted data do not do this.
17. The appellant's transport statement suggests that the number of HGV deliveries (i.e. excluding staff trips and miscellaneous deliveries) associated with the Dimmer plant operating at a theoretical maximum capacity would be 247 trips per day or 22 trips per hour⁶ (assuming an 11 hour day) – i.e. one trip every 2-3 minutes. In itself, this seems to me to amount to a substantial amount of traffic.
18. I accept that it is reasonable to consider any such increase in the context of existing movements on the B3153. As already noted, movements associated with the site would be split between those sections of the B3153 lying to the east and west of the Dimmer Lane junction. However, base traffic movements have only been surveyed on the section to the west (near Alford): those on the road to the east (passing through Clanville) have not been quantified. While it is possible that this part of the B3153 already experiences higher numbers of HGV movements (as the Council alleges), it appears from the appellant's breakdown of likely routing (on which I comment below) that it would also be used by a greater proportion of appeal site traffic than the section to the west. However, in the absence of survey data firm conclusions cannot be drawn.
19. While a comparative assessment has been attempted at Alford, the manner in which the calculations of traffic impact have been presented is unclear. The stated figure for the overall traffic increase arising from the site at its theoretical maximum output at Alford is 1.9% (1179 trips Monday-Friday,

⁴ Hydrock Appeal Statement (April 2015) para 4.5.16.

⁵ Hydrock Appeal Statement (April 2015) para 8.1.2.

⁶ Data from Hydrock Transport Statement (October 2014) table 6.3.

expressed as a proportion of the total survey figure of 62,503 movements over the four week period)⁷. However, neither the methodology that underpins the calculation of the 1179 figure nor the detailed justification for the suggested split of movements between the sections of the B3153 to the west and east of Dimmer Lane have been made explicit. Given that the main concern relates to HGV movements, it would have been clearer if a comparison was presented between existing numbers of HGV movements and those that would likely to be generated in the relevant scenario. But, again, this is not made explicit.

20. The existing movement data at Alford shows that the road is used by some 6,296 HGVs over a four week period (Monday to Friday), equating to some 315 per day (a 20 day period was surveyed). The appellant suggests that 40-45% of movements from the site would pass through Alford⁸. Applying the lower of these percentage figures to the likely number of HGV movements arising from the appeal site's theoretical maximum output gives a total of some 99 trips per day (i.e. 40% of 247 trips per day), which would equate to almost a third of the present number of HGV movements through the village. To my mind, this would amount to a significant increase in local HGV traffic. For the reasons noted above, it has not been demonstrated that the Evercreech movements (which it is accepted could in principle be higher than the Dimmer theoretical maximum) can be 'offset' against this figure.
21. As I have already stated, the adoption of the theoretical maximum figure is an unrealistic exercise. However, the data that have been produced do not easily enable a realistic 'worst case' scenario to be assessed. This is because: first, the 'actual' movement numbers that have been presented derive from an average that does not take account of likely month-to-month changes in traffic movements; second, the full justification for the anticipated split of movements between the eastern and western sections of the B3153 has not been provided; and, third, no data have been presented in respect of existing HGV movements on the section of the B3153 to the east of Dimmer Lane.
22. Drawing all of the above matters together, I consider that there are serious deficiencies in the scheme's evidence base in respect of traffic generation.
23. The appellant has also submitted an application for a concrete batching plant within Mendip District. However, I am not aware of the details of that proposal and, as such, it can have little weight in the present appeal. Concerns have been raised about the potential for cumulative traffic impacts to arise in association with a proposal for a waste transfer station at the nearby landfill site. At the time of writing SCC is minded to grant planning permission for that scheme subject to the conclusion of a legal agreement. The supporting evidence suggests that this proposal would be likely to result in a reduction in the amount of HGV traffic to and from the landfill site, although the full details of the development are not before me. Nevertheless, the evidence presented in the present appeal does not enable me to fully consider cumulative traffic impacts. In any event, my concerns relate to the particular deficiencies in the submitted evidence base described above.
24. Paragraph 32 of the National Planning Policy Framework (the Framework) states among other matters that that development should only be prevented or refused on transport grounds where the residual cumulative impacts of

⁷ Hydrock Transport Statement (October 2014) para 6.3.3

⁸ Hydrock Transport Statement (October 2014) para 6.3.3

development are severe. However, it also requires that developments that generate significant amounts of movement should be supported by a transport statement or transport assessment. In the present case, I consider that for the reasons set out above there are serious deficiencies in the submitted evidence base in that regard. Given the view of the previous Inspector that more certainty was needed before permitting a proposal that would attract more HGV traffic onto the B3153, the lack of such clarity is a serious failing.

25. I am aware that SCC raises no in-principle objections to the proposal or to the supporting transport evidence, stating that relevant assumptions are robust. However, for the reasons set out above, my conclusion on the present scheme does not differ materially from that reached by the previous Inspector in respect of the earlier scheme – namely that it has not been shown that the traffic likely to be generated by the development could be accommodated on the B3153 without causing danger to existing users, and without an unacceptable impact on local residents. This would conflict with LP policies TA5 and EQ2. To my mind, this matter is of sufficient importance to overcome the scheme's other advantages – most notably its economic benefits. The proposal does not therefore comprise sustainable development and does not benefit from the presumption in favour of sustainable development that is set out in paragraph 14 of the Framework.
26. While I note the noise evidence that has been submitted by third parties, I am satisfied that, were the scheme otherwise acceptable, this is a matter that could be appropriately controlled by planning conditions. Similarly, I see no reason why adequate landscaping details could not be secured by condition. The Council raises no objections in respect of ecological impacts and I share the view of the previous Inspector that dust from concrete batching is capable of being controlled by other legislation. However, these factors do not overcome my conclusion on the main issue above. In the circumstances, it is not necessary for me to reach a view as to whether the submitted undertaking accords with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
27. For the reasons given above and having regard to all other matters raised, my overall conclusion is that the appeal should not succeed and that planning permission should be refused.

M J Hetherington

INSPECTOR



Appeal Decision

Inquiry held on 14, 15 and 16 July 2015

Site visit made on 15 July 2015

by **Mike Robins MSc BSc(Hons) MRTPI**

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

Decision date: 19 October 2015

Appeal Ref: APP/R3325/A/14/2222697

Land to the rear of Wincanton Community Hospital, Dancing Lane, Wincanton, Somerset BA9 9DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Hopkins Developments Ltd against the decision of South Somerset District Council.
 - The application Ref 14/00838/OUT, is dated 24 February 2014.
 - The development proposed is residential development of up to 55 dwellings, access works, relocation of NHS parking, provision of open space and other ancillary works.
-

Decision

1. The appeal is allowed and planning permission is granted for up to 55 dwellings, access works, relocation of NHS parking, provision of open space and other ancillary works on Land to the rear of Wincanton Community Hospital, Dancing Lane, Wincanton, Somerset BA9 9DQ in accordance with the terms of the application, Ref 14/00838/OUT, dated 24 February 2014, subject to conditions set out in the attached Schedule.

Application for costs

2. At the Inquiry an application for costs was made by Hopkins Developments Ltd against South Somerset District Council. This application is the subject of a separate Decision.

Procedural Matters

3. Although the Council did not reach a formal decision on this proposal, the Area East Committee resolved that they would have refused it for the following reasons: the location of the site, given the distance, topography and lack of public transport, would present no realistic alternative to the private car and would therefore constitute unsustainable development; unjustified loss of best and most versatile agricultural land; the proposed access arrangements would not be conducive to the safe operation of the hospital; increased traffic leading to detriment to pedestrian safety on Dancing Lane; and unacceptable impact on the tranquil outlook and setting of the hospital to the detriment of users.
4. Their second proposed reason for refusal regarding agricultural land was withdrawn part way through the Inquiry. In light of the soil resources report from Reading Agricultural Consultants, I see no reason to disagree that this should no longer be a main issue in this appeal.

5. A Statement of Common Ground (SoCG) was submitted, signed and dated 14 July 2015. This confirmed the planning history and policy position as well as the Council's putative reasons for refusal.
6. The application was initially submitted in outline with matters relating to layout and access to be determined. However, amendments were sought and a revised illustrative Masterplan submitted and formally consulted upon. Accordingly, layout became a reserved matter. Furthermore, although detailed plans have been submitted in relation to the access to the site through the hospital, the appellant did not wish to set out full details of the proposed internal accesses and routes. Accordingly, the appeal was made in outline with all matters reserved.
7. There was discussion at the Inquiry as to whether the submitted plans constituted sufficient detail for access to be considered at this stage, and reference was made to the appeal on a nearby site on Dancing Lane¹, where similar circumstances occurred. In this case, the Inspector agreed with main parties that access, as a matter to be considered at that stage, would comprise only the section of access that would fall within the public highway.
8. "Access", in relation to reserved matters, is defined² and means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made.
9. The submitted details of the hospital section of the access are central to the case, but clearly cover only part of what is defined as access. Notwithstanding the approach set out in the Dancing Lane decision, access should remain a reserved matter. Nonetheless, while I have considered all other plans to be illustrative, I have relied on the detail shown in the plans related to this part of the access, with the understanding of the main parties that these details could be secured as part of a reserved matters application by condition. With regard to this, a revised access plan³ was submitted to the Inquiry to correct a minor error. I am satisfied that no party would be prejudiced by my acceptance of this plan.
10. The National Health Service (NHS) were the previous owners of the appeal site, but sold it to the developer⁴ with agreement that access could be taken through the hospital site. The NHS were also objectors to this proposal, although not as formal parties to the Inquiry. Nonetheless, I accepted a further statement and the submission of evidence to the Inquiry from NHS representatives.
11. A legal agreement, signed and dated 16 July 2015, was submitted by the appellant under the provisions of the Town and Country Planning Act 1990. This was to address the provision of a Travel Plan at the site, affordable housing and a number of planning obligations sought by the Council. I have considered this later in my decision.
12. In addition to my accompanied site visit on the second day of the Inquiry, which I chose to access on foot from the town, I made further unaccompanied visits to new development at Bayford Hill and the development site of New Barns. I also took

¹ APP/R3325/A/14/2224654

² The Town and Country planning (Development Management Procedure)(England) Order 2015 - 2 (1)

³ 0115-PHL-101 Rev B

⁴ Conveyance dated 4 November 1992

the opportunity to walk from these sites to the town centre, and observe the morning drop-off and access to the secondary school.

13. In light of my findings, I gave the main parties the opportunity to comment on a condition, regarding demarcation of the Hospital boundaries, which had not been discussed at the Inquiry. In their response, the Council also confirmed that, notwithstanding their position at the Inquiry, a subsequent review had shown that they did not have a five-year housing land supply (HLS). A copy of the update taken to the Council's District Executive was provided, which the Council confirmed had been endorsed and which set out the position effective as of 3 September 2015. I have taken the responses to the suggested condition and this revised position into account in my decision.

Main Issues

14. In light of these matters, I consider that there are three main issues in this appeal:
- The effect of the proposal on the continued safe operation of the hospital including the effect on patients, with particular regard to privacy, noise, disturbance and security;
 - Whether the proposed development can be considered sustainable, with particular regard to accessibility; and
 - The effect of the proposal on highway safety for users of Dancing Lane.

Reasons

Background and Policy Position

15. The appeal site comprises an access through the existing hospital car park leading to an open field located on the edge of Wincanton. Currently laid to grassland and used for occasional grazing, the field lies just beyond the Wincanton Community Hospital with the gardens of properties along Cale Way backing onto the site to the south. The site slopes gently down towards the northern and eastern boundaries, which are made up of mature native hedging and trees and which separate the site from more open countryside, albeit there is housing in the neighbouring field and along Verrington Lane and Old Hill. The remaining part of the appeal site, which currently provides car parking and services for the hospital, is itself accessed off Dancing Lane.
16. There has been a previous appeal regarding development of this site (the 2012 appeal)⁵. This appeal, which took place shortly after the publication of the National Planning Policy Framework (the Framework), concluded that the Council could not demonstrate a five-year HLS, but that harm to the character and appearance of the area, the accessibility of the site, highway safety and the safe operation of the hospital were found to significantly and demonstrably outweigh the benefits associated with the housing scheme.
17. Although this decision was initially challenged successfully, that challenge was overturned in the Court of Appeal; the decision stands and is a material consideration in this case.
18. There have been a number of significant changes since that appeal decision, notably the adoption of the South Somerset Local Plan (the Local Plan), in March

⁵ APP/R3325/A/12/2170082

2015. All parties were able to comment on the policies set out in this plan and the matter was addressed in the SoCG. The Local Plan Inspector's report confirmed that the Council were now able to demonstrate a five-year HLS against an overall District requirement of at least 15,950 houses⁶, with at least 703 dwellings within Wincanton. Notwithstanding that it was acknowledged that approximately 700 new dwellings were already committed in Wincanton, the strategic approach required that development was supported prior to adoption of the Site Allocation Development Plan Document (DPD).

19. Accordingly, a strategic policy, Policy SS5, was set out that established a permissive approach to further housing development, and specifically adjacent to the existing built up area of Wincanton, with the Council to undertake an early review⁷ of employment and housing provision in Wincanton. This policy is directly applicable to the case before me.
20. The SoCG indicates that parties felt it unnecessary to examine the deliverability of housing sites to reach a firm conclusion on the five-year HLS, as the permissive approach in Policy SS5 is *'not dissimilar to that set out in paragraph 14 of the Framework'*. However, the matter was raised at the Inquiry, with the appellant indicating that they did not consider that the Council could demonstrate a five-year HLS, in which case any harm identified would have to significantly and demonstrably outweigh the benefits of the scheme. To support their case the appellant referred me to a recent decision on two linked appeals⁸ (the Chard appeal/decision).
21. This decision reached a conclusion that the Council could not demonstrate a five-year HLS on the evidence presented at that appeal, and opined that it was due to the application of the 20% buffer, as required by the Framework, to the shortfall or backlog in housing delivery. This decision was issued in June 2015, only a few months after the adoption of the Local Plan when the Council had been found to have a five-year HLS.
22. There has clearly been differing approaches to this matter, but the Council's revised position, as presented after the closure of the Inquiry, is that they cannot now demonstrate a five-year HLS.
23. Accordingly, while Policy SS5 sets out a permissive approach and expressly allows for development outside of the built-up area of Wincanton, any adverse effects should be weighed against the benefits in accordance with the presumption in favour of sustainable development, as set out in Policy SD1 of the Local Plan and paragraph 14 of the Framework. I am satisfied that this permissive approach is not constrained by a total target figure for Wincanton.

The Effect on the Hospital

24. Wincanton Community Hospital is reported to have up to 28 beds and to cater for post-operative or end-of-life patients in addition to its more general community hospital role. Also on the site is the Ridley Centre, which offers day care and respite for dementia sufferers and carers. The centre includes a small, separate enclosed garden area to the southeastern corner of the hospital grounds.

⁶ Local Plan Policy SS4

⁷ Within three years of adoption

⁸ APP/R3325/A/13/2209680 and 2203867

25. Access to the hospital grounds from Dancing Lane currently splits at the entrance. Branching right to the main hospital entrance, there is some limited parking, a drop-off area and blue light vehicle access to the front of the hospital. The left branch leads to a service area, area for temporary screening units and car parking and extends around to the eastern side, adjacent to the appeal site, where there is overflow parking and the dedicated drop-off area for the Ridley Centre.
26. The service area includes the main boiler room, generator and waste storage areas. The car parking has block paving with no footways, and with entrances through low hedging or fencing and a row of substantial trees into the hospital grounds. To the eastern side of the grounds, the arms of the hospital wings partially enclose an open garden area with seating that currently looks out over the appeal site. Trees on the site are currently protected under a Tree Preservation Order (TPO).
27. Although it has been argued that the loss of the site would limit any expansion options at the hospital, I consider that very little weight can be given to this point in light of the NHS' role in selling the land, and indeed in renegotiation the up-lift clause in 2008. Furthermore, it is reported that there has been no approach to the developer regarding the purchase of all or any part of the site to allow for further expansion, nor have I been provided with any evidence to suggest that such expansion is planned for.
28. The proposed development would introduce up to 55 houses on the field accessed via the existing servicing and car park area for the hospital, albeit with some considerable changes from the existing situation and from the proposal put forward at the 2012 appeal. Although some of the existing car parking would be lost, additional parking would be provided for disabled users near the main entrance and for others along the eastern boundary, which would in total exceed the current provision.
29. Although the principle of the use of this route would appear to have been accepted by the NHS back in 1992, when the land was sold to the developer, considerable concern was raised regarding this element of the scheme, as well as the effect the scheme would have on the use of the hospital by patients; their security and what was referred to as the tranquillity of the setting. I consider there are two distinct elements to this concern; the effect on patients' outlook and their privacy and dignity, including security of the hospital grounds generally; and the safety of the proposed new road through the car park area.

Effect on Patients and Hospital Security

30. The hospital is currently at the end of a cul-de-sac; all users of the road beyond Dancing Lane are likely to be directly associated with the hospital as staff, visitors or patients. The new development would introduce additional vehicles accessing the housing, which would have no connection with the hospital, as well as pedestrians passing through the hospital site to reach the housing and future residents.
31. The adoption of the existing car park as a public road feeding the housing estate would include a noticeable increase in traffic, albeit overall levels would remain relatively low. This traffic would result in a change to the character of that area and an increase in noise. However, the road is separated from the hospital site by trees and service buildings, and is some distance from the main entrance and ward area, and in particular, the Ridley Centre. I consider that noise and disturbance

associated with the road access would not significantly affect the patients within the hospital itself.

32. The appellant has indicated that there would be a public open space (POS) backing onto the enlarged car parking area, which could provide for additional amenity space for hospital residents. In addition, the illustrative Masterplan indicates either extension of this POS or private garden space immediately alongside the small enclosed garden specifically associated with the Ridley Centre, with housing indicated only a very short distance from the garden boundary.
33. I have significant concerns about the relationship and resulting permeability between the hospital and public areas. I accept that the site is not secure presently, but nor is it accessed by anyone other than those likely to be directly associated. The boundary along the south of the access road could be formalised such that there is a clear definition between the public road and the hospital grounds, and this could be addressed in reserved matters. To the north of the proposed access, the permanent hospital facilities are not generally publically accessible and have only occasional staff access. However, I have some concerns regarding patient access to the mobile screening units and the relationship with general public access along the road, although this matter too could be addressed.
34. I have considerable concerns with the proposal for a public space backing directly onto the extended car park area to the east, and the significant interrelationship with the hospital's own grounds that this would engender, as well as specific concerns regarding the relationship with the Ridley Centre garden. I appreciate that the definitive layout of such open space would be for a reserved matters application, but such space is needed and in principle accepted by the appellant. To locate it here makes considerable sense and indeed is relied on in part, in arguments that the outlook from the hospital would be acceptable due to the buffer it would provide to the houses. However, the suggested interaction raises further concerns over the relationship with the car park and particularly with the existing grounds.
35. Patients will use hospital grounds when they are able, it does not require a medical qualification to appreciate that fresh air would be a positive aspect in recovery. It was evident from my site visit that this area is used, and has a relatively close relationship with the private rooms that open onto it. Furthermore, the enclosed garden space clearly has an important role within the care given to those attending the Ridley Centre.
36. Dealing with this relationship first, I consider that further private gardens or accessible POS, with housing in close proximity to the Ridley Centre would introduce a fully enclosing element that would be detrimental to the role this garden plays in the provision of health services. I fully appreciate that there are houses to the other boundary, and that the garden cannot be considered as completely divorced from noise and disturbance that would go with this relationship, despite the substantial boundary treatments and garden buildings that separate them. However, to enclose the other boundary similarly would leave no respite, considerably reduce the privacy available in this area and be detrimental to the outlook for users of this space.
37. However, this part of the scheme is not before me in detail and it would be possible to address increased separation to housing and a planting scheme that would provide a more robust and landscaped buffer along this part of the boundary, such

that the area would not be one easily accessible or in regular use, thereby mitigating any enclosing or intrusive relationship with the Ridley Centre garden.

38. Turning to the general permeability across the POS and the proposed extended car park. While I can see the attraction of presenting such interaction between the spaces as an extension to the hospital grounds, I consider that this would be an uncomfortable relationship. There would be a risk of the general public viewing the hospital grounds as part of the open space. In other circumstances this may be acceptable, but I consider that the privacy and dignity of hospital patients is paramount. There is a necessity for a substantial boundary here, and it would appear to me that such a boundary could be provided in association with a landscaped POS providing separation between the hospital and the housing, which could retain that privacy and dignity.
39. I accept that the public could enter the grounds through the road entrance to the extended car park or off the main access itself. However, there would be no incentive to do so subject to a suitable and robust boundary design, and no risk of this occurring accidentally or without appreciation of the demarcation between public space and hospital grounds. In any case, were someone intent on entering the grounds for criminal purposes there is nothing currently to stop them doing so.
40. The Council and NHS have advanced an argument that the existing field's association with the hospital gardens provides an open and tranquil setting beneficial to patient recovery, and refer to paragraph 123 of the Framework. I can understand their in principle concerns regarding disturbance to the quieter parts of the hospital grounds, but the site is already closely related to the residential estate of Cale Way. Furthermore, the existing open garden area gives onto car parking and the comings and goings of users of the Ridley Centre. Tranquillity, in terms of paragraph 123, would appear to me to relate to areas undisturbed by noise and valued for that reason, a definition that cannot be truly applied to the site here, albeit I have set out above my concerns regarding the relationship between the housing, the POS and the hospital.
41. I note the appellant's contention that there are many hospitals, in particular in urban areas, where there are tight relationships with roads and housing, and which are perfectly capable of providing good health services. I accept that, but also consider that those hospitals are likely to provide greater immediate security around main entrance doors, for example, and also to seek to provide amenity spaces in courtyards, roof-spaces and other private areas where they can be found within the larger general hospital complexes typically found in such areas.
42. While my findings on this matter would have weighed significantly against the scheme, I am conscious that the layout and landscaping of the housing and the POS is a reserved matter and I see no reason why it cannot be properly addressed at that stage, with the necessity of this approach secured though a condition.

Access Safety

43. There have been significant changes to the proposal considered in 2012, and this part of the scheme has been addressed in some detail. A two-way route with some traffic calming through one-way build outs on Dancing Lane would be provided, with a footway to the southern edge. Priority junctions would be introduced to the branch leading to the main hospital entrance, to the retained northern part of the car park and to the enlarged eastern car park, as well as a new crossing point between the retained parking to the north and the main hospital site. A lay-by

would be provided for loading and unloading, while the area where the temporary screening units are placed would be unchanged.

44. The appellant argues that the design accords with local estate road guidance, has been considered by the highway authority and found acceptable and has been subject to a Road Safety Audit. Nonetheless concerns were still raised as regards the safety of patients and staff crossing the road, but also the possibility of delays through increased traffic use and restriction to vehicle movement during deliveries or the arrival/departure of screening units.
45. The existing situation provides no specific loading or unloading areas; much of the car park operates as a shared space. Under these proposals there would be a dedicated lay-by and sufficient manoeuvring room for HGVs delivering the mobile screening units. The appellant's submitted evidence, following further surveys, indicates a combined maximum flow, including hospital traffic, of 70 vehicles per hour, approximately 1 every minute. Traffic would be less than this at other times, and some of the hospital traffic would not enter the car park service area but would instead turn right towards the main entrance. This evidence was not challenged by the Council, and represents relatively low traffic volumes in a situation where footways and dedicated crossing points will have improved circumstances for pedestrians. There is very good forward visibilities and speeds would be kept low by the controls on Dancing Lane and by the nature of the road. Overall, I consider there would be no material increase in highway safety risk from the proposal here.
46. I accept that staff may need to cross the road with waste for the storage facility a number of times during the day, but similarly find that the total traffic movements would be sufficiently low to allow time and opportunity to cross safely.
47. Such low traffic movements would mean that even were there to be a short delay while a lorry or HGV manoeuvred within the carriageway, there would not be significant tail backs so as to compromise the junction into the main hospital. A further point was introduced by the NHS at the Inquiry in relation to access to services under the road, for example should there be an interruption in power or heating. I consider that this circumstance would be little different to the existing position, and were emergency works required, I can see no reason why they could not be expedited on an adopted road, in the same way as they could at present.

Conclusion on the First Main Issue

48. I do not underestimate the concern expressed to me by people working at and connected with the hospital, but I have not found that the proposed road access through the hospital car park would increase highway safety risks. Nevertheless, I have noted that the proposal set out before the Inquiry in the illustrative Masterplan presents an uncomfortable and potentially harmful relationship between public areas and the hospital grounds. However, I consider that these matters could be addressed through conditions leading to a reserved matters application that would provide for suitable demarcation and the provision of a landscaped POS with adequate boundaries to the hospital and an area of land retained to provide adequate outlook and privacy to the Ridley Centre Garden.

Accessibility

49. Wincanton is accepted by the main parties as being a sustainable settlement suitable for housing. At issue, and addressed in the 2012 decision, is whether

development on the appeal site would have acceptable levels of accessibility to the town centre and to various services, facilities and public transport options.

50. There was general agreement over the distances to such facilities and a number of guidance documents were referred to, notably from Manual for Streets (MfS) and the Institute of Highway and Transportation (IHT). Despite references also to a number of other appeal decisions, I consider that such matters must be addressed on their merits taking account of the specific circumstances involved, including distance, topography or other factors, which may make a route unattractive for walking or cycling.
51. In this case, in addition to access to the hospital, the site is within a short walking distance of the secondary school and the sports centre; this weighs in favour of the site's accessibility. Other facilities, including primary schools, the town centre, retail and employment opportunities are beyond the 800m recommended in Manual for Streets, but considerably less than the 2kms often quoted as offering the potential to replace car journeys.
52. The route from the site to the town centre would be along Dancing Lane and down Springfield Road, which at points has a relatively steep gradient, before crossing the River Cale and approaching the town up a further slope. It is this topography that the Council and interested parties particularly refer to, suggesting that this would be a considerable disincentive to walking or cycling, especially with children, as well as for the elderly or disabled or those carrying shopping. Public transport options would include buses, although the stops are on West Hill and separated from the site by the slope of Springfield Road or Football Lane. These would not offer a realistic alternative to trips to the town, but would offer access to areas outside of Wincanton. A community bus is also currently available.
53. While the appeal site would benefit from relatively close access to some facilities there is no doubt that the distance and topography would be a disincentive to some to walk to town or to the primary schools for example. However, the distances involved cannot be considered as preventing such access and having walked the route, I consider it to be both possible and well-served in terms of footways and relatively quiet streets for the most part, with the only issue being some of the options for road crossings.
54. Nonetheless, there is some merit in the concerns raised, and I note that the 2012 decision found that future occupiers are likely to be dependant on the private car. However, to my mind, this is not the sole matter when considering the accessibility of a site in the context of sustainable development.
55. This matter was also addressed in the recent Dancing Lane decision, which unlike the 2012 decision, also considered the newly adopted Local Plan. While this decision drew some distinction between that site and the one before me, the route, in particular the steeper sections on Springfield Road, is common to both sites. My colleague in that case found the site would be likely to have a higher dependency on the private car than national or local policy might seek to achieve, but that residents would by no means be wholly or excessively reliant on that mode of transport. Positive weight was also placed on provision of a Travel Plan, which was acknowledged in that decision not to have been part of the 2012 proposal.
56. The site before me is a short additional walk along a flat route from the Dancing Lane site. It would add a few minutes to a route, which is a factor, but I am not convinced that it would necessarily alter decisions on whether to walk or cycle from

the site. Furthermore, in the case before me, a Travel Plan has also now been submitted, and secured by legal agreement. This plan has been assessed by the Highway Authority who are content with its provisions, such that they have not raised objections based on the accessibility of the site. I accept that such a plan cannot significantly increase public transport or make the walk to town more attractive. However, the provisions, including promotional and information material, funding for public transport, travel vouchers, provision of electric charging points and targets for changes in mode share, will all contribute to providing future occupiers with an enhanced choice to move to more sustainable forms of transport.

57. A balance must be taken between the wider location of the site in Wincanton, which is acknowledged to be a sustainable settlement, and the specific location relative to facilities within the town. This is especially the case where a significant increase in housing is envisioned for a District, and the growth of towns will inevitably lead to development on their edges and therefore somewhat removed from some facilities.
58. This is evident in terms of the existing recent development sites in the town and I noted similar relationships between the Bayford Hill development and some local facilities, or from New Barns and its access to the secondary school, for example.
59. Overall, while I accept that the site is relatively remote from some facilities and therefore not as high on the spectrum of accessibility as a more central or urban location, I am satisfied that it offers opportunities for walking, cycling or using public transport instead of a complete reliance on the private car, and furthermore, any such journeys would be limited by the location adjacent to a sustainable settlement. Thus, in the context of Wincanton, I find the site responds to the approach set out in paragraph 34-36 of the Framework, which says that such sites should maximise opportunities for more sustainable travel modes and note that provision of a Travel Plan is a key tool to facilitate this, but accept that it would not entirely minimise the need to travel. While accepting there are some issues with its accessibility, the proposal is also consistent with those aims of Local Plan Policies TA1 and TA4, which seek to promote low carbon travel and Travel Plans.
60. I consider this matter further in my overall planning balance and assessment of whether this proposal can be considered to be sustainable development as sought by Local Plan Policy SD1.

Highway Safety – Dancing Lane

61. In addition to specific concerns regarding the access through the hospital site, concerns were raised by the Council in relation to harm to the highway safety of users of Dancing Lane. During the Inquiry it was conceded that traffic flows would be low and there was no one element that on its own was sufficient to refuse the scheme, but that a combination of factors combine to militate against it. These include the passage of HGVs, increased traffic passing through the 'S' bend near to the Dancing Lane appeal site and increased risk to pedestrians, particularly where there are no footways on Dancing Lane near to the school.
62. While it was accepted that some of these matters had been addressed to the Inspector's satisfaction in the Dancing Lane scheme, the Council emphasised the cumulative increase in traffic from the 25 houses there with the 55 houses proposed in the scheme before me.
63. As a result of the relatively low traffic flows currently associated with Dancing Lane, the cumulative increase of both of these developments would appear to be

significant. Analysis of the submitted Transport Assessments led to reported increases in peak hour movements of 181% for the appeal before me and 252% for the combined flows with the Dancing Lane development. However, vehicle numbers overall would remain low and well within the capacity of the road network here. It was reported that there have been no recorded injury accidents associated with the road.

64. Turning to the specific concerns, there is a narrow section along Dancing Lane approaching the hospital that would be tight for two HGVs to pass. However, I consider that such a meeting would not be particularly likely, and passage would still be possible utilising the open verge or the footway with mirrors adjusted. I can see no material risks here.
65. The 'S' bend element, where Springfield Road turns into Dancing Lane, would present sufficient forward visibilities that in the low traffic conditions that would prevail, it would not represent a significant highway safety risk.
66. Finally, while I note that the footway does not continue along the full length of the road past the secondary school, there are at least three entrances, including those on West Hill, and all can be separately accessed along footways. There is also traffic calming and a 20 mph restriction outside the school. Parking for school drop-offs may occasionally take place within this stretch, but the small overall increase in traffic potentially associated with vehicles leaving either or both of the development sites and choosing to use this arm of the road would not, in my view, materially increase risks.
67. The matter of the combined impact of a number of separate highway safety issues was addressed in the Dancing Lane decision and I concur with the Inspector in that case; if individual elements are found to be safe, there is no reason why they should add up to create an unsafe environment.
68. On the evidence before me, I consider that the proposal would not result in increase traffic sufficient to lead to material harm to the highway safety for users of Dancing Lane. The proposal would comply with Local Plan Policy TA5 in this regard, and the requirements of the Framework. These policies seek to ensure that new development does not compromise the safety and/or function of the local and strategic road network. While the Framework also seeks safe and suitable access for all, it notes that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

Other Matters

69. I note the concerns of some residents regarding the effect on the character and appearance of the area generally. Although not a matter of concern between the main parties in this case, this was an issue which weighed in the previous 2012 decision on this site, although that decision was taken prior to the adoption of the recent Local Plan, which included Policy SS5. This policy is expressly permissive of development beyond the built-up area of Wincanton. Thus any harm to the character and appearance of the area, such as through the introduction of built form into currently open grassland, must be considered in this context.
70. The appellant has informed this later application with a landscape and visual assessment⁹, which was not available to the previous Inspector, and I further note the conclusions of the Council's own landscape architect, who considered that the

⁹ Dated 27 November 2013

scheme would have a limited visual profile and would be acceptable in landscape terms.

71. I took views of the site from the surrounding road network, including Old Hill and Verrington Lane. The appeal site is well-contained and the development would be relatively well-integrated into the existing built form of the town with development to two sides and with robust hedge and tree boundaries. As my colleague found in the 2012 decision, the proposal would result in the loss of an open field, would introduce built form into a rural setting and would be prominent when seen from houses along Cale Road that back onto the site.
72. However, subject to an appropriate standard of design in the layout, landscaping and design reserved matters, including the confirmed delivery of public open space and a landscaping scheme to include the surrounding trees and hedging, I consider that any final scheme should relate well to its setting with limited harm to the landscape characteristics of the area. In light of the clear policy position now prevailing, which differs from that in 2012, such harm to the rural character and appearance of the area must be considered in light of the expectation that there will be edge of town development extending the built form into the countryside.
73. The revised access design through the hospital grounds would necessitate the removal of a tree, referenced as T25, and protected under the TPO. While the group of trees here has a value to the character and appearance of the area, the loss of this one tree, while regrettable, would not on its own be sufficient to warrant dismissal of the appeal. It would have a limited impact on the role the group plays, and I note that the appellant's arboricultural report indicates that it may allow for a more balanced crown spread for other nearby trees. I concur with the Council that the removal of this tree would be acceptable in this case.
74. I also note some concerns from the NHS that the proposed parking to the east of the hospital could be utilised by residents of the housing. The appellant is intending to provide parking in full accordance with the local standards, including the provision of visitor parking. Furthermore, as I have set out above, I consider it necessary that the boundary along the rear of this parking area is a robust one with limited permeability to the POS and clear definition of public space and hospital grounds. Thus any resident parking here would have to walk back to the access road and down past the POS to enter the housing estate. Such parking cannot be discounted, but the evidence weighs against it being a likely scenario.
75. Although not a matter raised by either of the main parties, the potential for future conflict with the Wincanton Neighbourhood Plan (NP) was raised. The submission presented to me highlighted concerns regarding pressure on infrastructure, while a recent consultation exercise had resulted in a number of comments that there was a perceived threat to the future viability of the Wincanton Community Hospital from additional residential development. Nonetheless, it was acknowledged in the submission that the NP was at an early stage, having been designated in 2014 with a steering group established in January 2015. Furthermore, I have specifically considered the effect on access to the hospital and have concluded that there would be additional parking provided and a safe access retained. In such circumstances, I can give limited weight to the emerging NP.

Planning Balance

76. This proposal would provide up to 55 houses with a significant proportion of affordable dwellings within a district that has an acknowledged requirement for a

significant boost in housing provision. Such matters weigh in favour of the proposal.

77. The development plan is consistent with the Framework in that Policy SD1 seeks to promote sustainable development, albeit the Council recognise that they now cannot demonstrate a five-year HLS. Whether a development can be considered to be sustainable needs to reflect the policies of the development plan and the Framework as a whole, and the three principal dimensions forming the definition in paragraph 7; social, economic and environmental.
78. In social terms, the scheme would deliver much needed housing and affordable housing, but this dimension also requires consideration of the resulting built environment, and accessible services that meet the community's needs. I have set out my concerns regarding the illustrative planned relationships between the housing and the hospital grounds, but consider that this could be addressed in reserved matters. I have also noted that the scheme, while still providing access to some key facilities and the opportunities for access to others, would not be as accessible as some, although the submitted Travel Plan would serve to support alternative sustainable transport choices.
79. In economic terms, the scheme would deliver short term benefits through the construction phase. Environmentally, there would be a change to the character of the field, but no significant harm has been set out in relation to other environmental factors. I am satisfied that the reserved matters would allow for landscaping proposals and the overall design ethos and layout to address the sites location on the urban fringe.
80. Taking these matters into account, I consider that my concerns can be addressed through reserved matters and that the site's limited accessibility and any small measures of residual harm would not significantly or demonstrably outweigh the benefits that would arise from a scheme that would assist in meeting the Council's need for housing. The proposal would therefore be sustainable development, which would accord with Local Plan Policies SD1 and SS5, and the Framework, in this regard.

S106 Agreement

81. The S106 agreement between the appellant, the County Council and the District Council appropriately sets out the matter of delivery of the Travel Plan that I have addressed above.
82. The Council have also accepted that the submitted legal undertaking would ensure appropriate provision of the affordable housing; I see no reason to disagree and find this to be in accordance with Local Plan Policy HG3. The agreement also addresses contributions to education, youth facilities, changing rooms and playing pitches associated with the Wincanton Sports Centre, and I have considered these matters in light of the Framework, paragraph 204, and the statutory tests introduced by Regulation 122 of The Community Infrastructure Levy (CIL) Regulations, 2010.
83. I have reviewed the evidence of the Council in relation to these contributions, including the revised summary of the contributions sought that was submitted to the Inquiry. I am satisfied that primary schools are at or approaching capacity in Wincanton and that the additional contributions arise from detailed assessments identifying deficits within open space, sport and recreational facilities.

84. I note that earlier requests for contributions have been reviewed in light of Regulation 123 of the CIL Regulations coming into effect from 6 April 2015. As a result, the Council have confirmed that the swimming pool contributions have reached their limit and are no longer sought. I am satisfied that the other individual projects set out in this agreement are in accordance with Regulation 123.
85. The main parties are in agreement over the sums sought and, on the evidence before me, I am satisfied that the contributions meet the relevant tests and properly address infrastructure needs within the district and are in accordance with the development plan. I have therefore taken the agreement into account.

Conditions

86. I have considered the conditions put forward by the Council and the appellant in the SoCG against the requirements of the national Planning Practice Guidance and the Framework. As an outline application I have set out the necessary implementation conditions (1, 2, 3), and restricted development to a maximum of 55 dwellings (4)
87. In addition to these, I have set out above explicit requirements regarding the access through the car park area and the demarcation of public areas and hospital grounds (5, 6, 7), to ensure the safe and secure operation of the hospital and the privacy of patients. I have imposed further requirements for the reserved matters application in relation to biodiversity enhancement to protect ecology (8).
88. For reasons of highway safety, I have set out requirements for hard surfacing elements, including parking, within the site (9), and a condition to ensure that internal roads are delivered alongside occupation of the approved dwellings (10). The relationship with the hospital and the nearby residential dwellings requires the imposition of a Construction Management Plan condition, with a clear focus on the continued access to, and full operation of the hospital during construction (11). To protect the character and appearance of the area, I have required tree and hedgerow protection of the existing natural boundary features (12). With regard to potential off-site flood risks I have sought a drainage scheme based on sustainable drainage principles (13), and finally, for the protection of public health, a scheme for the disposal foul drainage needs to be fully addressed and implemented (14). Where necessary and in the interests of clarity and precision and to avoid duplication, I have altered the suggested conditions to better reflect the relevant guidance.

Conclusion

89. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Mike Robins

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Fletcher
of Counsel

Instructed by South Somerset District Council

He called

Mr Baker BSc MICE
C Eng FCIT FCILT EurIng

Transport Consultant
MBC Traffic Engineers and Transport Planners

Mr Muston BA(Hons)
MPhil MRTPI

Planning Consultant
Muston Planning

FOR THE APPELLANT:

Mr Choong
of Counsel

Instructed by Hopkins Development

He called

Mr Awcock C Eng MICE
MIHT MCIWEM

Transport Consultant
AwcockWard Partnership

Mr Kendrick BA(Hons)
MSc MRTPI

Planning Consultant
Grass Roots Planning Ltd

INTERESTED PERSONS:

Mr Mahoney

Local Resident and Chairman of Friends of
Wincanton Hospital

Cllr Winder

Ward Councillor, South Somerset District Council

Cllr Colbert

Ward Councillor, South Somerset District Council

Cllr Vagg

Wincanton Town Councillor

Cllr Carroll

Councillor, South Somerset District Council

Mr D'Arcy

Local Resident

Mr Downton

Local Resident

Miss Edwards

Deputy Head of Division - NHS

Mr Owen

Estates manager - NHS

DOCUMENTS

- 1 Council's letter of notification dated 23 June 2015
- 2 Draft Section 106 Agreement
- 3 Travel Plan comparison with Dancing Lane Appeal
- 4 Distance to facilities - comparison with Dancing Lane Appeal
- 5 Site Accessibility Plan
- 6 Appellant's Opening Statement
- 7 Interested party statements
- 8 Council Supplementary Proof re infrastructure contributions
- 9 NHS Statement
- 10 Cost Application
- 11 Details of Community Bus Scheme
- 12 Council Closing Submissions
- 13 High Court case : Dartford BC v SoSCLG and Landholding Capital Ltd [2014] EWHC 2626 Admin
- 14 Appellant's Closing Submissions

PLANS

- 1 Set of plans
- 2 Corrected access plan 0115-PHL-101-Rev B
- 3 Access details for Dancing Lane appeal site
- 4 Lay-by swept path plan for 10m HGV

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby approved shall comprise no more than 55 dwellings.
- 5) As part of the reserved matters application set out in Condition 1, details shall be submitted in relation to the vehicular access to Dancing Lane and revised parking arrangements to serve the hospital. These shall be in general accordance with Drawings 0115-PHL-101-Rev B and 0115-PHL-104-A.
- 6) No work shall commence, including groundworks, for the housing hereby permitted until the works within the public highway and hospital car park shown on Drawings 0115-PHL-101-Rev B and 0115-PHL-104-A and any further details secured under Condition 5, have been fully implemented.
- 7) As part of the reserved matters application set out in Condition 1, details of measures for the clear demarcation between public areas, including the proposed access road, the public open space, and hospital grounds, shall be submitted to and approved in writing by the local planning authority. These measures shall include the provision and maintenance of a boundary along the eastern side of the proposed extended car park area and hospital grounds and provision of a buffer strip between the proposed housing and the garden area associated with the Ridley Centre. The measures shall be implemented in accordance with the approved details.
- 8) As part of the reserved matters application set out in Condition 1, details of measures for the enhancement of biodiversity, to include a landscape and ecology enhancement and management plan, shall be submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details.
- 9) No development shall take place until details of the estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfalls, vehicle overhand margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking (in accordance with the Somerset County Council Parking Strategy), and street furniture have been submitted to and approved in writing by the local planning authority. Details shall include plans and sections, showing as appropriate the design, layout, levels, gradients, materials and methods of construction. Development shall be carried out in accordance with the approved plans and any parking spaces shall thereafter be made available at all times solely for the parking of vehicles in association with those dwellings.

- 10) Any proposed internal roads approved at the reserved matters stage, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling, before it is occupied, shall be served by a properly consolidated and surfaced footpath and carriageway constructed to at least base course level between the dwelling and the existing public highway of Dancing Lane. The roads shall subsequently be completed in accordance with an approved timetable, which shall be submitted in writing to the local planning authority before any dwelling so served is first occupied.
- 11) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Plan shall explicitly address maintenance of full access and operation of the adjacent hospital throughout the construction period, and include details of construction vehicle movements, construction operating hours, construction vehicle routes to and from the site, construction delivery hours, expected numbers of construction vehicles per day, vehicle parking for contractors and specific measures to be adopted to mitigate construction impacts in pursuance of compliance with the Environmental Code of Construction Practice. The approved Plan shall be adhered to at all times throughout the construction period.
- 12) No development shall take place until full details of a scheme for the protection of trees and vegetation around the periphery of the site has been submitted to and approved in writing by the local planning authority. The scheme as approved shall be adhered to in full throughout all phases of construction activity relevant thereto.
- 13) No development shall take place until details of the implementation, maintenance and management of a surface water drainage scheme, based on sustainable drainage principles, has been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - i) An assessment of the hydrological and hydrogeological context of the development;
 - ii) a timetable for its implementation, and
 - iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- 14) None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.

Costs Decision

Inquiry held on 14, 15 and 16 July 2015

Site visit made on 15 July 2015

by Mike Robins MSc BSc(Hons) MRTPI

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

Decision date: 19 October 2015

Costs application in relation to Appeal Ref: APP/R3325/A/14/2222697 Land to the rear of Wincanton Community Hospital, Dancing Lane, Wincanton, Somerset BA9 9DQ

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Hopkins Developments Ltd for a partial award of costs against South Somerset District Council.
 - The inquiry was in connection with an appeal against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for a residential development of up to 55 dwellings, access works, relocation of NHS parking, provision of open space and other ancillary works.
-

Decision

1. The application for an award of costs is refused.

The submissions for Hopkins Development Ltd

2. The application was submitted in writing at the Inquiry. This submission referred specifically to paragraphs 030 and 049 of the Planning Practice Guidance. A partial award was sought in relation to the Council's putative reasons for refusal 1, sustainability and accessibility, and 4, highway safety. The applicant argued that local planning authorities should follow previous decisions and not persist with objections which had already been considered and rejected at appeal.
3. The applicant further considered that although it was accepted that the 2012 decision¹ was a material consideration, reliance could not be placed upon it when its findings on sustainability were based on an objection by Somerset County Council (SCC), who had withdrawn their objections to the current scheme. SCC presented no evidence on highway safety. Furthermore, Councils should keep their cases under review, and, it was argued, the evidence presented on these matters was identical to that given at the recent Dancing Lane appeal², where it was comprehensively rejected.
4. On the basis of the position of SCC, and the findings of the Dancing Lane decision, the applicant considered that the Council should have withdrawn their case on reasons 1 and 4, as it was unreasonable to persist with their objections. Their technical evidence relied on what the Members felt or believed was an issue and was not founded on technical matters. The applicant

¹ APP/R3325/A/12/2170082

² APP/R3325/A/14/2224654

was put to extra expense in the preparation of their case to address these matters, which unnecessarily prolonged the length of the Inquiry.

5. While the Council argued that there was a difference between Dancing Lane and the appeal site, their witness had argued they were similar. Furthermore, regarding the position on the Travel Plan and accessibility, it is clear that the decision must be made on all measures. Although costs were not awarded on similar grounds at Dancing Lane, the rejection of the arguments there undermines their use in this appeal.

The response by South Somerset District Council

6. The Council responded orally at the Inquiry. In this response, they highlighted that the role of SCC as the highway authority was to comment on the proposal, and it is not clear that their advice went significantly beyond confirming the content of the Travel Plan. The matter of the sustainability of a site, it was argued, was a planning matter. Members were justified in taking their own view; it was a planning judgement. Nor can a Travel Plan be considered to 'cure' a poorly located site.
7. In terms of the Dancing Lane decision, the consideration that a review should have been made was, in the Council's view, flawed. The Inspector in that case agreed an unsustainable element to that site and noted the extra distance to the hospital site. That decision letter did not undermine the Council's position on the appeal.
8. It was further argued that in relation to the highway safety matters, Members took their own view, but supported this with technical evidence presented to the appeal; a similar cost application was also made at Dancing Lane but similarly failed.

Reasons

9. Paragraph 030 of the Planning Practice Guidance provides that costs may be awarded if the unreasonable behaviour of a party has directly caused another party to incur unnecessary or wasted expense in the appeal process.
10. There are two principal matters against which the allegation of unreasonable behaviour has been made, the Council's continued objection to the appeal on sustainability grounds, specifically the accessibility of the site, and their continued objections on highway safety.
11. In terms of sustainability, this is a planning matter to be decided on a full assessment of the complimentary or sometimes competing economic, social and environmental effects. A part of that assessment is the accessibility of a site and the reliance on less sustainable forms of transport. The 2012 decision did find that the site had relatively poor accessibility, and is accepted as a material consideration in this case.
12. SCC did not pursue an objection on accessibility as they did in 2012, having received and assessed a Travel Plan, which they would appear to have accepted addressed their concerns. Accessibility and sustainability are not black and white matters; a site sits on a continuum from highly accessible to inaccessible, and this makes up only part of an assessment as to whether it represents sustainable development. Nonetheless, that SCC may have found the Travel Plan acceptable could be considered to have altered the weight that

- the matter of accessibility would play in the assessment of sustainable development.
13. However, this does not mean that the Council are bound to alter their conclusions on sustainability. I may not have ultimately agreed with them, but it was a decision that was available to Members to conclude that, on their own assessment, using their planning and local knowledge, the accessibility of the site contributed to a conclusion that overall it did not represent sustainable development.
 14. I am also unconvinced by the argument that the Dancing Lane decision should have led to the Council withdrawing their position. While this scheme was ultimately allowed, the Dancing Lane decision acknowledged that the site's accessibility weighed in some measure against it, and it clearly differentiated itself from the appeal site in terms of distance³. Furthermore, Paragraph 48 of the 2012 decision indicated that Inspector's conclusion that the site was not in a particularly sustainable location.
 15. Whether at the time the Council witness had drawn conclusions on the similarity in the location of the two schemes is not sufficient to suggest that there is merit in the claim that the Council were unreasonable to pursue their case. It is a fact that the Inspector in the Dancing Lane decision clearly chose to differentiate between the two sites. Although my own decision led me to conclude that the additional distance would be unlikely to significantly alter future occupier's decisions on walking or cycling, the assessment of such matters is essentially a judgement. On balance, I conclude that the Council Members were not unreasonable in continuing to pursue their concerns regarding the accessibility of the site.
 16. Turning to highway safety, I accept that similar arguments were promoted at the Dancing Lane appeal and were not supported. This decision clearly noted that the conclusions were based on the low-level of increased traffic flow likely to stem from that appeal development, and discounted a cumulative assessment⁴ with the appeal before me.
 17. With that appeal now allowed, it was reasonable that the Council considered the cumulative impact of both that scheme and the appeal scheme in assessing highway safety risks. Although my own conclusions may have differed, this does not mean that the Council were unreasonable in pursuing their case on this point. I am satisfied that they submitted evidence to substantiate their concerns at the Inquiry.
 18. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Mike Robins

INSPECTOR

³ Paragraphs 91 and 96

⁴ Paragraphs 77 and 78

Agenda Item 14

Date of Next Meeting

Members are asked to note that the next scheduled meeting of the committee will be at the Council Offices, Churchfield, Wincanton on Wednesday 9th December 2015 at 9.00 am.

Agenda Item 15

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 East Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 10.30am.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 10.15am.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
16	TOWER	15/03373/FUL	The erection of solar photovoltaic panels and associated works and infrastructure, including switchgear, inverter stations, access tracks, security fencing, security cameras, grid connection, together with temporary construction access, compound and unloading area (GR:375703/128694)	Land West of Tinkers Lane, Southeast of B3081 Cucklington Wincanton	Clapton Farm Solar Farm Limited
17	BRUTON	15/02991/S73	Section 73 application to amend condition 2 of planning approval 11/00411/FUL dated 11.03.2013 to revise house types and remove condition 09 to allow construction traffic to access site from Frome Road (GR:368667/135575)	New House Farm, Burrowfield, Bruton	Mr Samuel Sowden
18	CARY	15/03371/S73A	Section 73A application to vary planning condition 06 of approval 11/00822/FUL	The Two Swans, Station Road,	Mr Malcolm Beaton

			to allow the substitution of plans to regularise that which has been built. Reconfiguration of Plot 1 to provide rear access and private garden following relocation and increased width of footpath (GR:363901/132292)	Castle Cary, Somerset, BA7 7BU	
19	CARY	15/03853/FUL	Application for the erection of 1 no. two bedroom dwelling house on land adjacent to 2 Rush Close with associated access and landscaping (GR:363043/125590)	Land adj 2 Rush Close, Folly Lane, South Cadbury, Yeovil, BA22 7ES	Mr & Mrs Davey
20	TOWER	15/03596/FUL	Renovation of barns and change of use to B1, office and workshops for decorative arts company (GR:368924/128470)	Holbrook Farm Barns, Bratton Seymour, Wincanton, BA9 8BT	Mr Mathew Bray
21	TOWER	15/03640/FUL	Change of use and erection of a block of 3 stables (GR:375542/131647)	Land OS 5464, Hilltop Road, Pen Selwood, Wincanton, Somerset	Mrs Louise Norton

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 16

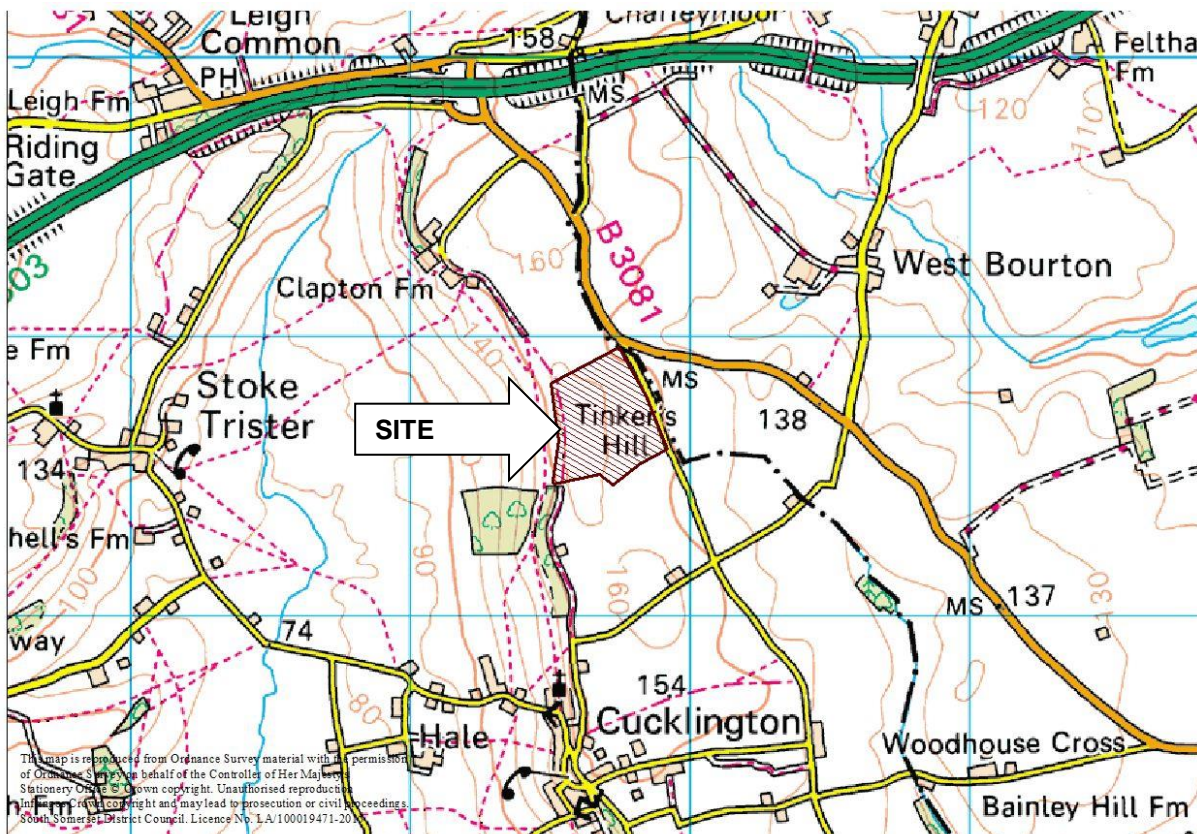
Officer Report on Planning Application: 15/03373/FUL

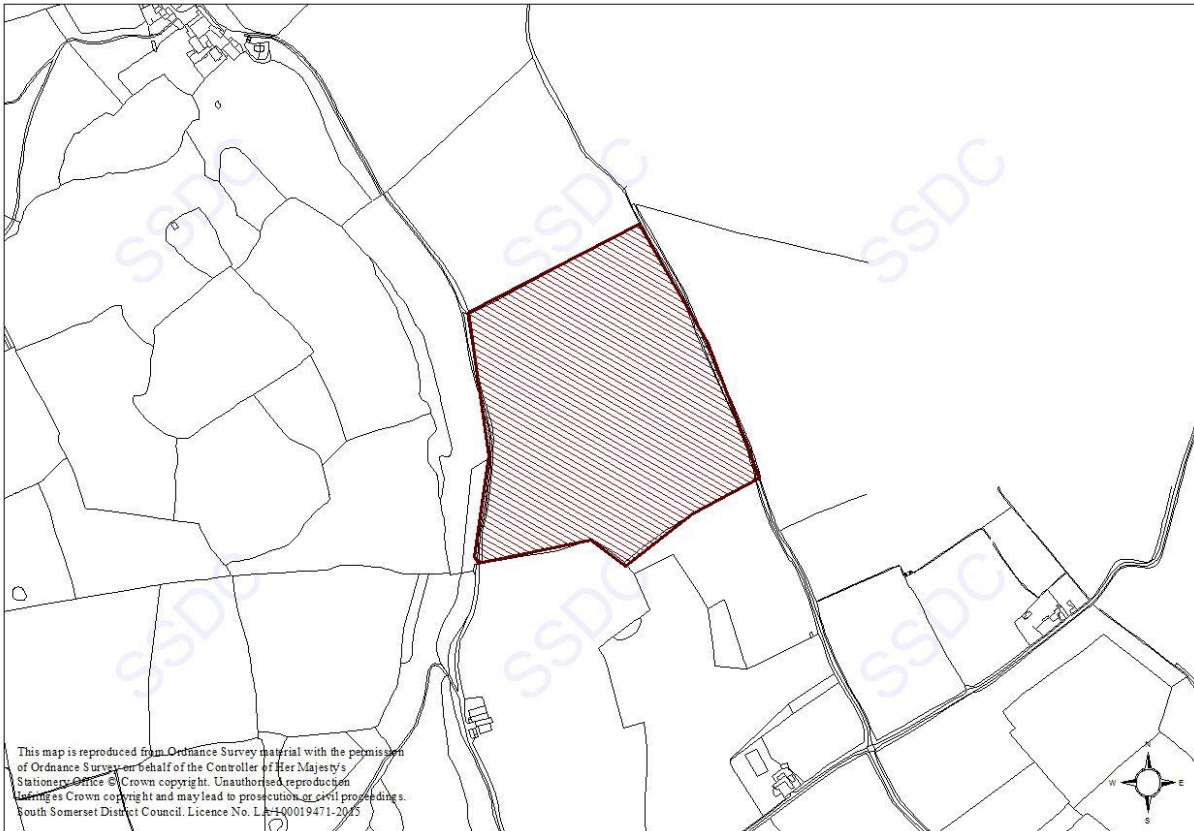
Proposal :	The erection of solar photovoltaic panels and associated works and infrastructure, including switchgear, inverter stations, access tracks, security fencing, security cameras, grid connection, together with temporary construction access, compound and unloading area (GR:375703/128694)
Site Address:	Land West of Tinkers Lane, Southeast of B3081 Cucklington Wincanton
Parish:	Cucklington
TOWER Ward (SSDC Member)	Cllr Mike Beech
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	21st October 2015
Applicant :	Clapton Farm Solar Farm Limited
Agent: (no agent if blank)	Andrew Mann Wessex House Priors Walk East Borough Wimborne, Dorset BH21 1PB
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

This application relates to a 'large scale' major development which, due to its size, must be referred to committee for determination if the officer is recommending approval of the application, which is the case in this instance.

SITE DESCRIPTION AND PROPOSAL





The application is located within open countryside, a little less than 1km north of Cucklington and 1km south of the A303's interchange with the B3081. The application site comprises a single agricultural field under arable production with its eastern boundary adjacent to Tinker's Lane. The site's north eastern corner is close to Tinker's Lane junction with the B3081. The site's western boundary aligns with a Restricted Byway, an historic drove way. The actual extent of the solar panels is contained within the eastern half of the field.

The site is enclosed by established hedgerow and located on a plateau falling in a west to east direction. The land to the west beyond the site slopes steeply down, whereat there are extensive views out over the Blackmore Vale, whereas to the east and south is undulating with a gradual slope eastward and again, extensive views.

The proposal seeks consent for the erection of a 5 MW solar photovoltaic array and associated works and infrastructure for a temporary period of 25 years. Site access during the construction period would be via the B3081 from the A303. For the duration of the construction period a temporary compound and unloading area together with construction access point, involving widening of the existing field access, will be provided.

The works include:

- Framework and solar panels 0.5m to 2.8m in height with up-right piled supports to a depth of 1.2m.
- 4(no.) inverter stations comprising several different structures having an overall area extending to 14.7m by 4.6 and height of 2.3m
- 2(no.) switchgear 6m by 3m and 3.27 above ground level.
- Spares container 2.3m by 1.2m and 2.9m high.
- Access arrangements off the existing field access
- 2m high security fencing
- CCTV on 6m high pole mounted.

The grid connection is local to the site, to the south, to be finalised with the landowner, still to be confirmed. The cable will be underground with no disruption to the landscape.

The site that is outlined in red extends to 13.3 hectares of which 6.3 hectares will be enclosed wherein the solar array is located. The majority of the site is classed Grade 3b agricultural land while 2 hectares (out of 6.3 hectares on which the solar array will be erected) is classed 3a agricultural land.

The application is supported by the Planning and Environmental Report. This includes assessments and the consideration of the following:

- Site Selection
- Planning Statement
- Agricultural Land Classification Report
- Design Statement
- Access Statement
- Landscape and Visual
- Ecology
- Cultural Heritage

Additional information was submitted during the application process and in response to consultation responses received. This includes:

- Vegetation management plan
- Revised landscape (mitigation) planting plan
- Construction transport management plan
- Glint and glare assessment
- Updated LVIA and photomontages to include additional hedgerow planning, additional viewpoints
- location plan and additional viewpoint panoramas
- Site Selection and Justification Report
- Archaeological Evaluation: Interim Report.

RELEVANT HISTORY:

15/01091/EIASS - Proposed Installation of a photovoltaic array - EIA not required.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

EP5 - Farm Diversification

TA5 - Transport Impact of new development.

National Planning Policy Framework - March 2012:

Chapter 1 - Building a strong, competitive economy

Chapter 3 - Supporting a prosperous rural economy

Chapter 7 - Requiring good design

Chapter 10 - Meeting the challenge of climate change, flooding and coastal change

Chapter 11 - Conserving and enhancing the natural environment

The NPPF 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.

Other Material Considerations:

An EIASS application has been considered for the site. This determined that an EIA was not required and the overall scale of the site is subsequently reduced on receipt of the current application for planning permission.

CONSULTATIONS

CUCKINGTON PARISH MEETING: The residents of Cucklington ask you to carefully consider and to appreciate the importance of the local heritage and the rural character of this area and allow all visitors to continue to enjoy the area without the imposition of the industrialisation of our countryside. We urge you to reject this inappropriate and damaging proposal.

Our principal grounds for objection are:-

- Profound damage to the well-known visual amenity afforded by this unique and much treasured site which is totally inappropriate for such an industrial intrusion. The Restricted Byway (WN 11/11) immediately adjacent to the west of the proposed development is an historic Drovers road connecting the ancient settlements of Cucklington and Clapton with Penselwood.
- There is already a great local proliferation of solar developments which will, when completed, surround Cucklington. The boundary location of the site should not be ignored. There are a number of existing developments nearby in Dorset, such as Slaughtergate on the B3081, covering 4.5 hectares, and just over 2 km from Cucklington; Manor Farm (4.5 hectares, and less than 2 km), plus, of course the two sites in SSDC near Wincanton (Hook Valley and Higher Hatherleigh both about 4 km from Cucklington.)
- This application represents a gross misuse and loss of valuable "best and most versatile" agricultural land and is in a most inappropriate site.
- The photomontages in the application are grossly misleading as anyone familiar with the site would immediately see, and should not be relied upon. They do not even show the actual site but the photograph appended to this letter do.

PEN SELWOOD PARISH COUNCIL (adjacent) objects and believes it may be visually damaging to the AONB.

NORTH DORSET DISTRICT COUNCIL - The comments from the Cranborne and West Wilshire Downs AONB Partnership point to an inadequacy in long range views contained within the Landscape and Visual Assessment (LVA) provided by the applicant. There is the potential for solar arrays to be visible from long range views.

To summarise, the Council would like to raise concern in relation to the following:

- The potential impact of the solar farm upon the setting of the Cranborne Chase and West Wiltshire Downs AONB,
- The potential for there to be intervisibility between the application site and the existing solar farm at Manor Farm, Silton,
- The potential for there to be intervisibility between the listed heritage assets within the main settlement of Bourton and West Bourton,
- The impact of the proposals upon the settling of Bourton, particularly in relation to the right of way that runs immediately north of Bourton and borders the AONB.

BOURTON PARISH COUNCIL (adjacent) objects on the following grounds:

1. The profusion of existing solar arrays in the Wincanton / Silton / Gillingham area is such that any additional solar arrays would impose serious harm to the visual landscape in this area.
2. This solar array would be very visible from the Area of Outstanding Natural Beauty (AONB) and from many dwellings within Bourton, West Bourton and Silton.
3. If this application was to be granted, it would embolden developers on the grounds that the landscape in this area would then be deemed to have been blighted, increasing residents' vulnerability to further proliferation of solar arrays and to industrial scale wind turbines.
4. The proposed Clapton Farm development would represent highly inappropriate use of prime farmland and may threaten the livelihood of the tenant farmer.
5. Bourton Parish have an agreed Village Design Statement that was agreed following public consultation. Within this design statement the residents of Bourton identified that 'treasured views were an important factor' to them. The amended proposals outlined by Andrew Mann of Savills clearly shows that the residents of Bourton would now have a 'treasured view' removed as the proposed solar farm would be clearly visible from the western side of Bourton and Silton. Therefore this application would be in contravention of the village of Bourton's existing village design statement.
6. The Bourton Parish Council would also wish to express their disappointment that wider consultation has not been completed. Given that the proposed changes by the applicant to satisfy objections concerning the visual impact from the northern and western parts of the proposed site now affect Bourton and Silton residents who's visual impact or 'treasured view' would be affected.
7. Therefore on behalf of the residents of Bourton the parish council wish to register these objections to this planning application.

COUNTY HIGHWAY AUTHORITY - The roads leading to this site are extremely narrow and do not allow vehicles to pass in free flow and HGV's will have difficulty accessing the site without careful management. However as the development will only have a significant impact on the highway during the relatively short construction phase the highway authority are of the opinion that a refusal could not be justified based on those grounds. There is sufficient concern that I have recommended conditions requiring the submission of a Construction Management Plan that will contain details of how traffic accessing the site during that time will be managed. I have also recommended a "condition survey" be carried out of the highway leading to the site to ensure that the developer repairs any damage to the highway caused by vehicles accessing the site. Please also condition construction access and contractors' parking/ compound details, wheel cleaning on leaving the site, condition survey.

SSDC LANDSCAPE ARCHITECT - I have now had opportunity to review the additional landscape information offered in support of the above array proposal. I had initially concluded that whilst the array is at a raised elevation, it is well-contained by the local landscape network of hedgerows and mature trees; will have limited visibility once mitigation takes effect; and is at a scale that relates to the landscape pattern. Whilst there is a clear incongruity of character in the appearance of solar panels within rural fields, given the limited visual impact, and the

negligible impact upon the fabric of the site's surrounds, I did not consider the overall landscape impact to be sufficiently weighty to enable a landscape objection to provide a basis for refusal.

The additional landscape information is offered in response to concerns raised by Cucklington and Bourton PCs; and the Cranborne Chase & West Wilts AONB Partnership, and includes an updated LVIA, which primarily assesses additional viewpoints toward the site; provides extra photographic evidence; and proposes a revised landscape mitigation plan. The LVIA finds no additional landscape effects that can be assessed as significantly adverse, but noting the weight of concern expressed by local residents, has added to the mitigation package by including the proposal to plant new hedge lines to the immediate north and west sides of the array, to increase screening of the site in views from the byway to the west, and local vantage points to the north. In most part, I concur with the judgements made by the amended LVIA, and agree that the additional hedge planting will more positively respond to the potential visual impact upon users of the byway. Consequently, my view of the weight of the landscape impact is unchanged, and with the benefit of the revised mitigation proposal, I would suggest that if you are minded to approve, planting is conditioned for implementation in accordance with drawing 694-03H (with the amendment noted below) in the planting season immediately following planning consent.

One final point of detail, I would advise that the landscape proposals are amended, such that the hedgerow hornbeam trees (*Carpinus betulus*) are the native species, and not the fastigate cultivar. This will be the revision H that I have assumed above.

CRANBORNE CHASE AREA OF OUTSTANDING NATURAL BEAUTY notes the application is slightly more than 1 kilometre outside of the boundary of the AONB. The potential site was reduced in size during the design process because of potential views. The site could be visible from areas in the vicinity of the AONB at Bourton. The LVIA does not provide longer distance views, particularly those from higher ground within this AONB from both the north and the east. The views from the Rights of Way in the vicinity of Bourton, and the importance of those views is incorporated in the Village Design Statement, adopted by North Dorset District Council. That analysis by the local community and the adoption by the District Council was regarded as a significant piece of evidence in the Inquiry that dismissed the proposal for wind turbines at Silton.

It is strongly advised you consider long distance views as the strange and glassy appearance of field scale PVs is something that does stand out from a distance and is not something that any viewer has to search hard to find. There appears to be some inconsistencies within the documentation such as reference to the quality of the land being largely Grade 3 and partly Grade 4, whereas in other places it is quite clear the land is largely Grade 3b with some Grade 3a, and some Grade 3a in the remainder of the field. Grade 3a is, of course, land that is categorised as 'best and most versatile' for agricultural production.

I would also advise that whilst the photographs provided are to a high quality in their production the process of joining photographs to produce panoramas has the effect of making the site appear further away than it would if viewed on site from the place the photograph was taken. Such panoramic photographs, whilst they have their uses, do consistently underestimate the impact of changes within the scene.

I would also advise that the submitted analysis of cumulative impacts should be viewed with caution as they only relate to other PV developments. The LVIA says that it is in accordance with Guidelines on Visual Impact Assessments 3rd Edition. However, it clearly states, and in the training sessions for professionals associated with that guidance, that all recent and new development should be considered in an assessment of cumulative impacts, not just similar developments.

If your Council is minded to look favourably on this proposal then I would strongly recommend that the hedges around the field, and particularly beside the road, are maintained at twice the height shown in the submitted photographs. Whilst that is unlikely to have a significant effect in reducing long distance visibility it will aid screening from closer views.

SSDC CONSERVATION - The Grade II* farmhouse is close to the site. However I agree with the submitted assessment that the lack of inter-visibility between the farmstead and application site means that there will be no impact on the setting of this highly graded asset. I am satisfied with other assessments included within the submission. I therefore do not consider the proposal to have the potential to harm the setting of any heritage assets.

HISTORIC ENGLAND - The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

COUNTY ARCHAEOLOGY - The geophysical survey of the site showed archaeological features that survive in what appears to be fairly good preservation. An archaeological evaluation was undertaken and based on this a mitigation strategy submitted at the time the Planning Officer's report to committee was being prepared. The county archaeologist's response shall be reported to committee.

SSDC ECOLOGIST: I've noted the Ecology chapter of the Planning and Environmental report. If further hedge removal is required for the grid connection, this could potentially have an impact on dormice if present and I recommend this should be subject to further assessment.

NPPF (para.118) expects development to deliver some enhancement for biodiversity, through taking opportunities to incorporate features beneficial for wildlife. I therefore recommend a condition requiring submission of landscape and ecology management plan to be submitted for approval and subsequently implemented.

SOMERSET WILDLIFE TRUST - In general we would support the findings of the appraisal. Further surveys for dormice should be carried out. We also support the proposals for Mitigation and enhancement as proposed in sections 7.69 to 7.74 that should be included in any planning permission.

NATURAL ENGLAND - General comments made

SOUTH SOMERSET RAMBLERS GROUP - The two adjacent ROW are to the West of the site. The path WN 11/26 runs along the boundary of Tinker's Hill field and although the development may interrupt a lovely view to the East, it would not affect the path and its use. The path WN 11/11 which runs parallel to WN 11/26 is below the ridge and would not be affected.

CPRE SOMERSET is not opposed to solar PV installations but their scale and location must be considered against their environmental impact. In particular, we are concerned about the loss of agricultural land and the visual and aesthetic impact on landscape character. This application falls short on the latter of these criteria and is also at variance with the policies for development of South Somerset. CPRE Somerset therefore objects to this application.

SAVE THE VALE ASSOCIATION - The proposal is entirely inappropriate as it is a much valued and unspoilt ridge that commands 360 degree panoramic views stretching to Glastonbury in the West and the Dorset Gap in the South. There is already a great proliferation of the solar developments in the immediate vicinity, surrounding Wincanton, in the Vale at Sutor farm, and stretching down towards Gillingham. The entire character of the area is now threatened.

SAVE OUR SILTON CAMPAIGN GROUP- The proliferation of existing solar arrays in the

area would impose serious harm to the visual landscape; the solar array would be very visible from the AONB and from many dwellings within Bourton, West Bourton and Silton; to permit would then be deemed that the locality would have been blighted increasing vulnerability to further proliferation; an highly inappropriate use of prime farmland.

LEAD LOCAL FLOOD AUTHORITY - No objections.

REPRESENTATIONS:

There have been 31 householder responses that object to the proposed development including the following reasons:

- Detrimental to the character of the neighbourhood
- Loss of visual amenity
- Prominent position
- 360 degree panoramic view
- Visible from surrounding high ground, from Bourton and the adjacent AONB
- Out of scale
- Scar the landscape
- The area and view will be destroyed in an AONB
- Industrialisation of the countryside
- Continued urbanisation
- Entirely inappropriate
- The public footpath referred to is a Restricted Byway, an ancient trackway serving the locality to move livestock until the enclosures.
- The nearest collar farm to this site is 1.1km on the B3081
- Two large solar farms are already visible from Cucklington
- Too many solar farms have blighted the area
- The local area is awash with solar schemes
- Original proposal having been considerably reduced it would be very difficult to resist a move to increase the size of the array at some future date
- The proposal contains no plan for the screening of this active part of the land using native hedging
- Unsuitable as an access
- Affects local Tourism
- Glare - there certainly glare from an existing site, despite assurances to the contrary
- Loss of quality agricultural land - solar farms should not be built on land graded 3a and higher
- The proposal suggests the village will get a financial benefit from this scheme. But the nature of this award is not spelt out.

CONSIDERATIONS

Principle of development:

The National Planning Policy Framework (NPPF) states that local authorities should have a positive strategy to promote energy for renewable and low carbon sources, and 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. The expectation should always be that an application should be approved if the impact is (or can be made) acceptable (para.98 of the NPPF).

Local Plan Policy EQ1 is applicable in considering renewable energy proposals. Bullet point 3 states that 'Development of renewable and low carbon energy generation will be encouraged and permitted, providing there are no significant adverse impacts upon residential and visual amenity, landscape character, designated heritage assets, and biodiversity.' Policy EQ2 also refers to the need to safeguard landscape character of the area and visual appearance is

clearly a weighty matter in considering environmental harm.

While it might be preferable for brown field sites to be considered before green field agricultural land there is no requirement for developers to consider brown field sites in the first instant. The supporting information indicates that the land on which the arrays are to be located and fenced is a little less than one third Grade 3a good quality agricultural land and two thirds 3b moderate quality agricultural land. In effect 2 hectares of land should be considered as 'best and most versatile agricultural land'. The NPPF (para.112) while this states development 'should seek to use areas of poorer quality land in preference to that of a higher quality' also requires we 'should take into account the economic and other benefits' of such land. The land is proposed to be continued in agricultural use and as such the use, as well as scale of the good quality land involved is not considered sufficient reason to seek to refuse the proposal. In their written statement (25 March 2015) the then Minister Eric Pickles states proposals for solar farms 'involving the best and most versatile agricultural land would need to be justified by the most compelling evidence' but this continues: 'Of course,... every application needs to be considered on its individual merits... in light of the relevant material considerations.' This effectively rules out an approach that would seek refusal on the basis that part of the land was the best quality. We are in essence drawn back to scale and possible on-going agricultural use made of the land that otherwise supports the proposal.

Any permission would be for a long-term but temporary basis for a period of 25-years. A condition can be imposed to require the site's restoration following cessation of its approved use should the site become redundant; and on this basis the principle of the use of this agricultural land for the purpose of a solar farm is considered acceptable. Accordingly the main considerations for this application relate to landscape character and visual appearance, impact on heritage assets, highway safety, and residential amenity.

Landscape character and Visual Appearance:

The council's Landscape Officer's response is given above, while the AONB's response is likewise extensively copied. In response to various consultation returns received the applicant submitted additional landscape and visual assessment. It should also be noted that while the AONB rehearses the considerations and draws attention to conflict within the applicant's submission and possible weaknesses, notably the lack of longer distance views of the site, their comments did not lead them to oppose at that stage. The additional evidence seeks to address these concerns.

The Bourton Village Design Statement considers a 'treasured view' is removed by the proposal with the proposed solar farm clearly visible from the western side of Bourton and Silton. Notwithstanding that the weight that can be attached to the Village Design Statement is limited, as it is not adopted by South Somerset Council, the additional landscape and visual evidence submitted in response to the North Dorset District Council's comments have not altered the Landscape Officer's original response and in consequence it must be considered that no significantly adverse impact results from the proposal.

The solar array would be glimpsed nearby the site, but seen amid field boundaries and at a distance the additional planting and site management that sees raised hedgerow heights, despite their deciduous nature, is considered, favourably mitigates in support of the solar arrays presence.

Impact on Heritage Assets:

The Conservation Officer has not raised any concerns with the site's relationship and possible impact on heritage assets. Historic England in considering the wider historic setting has not identified harm. While there are local concerns that relate to the ancient drove that forms the site's western boundary the solar arrays built form is stood back across the field from the adjacent field hedgerow that is the boundary of the restricted byway.

Highway Safety:

The Highway Authority do not object, notwithstanding their awareness of the narrow access lanes to the site. They have requested conditions that would be attached to any permission. The proposal seeks use of the existing field access point. This would be widened for use by the construction traffic, although a condition would seek reinstatement given the very limited annual traffic that is expected and to reinforce the rural character at the roadside.

Residential amenity:

There are no dwellings in close proximity to the site so that it is not considered that harm would result for the amenity of the residents.

Parish and Neighbour Responses:

All local community responses have been fully considered and are mostly considered within the relevant sub-headings of the officer report. Those that are not include:

The extent of the red outline has raised concerns that this encourages the future spread of arrays on site. Such actions require a new application whose considerations would reflect the visual impact and character and appearance of the site at the time. It is noted that the current application's reduced scale results from the need to address such concerns. Consultation responses make reference to such sites emboldening developers increasing residents' vulnerability to further proliferation, however as is seen in this case visual impact is a significant driver so that each application needs to be considered on its merits.

It is not considered that the proposed development would have an adverse impact on tourism in this location.

The government may encourage local communities to enter into negotiations with solar companies for community benefits but this is not part of the planning considerations and therefore would be a matter the local community needs to take up direct with the applicants.

Other Matters:

The County Archaeologist initially required further work on site and reports that this is a complicated archaeological site. The field trench evaluation has produced evidence of Iron Age activity, possibly associated with metal working/production. Given its interest a mitigation strategy was submitted at the point the planning officer's report was being finalised. The strategy has been forwarded to the County Archaeologist whose response will be reported to committee. Subject to their agreement there would not be any objection raised.

The application is accompanied by detailed assessments of ecological impacts. These have been assessed by the Council's Ecologist who has raises no objections.

The proposed development is located in low probability flood zone 1 and no significant flood risks to the site have been identified.

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). The proposal does not raise significant environmental objections while mitigation is possible to help accommodate the development.

RECOMMENDATION

Approve

01. Notwithstanding local concerns it is considered that the benefits in terms of the provision of a renewable source of energy, which will make a valuable contribution towards cutting greenhouse gas emissions, outweigh the limited impact of the proposed PV panels on the local landscape character, visual appearance and heritage assets. As such, the proposal accords with the Government's objective to encourage the provision of renewable energy sources and the aims and objectives of the National Planning Policy Framework, and Policies SD1, EQ1 and EQ2 of the South Somerset Local Plan 2006- 2028.

SUBJECT TO THE FOLLOWING:

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

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

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

1088-0200- 01 Issue 01
1171-0201- 01 Issue 011
1171-0204- 00 Issue 01
1171-0205- 04 Issue 01
1171-0903- 05 Issue 01
1171-0206- 15 Issue 01
1171-0207- 16 Issue 01
1171-0207- 40 Issue 01
1171-0208- 10 Issue 01
1171-0208- 54 Issue 01
1171-0208- 71 Issue 01,
694-03H, received 23 July 2015.

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

03. Prior to commencement of development a Landscape and Ecology Management Plan detailing measures and management of the site for the benefit of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecology Management Plan to include hedge height maintenance shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF.

04. The development hereby permitted shall be removed and the land restored to its former condition within 25 years of the date of this permission or within 6 months of the cessation of the use of the solar farm for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all the structures, materials and any ancillary equipment which shall be removed from the site.

Reason: In the interests of character and appearance further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

05. Before any building or engineering works are carried out on the site, a construction access and contractors' parking/compound area shall be provided, surfaced and drained in accordance with a detailed scheme, which shall include the relevant visibility splays

and shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall also indicate the eventual use of that area.

Reason: In the interests of highway safety further to policy EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

06. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport/vehicle sharing amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Highway Network.

Reason: In the interests of highway safety further to policy EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

07. A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Reason: In the interests of highway safety further to Policy EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

08. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of work and thereafter maintained until the use of the site discontinues.

Reason: In the interests of highway safety further to Policy EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

09. No means of external illumination/lighting shall be installed within the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of landscape character and visual appearance further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

10. The landscape planting scheme shall accord with drawing number 694-03H that removes the fastigiata cultivar that should be replaced by hedgerow hornbeam trees (*Carpinus betulus*). The scheme shall be implemented in the first planting season following the completion of the development. Any trees or plant that die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and landscape character further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

11. Colour tones of all associated structures shall accord with the details given in the applicant's letter of the 20 October 2015.

Reason: In the interests of visual amenity further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

12. The access arrangements off Tinkers Lane required during the temporary construction period shall be removed and the simple field access reinstated on completion of the solar array development hereby permitted.

Reason: In the interests of character and appearance further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

13. The recommendations under 7.69 to 7.74 of Planning and environmental report shall be undertaken as part of the planning permission.

Reason: For the conservation and enhancement of biodiversity in accordance with NPPF and Local Plan Policy EQ4.

Agenda Item 17

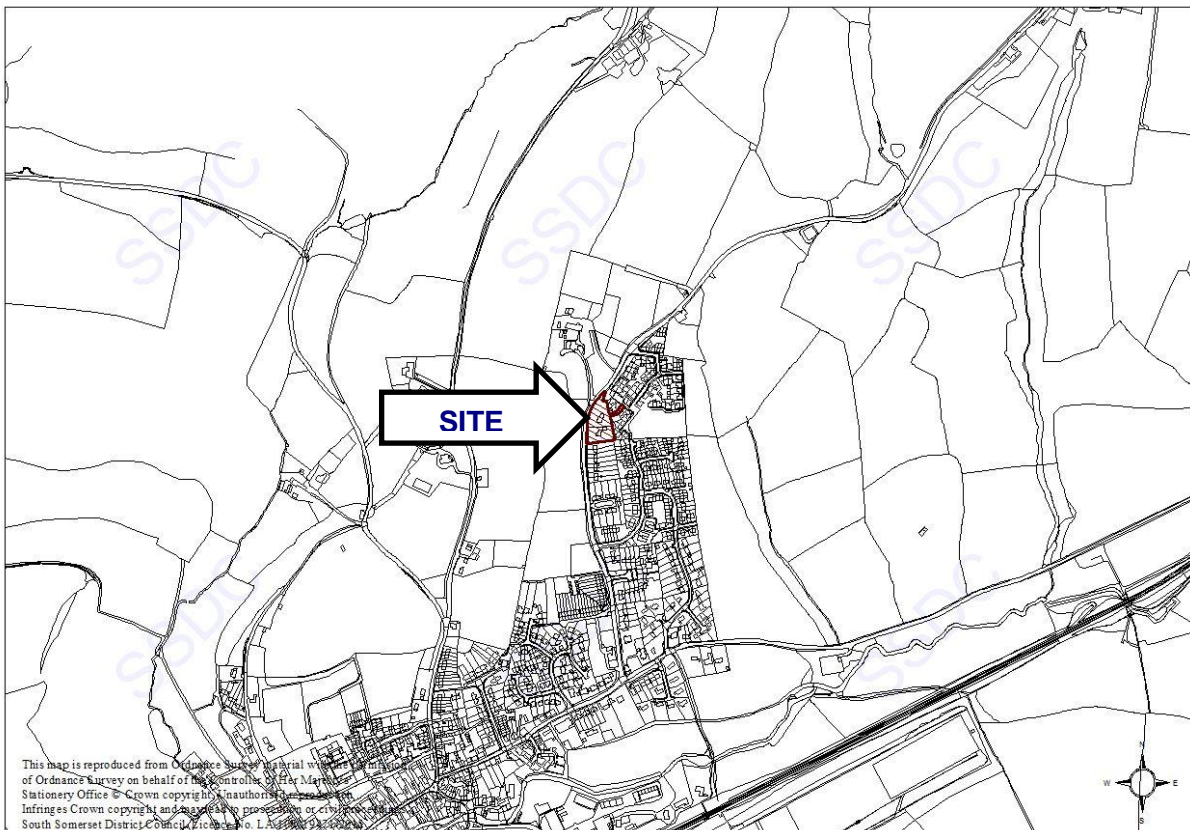
Officer Report on Planning Application: 15/02991/S73

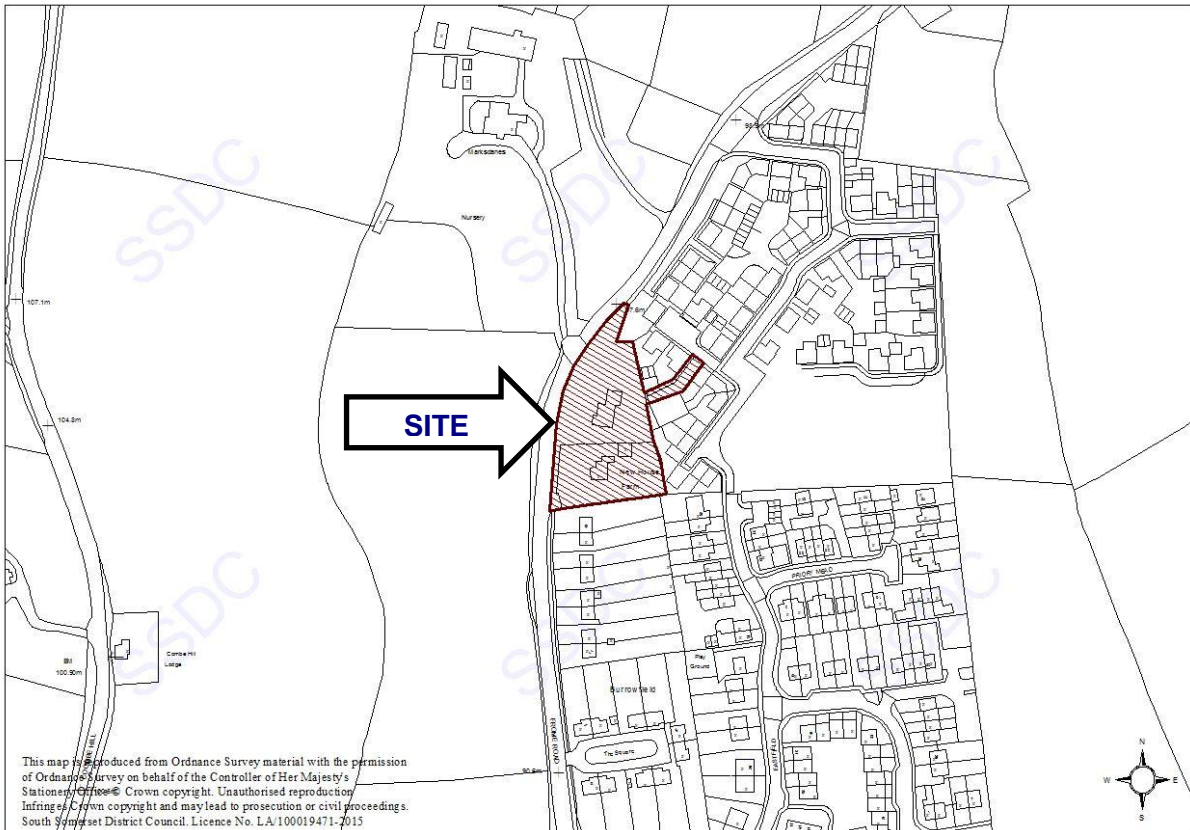
Proposal :	Section 73 application to amend condition 2 of planning approval 11/00411/FUL dated 11.03.2013 to revise house types and remove condition 09 to allow construction traffic to access site from Frome Road (GR: 368667/135575)
Site Address:	New House Farm, Burrowfield, Bruton
Parish:	Bruton
BRUTON Ward (SSDC Member)	Cllr Anna Groskop
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	14th August 2015
Applicant :	Mr Samuel Sowden
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 as the recommendation to approve is contrary to the comments of the highways authority in relation to an A-class road and to enable the issues raised to be debated.

SITE DESCRIPTION AND PROPOSAL





This 0.32 hectare site is located on the north side of Bruton, fronting onto the Frome Road between the new development at 'Cuckoo Hill' and the existing development in Eastfields. Historically the site comprises a New House Farm, a domestic property with a substantial garden and outbuildings, along with the footings for a commenced dwelling with the curtilage.

Planning permission has been granted for the erection of 9 dwellings (11/00411/FUL), accessed via the Cuckoo Hill development to the rear. This application originally sought to amend the plans condition (condition 2) to substitute alternative house types. In response to local concerns about the agreed access via Cuckoo Hill the applicant has amended the proposal to also include a variation of condition 9 to allow construction traffic to access the site via Frome Road. A drawing has been provided to show how this access would be achieved.

Now changes to the layout or long term access arrangements are proposed and it is not possible to vary the previously agreed planning obligations.

HISTORY

There are a series of permissions relating to the additional dwelling now commenced within the garden. On the adjoining site full permission has been granted for the erection of 60 dwellings which are now substantially complete.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S.54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

South Somerset Local Plan 2006 - 2028

SD1 - SD1- Sustainable Development
TA5 – Transport Impact of New development
EQ2 – General development

National Planning Policy Framework

Part 1 - Building a strong, competitive economy

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

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

CONSULTATIONS

Bruton Town Council – initially recommended approval to the variation of condition, but raised concerns over the access as it was felt that the circumstances have changed. Subsequently support proposal to allow a construction access from Frome Road and comments that this should be made permanent and would like this site to be reconsidered in light of Landhouse development on opposite side of road.

Highways Officer – initially focus comments on the layout. Subsequently, and having been reminded that no changes to layout are proposed and in relation to the proposal to allow construction access via Frome Road, it has been observed and the layout is acceptable. A detailed plan of how the temporary access would be achieved has been requested (and provided).

Concerns have been raised that even if an access could be ‘made safe’ there is a requirement for a legal agreement to ‘put in and take out’ the measures necessary to provide this access. This will take time, and it will necessary to establish what has been previously said and to see if this is even possible with the previous comments that have been issued from the Highway Authority.

Landscape Architect – no landscape issues identified

Representations

21 letters were received in response to the initial consultations regarding the house type substitutions. No respondent objects to the development of the site or the revised house types, however the following concerns and objections are raised:-

- Access via Cuckoo Hill is unsuitable, being too narrow, with tight turns, parked cars and children playing;
- Access should be directly from Frome Road;
- Delivery lorries have problems accessing Cuckoo Hill;
- Not appropriate to run construction traffic through Cuckoo Hill;
- Garages are not used leading to increase on street parking causing problems;
- No enough parking provided in Cuckoo Hill;
- Additional traffic in Cuckoo Hill;

- Residents were not informed of the original application in 2011.

2 further letters have been received in response to the re-consultations regarding the amendment to condition 9 to allow a temporary construction access via Frome Road:-

- The access to the site as a whole should be reviewed in light of changed circumstances and the submission of the application for 68 houses opposite (15/03274/FUL)
- The Bruton Trust consider the design to be dull and the development too dense. A reduction of 1 or 2 would enable a permanent access via Frome Road to be considered. Lighting should be considered carefully.

CONSIDERATIONS

This application is made under Section 73 of the Act to vary specific conditions of the original grant of permission. As such it is not possible to review the principle of development or the terms upon which it was granted (i.e. the planning obligations). Nor is it possible to seek to introduce new or more onerous restrictions. Any grant of permission under s73 would in effect be a new/alterative permission and the applicant would have to option to revert to the original approval or to implement the new permission.

Accordingly the original scheme remains the 'fallback' position for the applicant and is therefore a material consideration of significant weight. The applicant seeks only to amend the house types and to secure a temporary construction access from Frome Road. The key issues therefore are the merits of the design changes and the highways safety issues arising from the temporary construction access.

House Design

Whilst the Bruton Trust have reservation about the design, it is not considered that the alterations are objectionable in the context of the surrounding development. The houses remain in approximately the same positions as previously agreed, although an approved pair of semi-detached house now become two detached properties and the northern most house is re-orientated to face up Frome Road. The road layout within the development remains unchanged.

On this basis it is considered that the proposed revised plans list suggested as a variation to condition two is acceptable and the amended designs meet the requirements of policy EQ2.

Highways Safety

Historically the highways authority have maintained an objection to accessing this site from Frome Road. Given the alignment of the road this is understood. This concern led to the imposition condition 9 to ensure that construction traffic does not temporarily take advantage of the either of the two existing accesses, each of which currently only serve a single dwelling.

This arrangement was acceptable to the then applicant as they had a right of access from the Cuckoo Hill site which they had historically owned.

No technical objections are now raised with regard to highways safety, but the highways authority maintains an objection to the temporary access as they are not satisfied that measures could be secured to ensure the appropriate formation and removal of the access. This position is not considered reasonable. Firstly the suggested position of the access is in

the same location as the existing access to the commenced dwelling; no new access would be formed.

Secondly, plot 7 is situated on top of the proposed construction access. Accordingly there would be no reason to seek to retain the access once that plot is commenced. In any event a suitably drafted condition could ensure that the access is properly formed and stopped up upon cessation of its use. Thirdly it is considered that there would be real benefits to the neighbouring properties if construction traffic could be steered away from Cuckoo Hill.

On this basis it is considered that an amended condition 9 could allow for temporary construction access via Frome Road to the benefit of the amenity of residents in Cuckoo Hill. Such condition would also require the agreement of safety measures to ensure that highways safety was not compromised for the duration of the use of the construction access. As such the proposal would comply with policies TA 5 and EQ2.

Residential Amenity

No significant changes to the approved layout are proposed and the relationship with existing houses remains acceptable. There are not considered to be any amenity issues arising from the changed house types within the site.

Other Issues

Clearly there is a great deal of local concern about the agreed access through Cuckoo Hill to this site. However this remains the approved access and the applicant could simply withdraw the request to vary condition 9 and ask the council to determine this S73 application on the basis of the amended house types to which there is no objection and very little local concern. If the current proposal is refused there remains the fallback position of the original approval. In both scenarios construction access would be forced to use Cuckoo Hill.

It is therefore considered that this application does offer a meaningful benefit in the form of a temporary construction access from Frome Road.

Whilst the local desire to revisit the access arrangements in favour of a permanent vehicular access via Frome Road is noted, the applicant is not willing to do this as it would have implications for the approved layout and house numbers – in all probability a reduction would be necessary to achieve an access in a position that could satisfy normal highways requirements.

The point of the 'Landhouse' proposal on the other side of the road changing things is noted, however that development has not yet been approved, whereas this site has approval. Furthermore the Landhouse scheme does not allow for a new access to serve this site. Accordingly, and in light of this, the applicant, who wishes to commence development on this New House Farm site, understandably does not wish to reopen discussions about the access which might result in the loss of a unit.

The original permission is subject to a S106 agreement to secure leisure contributions. This agreement includes a clause (1.17) that makes provision for the defined 'Permission' (i.e. 11/00411/OUT) to include "any subsequent renewal amendments or modification of it receiving planning approval". As such a supplement agreement to tie any approval of this S73 application to the previous obligations is not necessary.

Recommendation

That the revisions to conditions 2 and 9 are **accepted** and all other previously imposed conditions are repeated.

Justification

The variation of conditions 2 and 9 would have no adverse impact on highways safety or visual amenity. As such the proposal complies with policies SD1, TA5 and EQ2 of the South Somerset Local Plan 2006-2028. Overall the provision of 9 units of much needed housing would contribute towards the district wide need for additional homes. The proposal is of an acceptable form, design and layout that would have no negative impact on amenity, highways safety or the character of the locality. As such the proposal complies with the policies of the South Somerset Local Plan 2006-2028.

SUBJECT TO THE FOLLOWING:

1. The development hereby permitted shall be begun within three years of the approval of the original permission reference 11/00411/FUL, dated 11/03/13.

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans:-

BT-LP-001A; BT-EF-001D; BT-PL-002D; BT-SS-001B; BT-LL-001D; G-P/BRU-01A; BT -D-T/01A; BT-G-P/BER-01D; BT-G-P/BUC-01A; BT-BRN/01A; BT-BUN/01A; and BT-G-P/GAR-01B

Reason: To clarify the development hereby approved as the submitted plans have been amended.

3. No development shall be undertaken unless a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the phasing of construction; hours of construction; routing for construction vehicles; construction access and compound areas including parking for construction and contractors vehicles; and measures to reduce noise and dust and to ensure all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. The development shall thereafter be carried out in accordance with such details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard residential amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

4. 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 policy EQ2 of the South Somerset Local Plan 2006-2028.

5. No development hereby approved shall be carried out until such time as details of the proposed levels have been submitted to and agreed in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual and residential amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

6. 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 and doors;
 - c. details of all hardstanding and boundaries;
 - d. details of the rainwater goods and eaves /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 policy EQ2 of the South Somerset Local Plan 2006-2028.

7. No dwelling or flat shall be occupied until its parking spaces have been provided in accordance with the plans hereby approved. Thereafter all parking spaces shall be kept free of obstruction and available for the parking of residents cars at all times.

Reason: To ensure that adequate parking is provided at all times in the interests of residents amenities in accordance with policy TA6 of the South Somerset Local Plan 2006-2028.

08. None of the dwellings hereby approved shall be occupied until a 1.8m footway has been provided on the Frome Road frontage as shown generally in accordance with the submitted layout plan, such highway works to be carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of pedestrian safety in accordance with policy TA5 of the South Somerset Local Plan 2006-2028.

09. No construction traffic shall access the site from Frome Road unless details of the formation, surfacing and removal/stopping up of a temporary construction access, generally in accordance with drawing BT-CVA-001, together with safety measures to be implemented during use, have been submitted to and approved in writing by the local planning authority. Once approved such temporary access shall be formed in accordance with the approved details prior to first use and shall only be used in accordance with the agreed safety measures. Within 1 month of the cessation of use of the temporary access it shall be stopped up and made good in accordance with the agreed details.

Reason: In the interests of pedestrian and highways safety in accordance with policy TA5 of the South Somerset Local Plan 2006-2028.

10. The proposed access road and any associated, footways, footpaths, tactile paving, cycleways, bus, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking 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 pedestrian and highways safety in accordance with policy TA5 of the South Somerset Local Plan 2006-2028.

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

Reason: In the interests of pedestrian and highways safety in accordance with policy TA5 of the South Somerset Local Plan 2006-2028.

12. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed on the internal estate road and Frome Road frontage in accordance with a design and specification to be approved in writing by the Local Planning Authority

Reason: In the interests of pedestrian and highways safety in accordance with policy TA5 of the South Somerset Local Plan 2006-2028.

Agenda Item 18

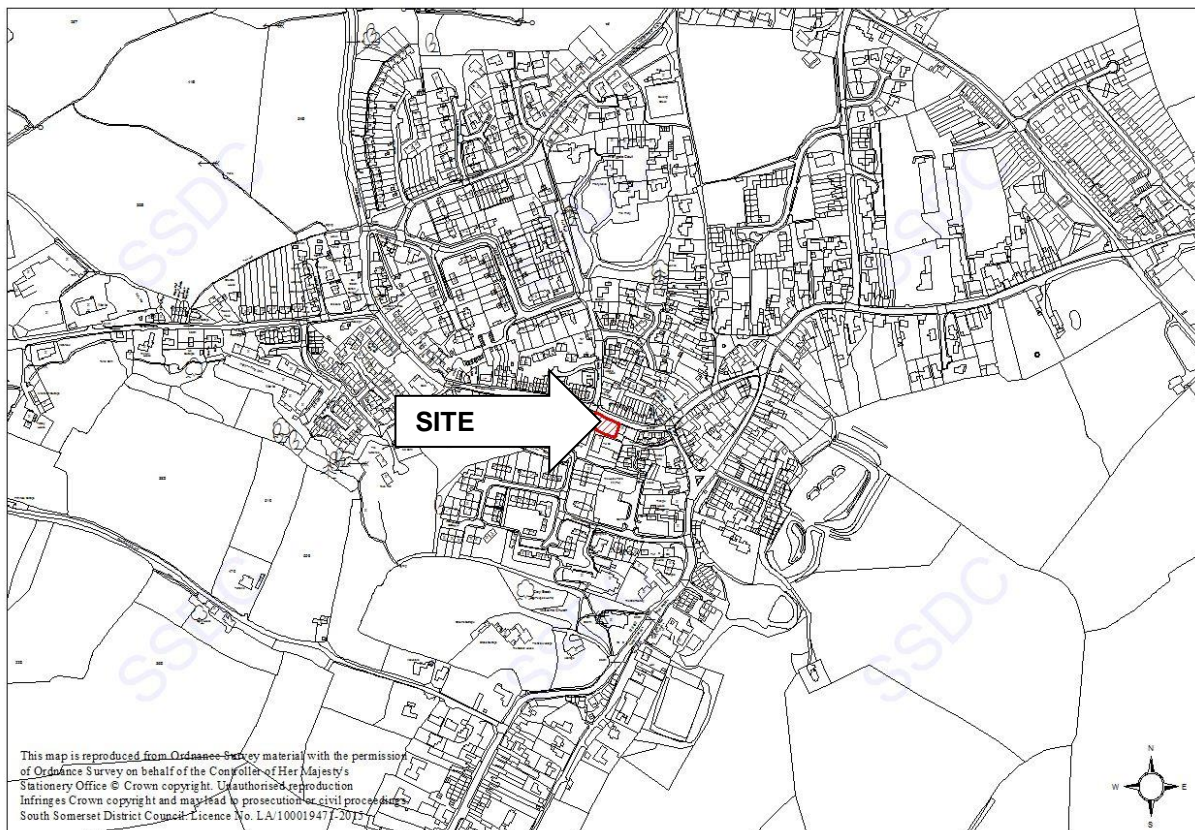
Officer Report on Planning Application: 15/03371/S73A

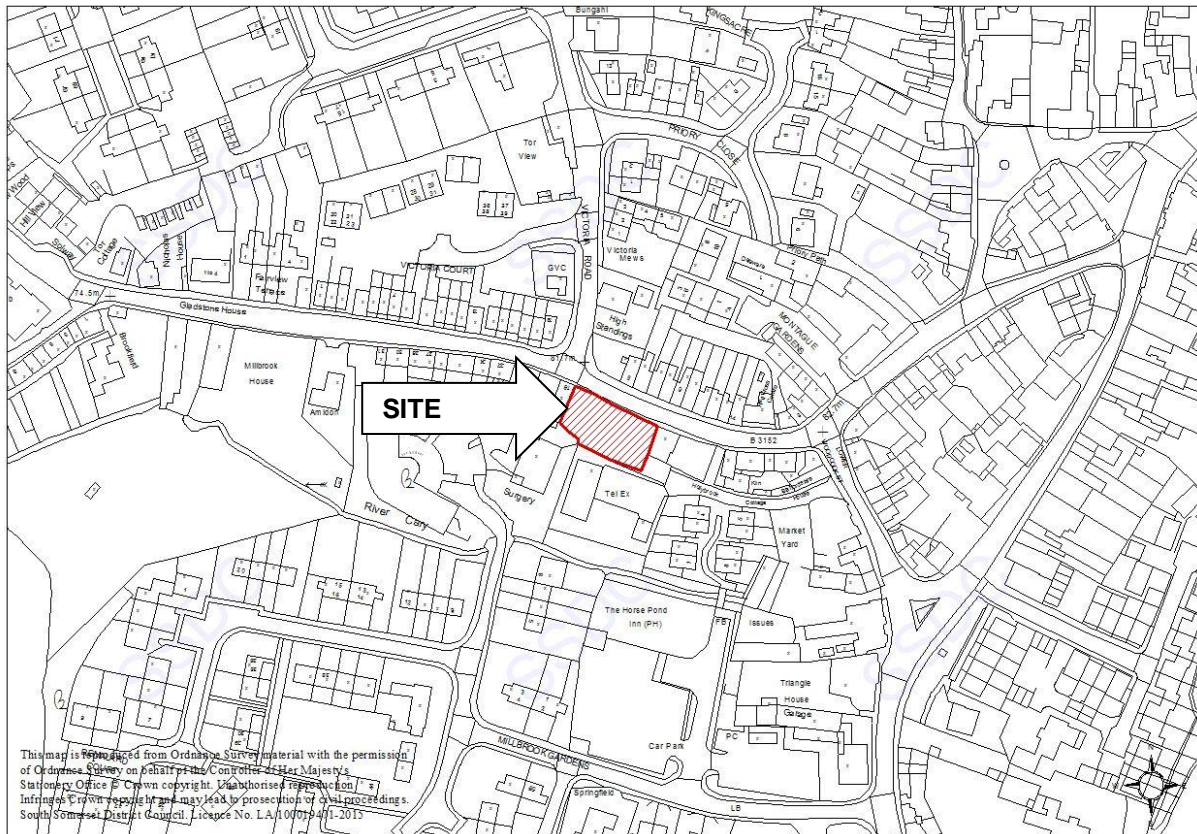
Proposal :	Section 73A application to vary planning condition 06 of approval 11/00822/FUL to allow the substitution of plans to regularise that which has been built. Reconfiguration of Plot 1 to provide rear access and private garden following relocation and increased width of footpath (GR 363901/132292).
Site Address:	The Two Swans, Station Road, Castle Cary
Parish:	Castle Cary
CARY Ward (SSDC Members)	Cllr Nick Weeks and Cllr Henry Hobhouse
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	16th September 2015
Applicant :	Mr Malcolm Beaton
Agent: (no agent if blank)	Miss Joanna Fawcett 16 Lansdowne Place Wincanton, Somerset BA9 9FB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee at the request of the Ward Member(s) with the agreement of the Area Vice Chairman to enable the comments of the Town Council to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The site is located on the south side of Station Road, in close proximity to the centre of the town. The 2011 (ref: 11/00822/FUL) planning permission was for a part conversion involving the former public house and a new build to form a terrace of three dwellings, including a footpath connecting Station Road with the surgery site. The pub building was subsequently demolished although its replacement has not been built in accordance with the approved drawings resulting in this application.

Application is made to vary the condition 6 of planning permission, ref: 11/00822/FUL to allow the substitution of plans to regularise what already has been built. This includes the reconfiguration of plot 1 to provide rear access and private garden, and additional first floor space on which a new rear (south elevation) opening is inserted. A single roof structure replaces the more interesting roofscape of the original. Development continues on the wider site. The terrace of three is yet to be commenced.

HISTORY

15/00781/S73A - Section 73A application to remove condition 5 of planning permission 14/02956/S73A and replace approved drawings TC1102/2B with 107.00.10 to allow a relatively level 1400mm wide footpath access to Millbrook Surgery from Station Road, Approved.

14/02956/S73A - Section 73A application to vary condition 6 of planning permission 11/00822/FUL and replace approved drawings TC1102/2a & TC1102/3a - Approved. OFFICER Note: The drawings show skylights within the terrace and second floor plans.

11/00822/FUL - Alterations and the change of use of public house into 2 dwellings and the erection of a terrace of 3 dwellings - Approved 4/03/2013

09/01209/FUL - Alterations and the change of use of public house into 2 No. dwellings and the

erection of a pair of semi-detached dwellings - withdrawn

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 -Sustainable Development

SS1 - Settlement Strategy

EQ2 - General Development

National Planning Policy Framework - March 2012

Chapter 1 - Building a strong competitive economy

Chapter 6 - Delivering a choice of high quality homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

National Planning Practice Guidance

CONSULTATIONS

CASTLE CARY TOWN COUNCIL are unanimous in their view not to support the application on the following grounds:

- The elevation is not aesthetically pleasing; too asymmetrical and is not sympathetic to the original historic building,
- Roof line is inappropriate and deviates from agreed plan
- Roof tiling choice is not in keeping with original building.

COUNTY HIGHWAY AUTHORITY: No objection.

REPRESENTATIONS

None

CONSIDERATIONS

The main consideration in dealing with this application is the replacement building's design. The current proposal involves a third section 73A type application; the latest in a sequence of such applications. Each stands alone and all can be traced back to the original 2011 (ref: 11/00822/FUL) permission. Each builds on the last with the resultant need to bring forward previous planning conditions, as appropriate, and to up-date and revise them accordingly. Where an application is not submitted with previously agreed details, in this case, for example, the mechanism for the footpath's on-going maintenance, the previous planning condition(s) can be re-attached as part of the process.

The replacement building is nearing completion. This shows, as viewed from the roadside, a single roof structure, and at the rear (south elevation) additional first floor, floor space that results in a new opening where previously there was none that now looks out onto the adjacent recently completed development of the former surgery site.

The alterations made to the roof results in a first floor window in the east elevation that is poorly related to the resulting roof junction over. This elevation has a number of differences to what was originally envisaged, including a much lighter porch structure by comparison with the more stolid porch that was previously present. Despite this the east elevation is part shielded by the adjacent terraced dwellings once these are erected.

Neighbour notifications have not resulted in any objections, although the Town Council takes issue with the resulting built form. The new roof clearly has an impact on the design whose historic character is all but lost. The roof's jumbled appearance added so much more character although the site is not part of the Conservation Area and the resulting changes therefore attract less weight in opposing them. The roof can be viewed from the roadside, however the alterations within the east elevation, as mentioned above, would not be so easily viewed.

While the Town Council's response is noted and it would be preferable to see the public house re-built to accord with the extant planning permission, the predominant visual harm is largely to be screened by the adjacent terraced housing. The roadside elevation is changed with the loss of the separate roof structures that are replaced by a single pitch slope to the roadside. This new building would be seen set between the terraced cottages on either side. In consequence the proposal is considered to be acceptable and should be supported.

Planning conditions are re-attached and/ or up-dated, as appropriate.

RECOMMENDATION

Approve

01. The proposed development is of an appropriate design, scale, massing and appearance that would respect the character and appearance of the locality. The lack of on-site car parking is acceptable in this town centre location and the footpath can be delivered by condition. As such the proposal complies with Policy EQ2 of the South Somerset Local Plan, 2006-2028, and the NPPF.

SUBJECT TO THE FOLLOWING:

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 4/03/2013.

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

02. Within 1 month of the date of this permission, particulars of all boundary treatments and hard surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. Once approved such details shall be fully implemented unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity in accordance with Policy EQ2 of the South Somerset Local Plan, 2006-2028.

03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension or outbuilding shall be erected without the prior express grant of planning permission.

Reason: To safeguard visual and residential amenity in accordance with policy EQ2 of the South Somerset Local Plan, 2006-2028.

04. Within 1 month of the date of this permission full details of the siting, design, materials and mechanism of on-going maintenance of a footpath across the site, as indicated in the submitted site layout 107.00.10 received 22 July 2015, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling unit hereby approved shall be occupied until such footpath has been constructed in accordance with the approved details, whereafter the footpath shall be retained and maintained.

Reason: In the interests of securing pedestrian access directly to Station Road and to accord with Policy EQ2 of the South Somerset Local Plan, 2006-2028, and the NPPF.

05. The development hereby permitted shall be carried out in accordance with the following approved plans: 107.00.00F; 01A, 02; 05C; 10A and 11A received 22.07.2015, and 107.02.00; 107.00.04b; and 107.01.00 received 28.09.2015; and external details note submitted as part of the application.

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

Agenda Item 19

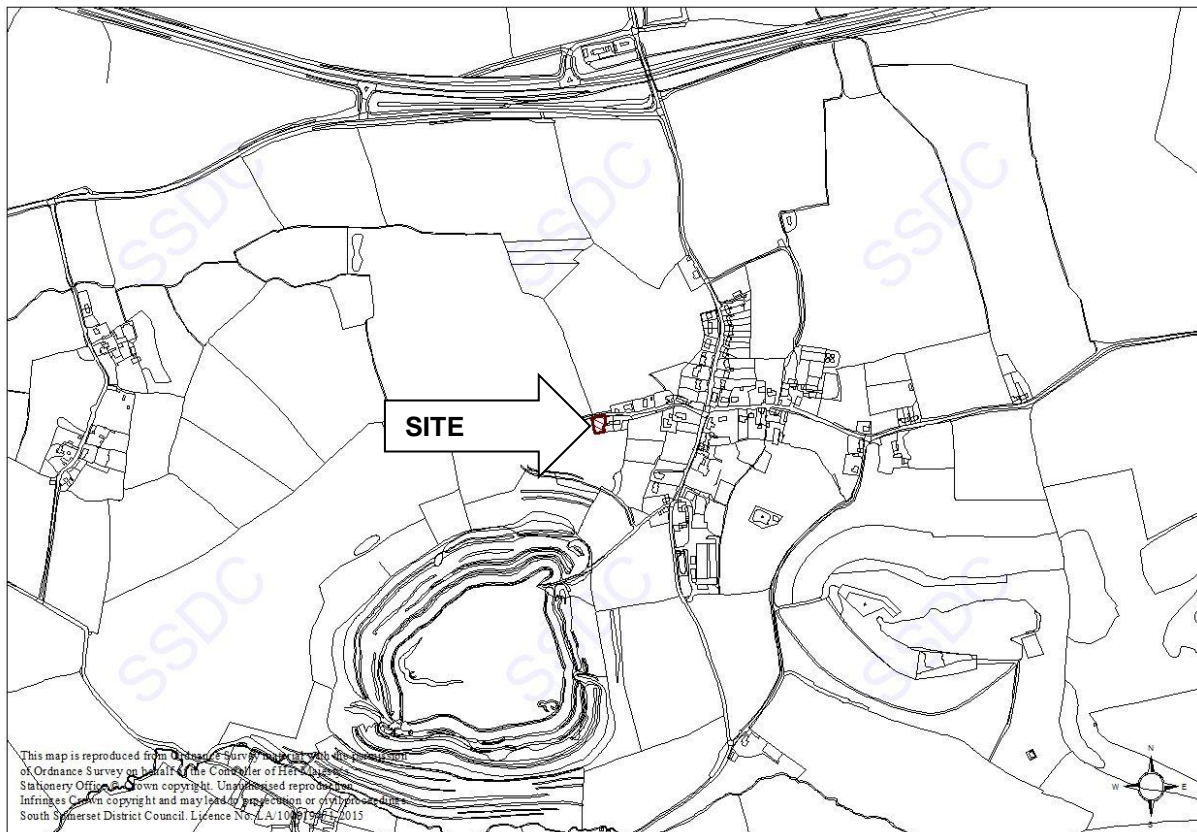
Officer Report on Planning Application: 15/03853/FUL

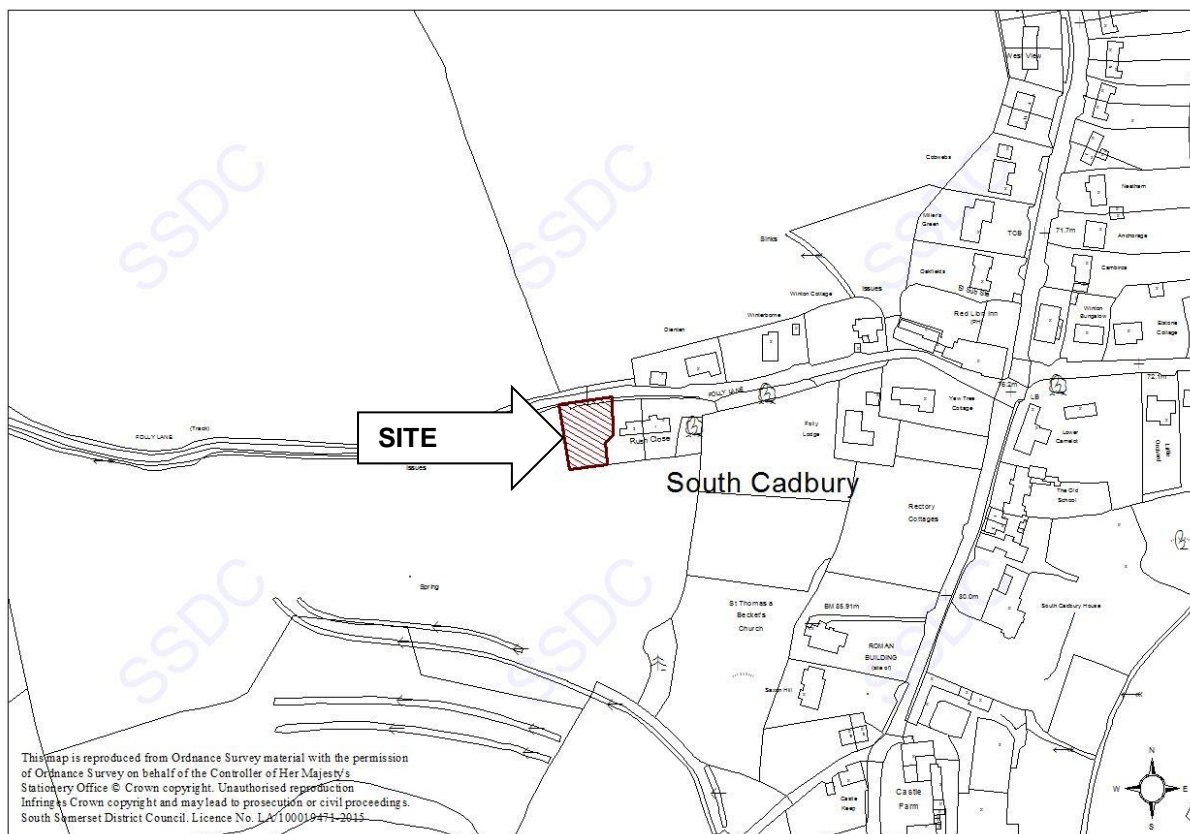
Proposal :	Application for the erection of 1 no. two bedroom dwelling house on land adjacent to 2 Rush Close with associated access and landscaping (GR 363043/125590).
Site Address:	Land adj 2 Rush Close, Folly Lane, South Cadbury
Parish:	South Cadbury And Sutton Montis
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	19th October 2015
Applicant :	Mr & Mrs Davey
Agent: (no agent if blank)	Mr Andrew Tregay, Boon Brown Architects Motivo Alvington Yeovil, Somerset BA20 2FG
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee at the request of the Ward Member(s) with the agreement of the Area Vice Chairman to enable the comments of the local community to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The application site is located at the edge of a settlement (SS2) in the countryside and is found at the end of ribbon development that fronts onto the southern side of Folly Lane. The site forms a garden area that is set up above the adjoining lane and is separated from the applicant's dwelling that is located on the other side of the adjacent neighbour's property that is positioned between. The site looks out onto agricultural fields.

The adjacent property is one half of a pair of semis that were originally constructed as single storey with rooms in the roof. The applicant's dwelling has been extended with a part gabled two storey front elevation.

The application that is a detailed submission follows a previous outline permission (13/03803/OUT) with all matters reserved that sought the erection of a dwelling house that was refused and the appeal dismissed in January 2015. The current application differs in being a full application, although the outline anticipated a two storey dwelling not dissimilar to the adjacent built form that the current application otherwise now details.

RELEVANT HISTORY

13/03803/OUT - Erection of a dwelling house. Refused and Appeal Dismissed 26.01.2015.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SS2 - Development in Rural Settlements

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General development

EQ3 - Historic Environment

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 4 - Promoting sustainable transport

Chapter 7 - Requiring good design

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 11 - Conserving and enhancing the natural environment

Chapter 12 - Conserving and Enhancing the Historic Environment

CONSULTATIONS

SOUTH CADBURY PARISH COUNCIL - Voting took place with 6 of the 7 members voting in favour of supporting the application, however, the landscape architects consultation comments were felt to be very valid and should be supported and the issue of outside lighting being kept to a minimum should be taken into consideration.

SSDC LANDSCAPE ARCHITECT - My initial landscape objection related to the principle of development in this location. This is not changed. The site is clearly sensitive, as recognised by the Planning Inspectorate in its appeal decision that backed SSDC's earlier refusal. The landscape comments offered at that time remain pertinent, and follow below.

The site would appear to lie within the setting of the Scheduled Ancient Monument, where built presence is limited to the village, the prime character otherwise being open farmland. It is also a site that has some local visual prominence as viewed from the north, thus a visible westward projection from the village into open countryside would be an adverse impact upon both the SAMs setting, and local character. The present undeveloped plot has some benefit in buffering the transition from the built form of Folly lane to open land, hence there is no landscape support for this proposal, LP policies EQ2 and EQ3 now applicable.

HISTORIC ENGLAND - This application should be refused. We note the conclusion reached by the Planning Inspectorate at appeal. We concur with the Inspector's remarks in particular those set out in paras. 6, 7, 9, 13, 14 and 17 which refers to the harm resulting from the proposal to the setting of the Scheduled Monument. In our view, the current proposal does not vary significantly from those dismissed at appeal.

COUNTY ARCHAEOLOGIST - condition the implementation of a programme of archaeological work.

COUNTY HIGHWAY AUTHORITY - Standing advice applies to consider visibility, parking standards and on site turning.

REPRESENTATIONS

There have been six neighbour letters of support to the effect:

- The design is modest and in keeping with the village setting
- Viewing from the top of Cadbury Hill I can't see the site

- This dwelling would suit in this location sympathetically alongside the existing dwellings

CONSIDERATIONS

Principle of Development:

The council does not have a five year housing land supply and in consequence the local plan housing policies are deemed 'out of date' (para.49 of the NPPF) and attract less status in the decision-making. Paragraph 14 of the NPPF therefore requires for decision taking that this means granting planning permission unless

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or
- specific policies in the Framework indicate development should be restricted.

The above circumstance however was no different when the previous application last was considered, and notwithstanding that the circumstances had changed by the time of the appeal this change was not notified to the Inspector who consequently would have considered the appeal on the basis that there was a lack of a five year housing land supply.

The current application differs from the previous appeal that was dismissed 26 January 2015 in so far as we now have full detailed drawings in contrast to the previous outline that reserved all matters. Notwithstanding at the time it was evident to the inspector that the scale involved a two storey dwelling not dissimilar in scale to the adjacent built form and this is now identified in the detail supporting the current application.

Since the appeal decision the new local plan has also been adopted (March 2015). Relevant Policies (SS2, EQ2 and EQ3) are similar to those previous considered. Under Policy SS2 of the Local Plan, development is strictly controlled and limited to that which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or
- Creates or enhances community facilities and services to serve the settlement; and/or
- Meets identified housing need, particularly for affordable housing.

In considering the above the proposal would not provide (other than in the short term for the construction industry) employment opportunities with any relationship to the settlement. The occupants of these dwellings might use the services of the local Pub, for example, but this cannot be viewed to any significant degree as enhancing local services or facilities. Likewise the development would also not create or enhance community facilities.

While the Parish Council appears do not object to the proposal, their response seeks also to support the council's Landscape Architect whose response objects 'in principle' to the proposal. The proposal is not considered to be in the spirit of the Policy to meet an identified, namely, locally endorsed housing need (the best example of which would be affordable housing). Critically, Policy SS2 requires any development to:

- be commensurate with the scale and character of the settlement; and
- increase the sustainability of the settlement in general.

On the basis of the above the principle for the erection of two new dwellings is not accepted, and the proposal is considered contrary to Policy SS2 of the Local Plan.

Character and Appearance:

The submitted drawings accompanying the application add detail that was lacking in considering the previous outline application. The details show the proposed dwelling orientated facing the roadside that accords with the adjacent dwellings. The revised drawing excavates the land to have the finished ground floor level sat lower down to the adjacent dwellings. The effect is to introduce significant engineering works into the location.

The Landscape Architect considers the site lies outside the landscape bounds of the village as defined by the local hedgerow pattern. At this point, Folly Lane, he contends, is extending west into open countryside on the lower slopes of Cadbury Castle hillfort. Clearly the proposal involves further ribbon development within the locality that is considered forms part of the setting of the Scheduled Ancient Monument (SAM) that is Cadbury Hill Fort and the prime character being open farmland. The site is viewed from the north and prior to entering the village there are clear views of the adjacent ribbon development and of the site that is a visible westward projection from the village into open countryside that results in an adverse impact on both the SAM's setting, and local character.

Historic England's response seeks refusal on the basis of the appeal inspector's decision. The same adverse harm affecting the heritage asset by reason of the visual intrusion of built form into the hillforts landscape setting is set out in the appeal decision, resulting in further intrusion (para.6), would increase the presence of suburban development along the lane (para.7), and would fail to respect the character and appearance of the area (para.9). The Inspector concluded on the basis of Para.132 of the NPPF that requires great weight is given to the conservation of heritage assets. The adverse harm identified involving the heritage asset attracts significant weight.

Highway Safety

The location is at the far end of the lane with agricultural traffic from the adjacent fields. Technical solutions are able to address highway concerns, while one more dwelling, and the associated level of increase in parking using the main road junction, is considered would accord with paragraph 32 of the NPPF that sites should have safe and suitable access.

Neighbour amenity.

It is considered that the proposal would not unacceptably harm the residential amenity of occupiers by disturbing, interfering with or overlooking such properties.

Other Matters:

The archaeological interests raised by the County Archaeologist can be dealt with by condition to secure further investigation in the event permission is given.

RECOMMENDATION:

Refusal.

FOR THE FOLLOWING REASON

01. The proposed dwelling located beyond development limits would have an adverse impact upon the setting of the Scheduled Ancient Monument, and local character by virtue of the visible westward projection from the village of ribbon development; further the proposal creates an undesirable precedent for additional development on either side of Folly Lane and with no exceptional justification by the applicant to warrant the over-riding of planning policy the proposal is considered unacceptable and contrary to the aims and objectives of the National Planning Policy Framework and Policy SS2, EQ2 and EQ3 of the South Somerset Local Plan 2006- 2028.

Agenda Item 20

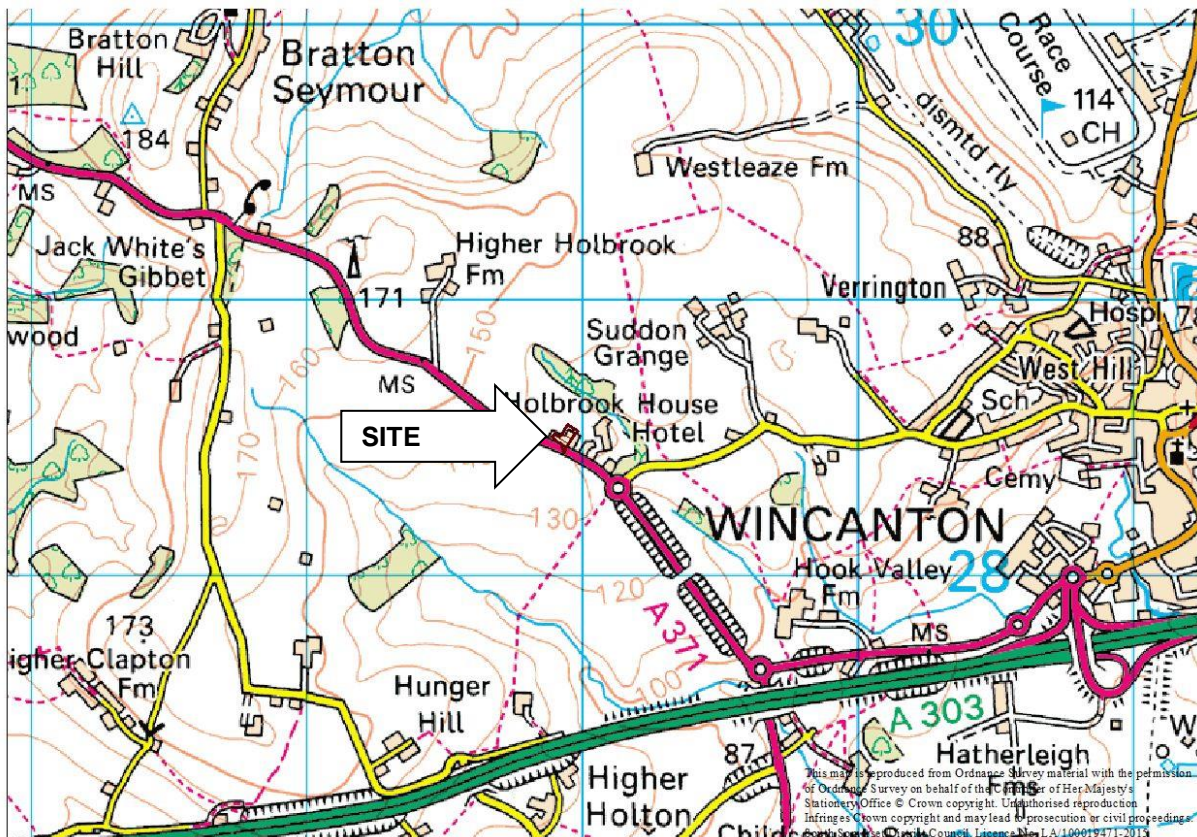
Officer Report on Planning Application: 15/03596/FUL

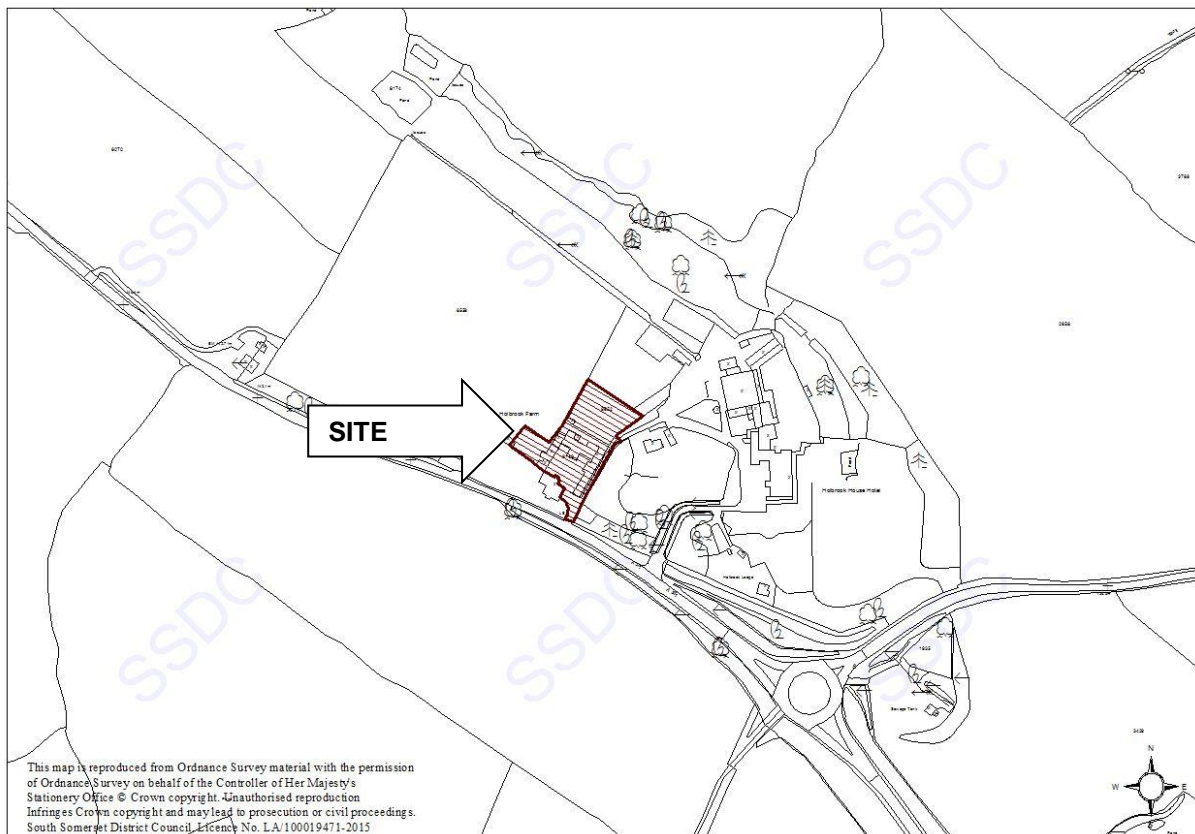
Proposal :	Renovation of barns and change of use to B1, office and workshops for decorative arts company (GR: 368924/128470)
Site Address:	Holbrook Farm Barns, Bratton Seymour, Wincanton
Parish:	Bratton Seymour
TOWER Ward (SSDC Member)	Cllr Mike Beech
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	8th October 2015
Applicant :	Mr Mathew Bray
Agent: (no agent if blank)	
Application Type :	Minor Manfr less than 1,000 sq.m or 1ha

REASON FOR REFERRAL

The application is referred to committee to enable the issues raised to be debated in accordance with the council's scheme of delegation, as the officer recommendation to approve conflicts with the Highway Authority response.

SITE DESCRIPTION AND PROPOSAL





The site is located in open countryside to the west of Wincanton and about 200m from the Holbrook roundabout. To the east of the site is the large Holbrook House Hotel, and to the west are open fields and a single bungalow. The buildings under consideration comprise a traditional farmyard with barns built around an open courtyard, set back behind the adjacent Grade II listed farmhouse. The barns are listed by association.

The proposal seeks renovation of the barns and their change of use to B1 (Use Class) to form office and workshop for a decorative arts company. The applicant resides in the adjacent farmhouse.

The application is submitted with a Design and Access Statement, Archaeological Assessment Structural Appraisal Report and Bat Roost Survey Report. An application for Listed Building Consent is considered concurrently.

HISTORY

15/03597/LBC - Renovation of barns and change of use to B1, office and workshops for decorative arts company - Pending.

11/00173/LBC - The carrying out of internal and external alterations including the insertion of rooflights (revised application for 10/04166/LBC) - Approved.

10/04166/LBC - The carrying out of internal and external alterations including the insertion of rooflights - refused

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that

the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS2 - Development in Rural Settlements

EP4 - Expansion of Existing Businesses in the Countryside

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General development

EQ3 - Historic Environment

EQ4 - Biodiversity

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 1 - Building a strong competitive economy

Chapter 3 Supporting a Prosperous Rural Economy

Chapter 4 - Promoting sustainable transport

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Policy Guidance

CONSULTATIONS

BRATTON SEYMOUR PARISH MEETING - No objection.

COUNTY HIGHWAYS AUTHORITY recommend refusal. From a purely detailed viewpoint, the National Planning Policy Framework states that it should be taken into account whether 'safe and suitable access to the site can be achieved for all people'. This brings about concern in this application for the Highway Authority with regard to the safety of the proposed access and surrounding highway network.

- This application is for a business/light industrial use conversion of a number of listed buildings which have always had an agricultural use (farm house and barns) these are rarely converted into industrial use.
- The access is too narrow for the delivery lorries and refuse vehicles that would be required for this operation and the only way to widen access into the courtyard or to the east of the site is to demolish parts of the listed building.
- It is also outside Wincanton's planned development zone. The issues surrounding this should be looked at by the LPA.
- The A371 is the adjoining highway to this proposed development and it is not sufficient for the industrial use proposed.
- Industrial areas have specific design layouts so that they can support the industrial traffic. Wincanton Business Park is approximately 1400 metres to the South East of this site which is an appropriate area for industrial development due to its supporting road networks.
- The proposed development is in a 60mph limit with an accident involving a car overturning just in front of the site on the records. This is dangerous for lorries/trucks to be pulling out on to because of their slow acceleration.

- With Wincanton business park, a designated industrial area so nearby, the Highway Authority does not see it fit to create a new industrial area and have to facilitate all its needs by upgrading the surrounding highway.

SSDC ENVIRONMENTAL HEALTH OFFICER - No observations.

COUNTY ARCHAEOLOGIST - No objections.

SSDC ECOLOGIST – I have noted the bat/ bird survey. This found limited evidence of bats. I recommend a condition requiring submission and approval of a Bat Method Statement.

SSDC CONSERVATION OFFICER - Amended plans have been submitted following my memo to you dated 25/09/15. These address the issues I raised through the submission of accurate scale plans and changes to show the retention of the existing mix of roof tiles and the retention of the historic barn mezzanine. I am now able to offer my full support. The use seems great, and highly compatible with the character and function of the buildings. (OFFICER Note: The conditions that are suggested are attached to the accompanying Listed Building Consent)

REPRESENTATIONS

None.

CONSIDERATIONS

Principle of Development:

Para.55 of the NPPF considers re-use of existing buildings and in this case their heritage interest also supports an acceptable re-use so that the proposed development has support in principle. Accordingly the main considerations include character and appearance, impact on heritage assets, highway safety and neighbour amenity.

Character and Appearance:

This is an attractive range of outbuildings centred on the former agricultural yard with the farmhouse on one site. The re-use of the buildings makes use of an existing agricultural access with no proposed widening of the access point involved. The proposal is not considered to give rise to any detrimental impact in terms of their character and appearance.

Impact on Heritage Assets:

The Conservation Officer has sought and received revised drawings as part of the application process and considers the proposed re-use to be highly compatible with the character and function of the buildings. On the basis that the Conservation Officer's advice attracts significant weight it is considered the proposal should be supported. The proposal is considered acceptable in terms of Policy EQ3 of the Local Plan.

Highway Safety:

The Highway Authority have recommended refusal. Their consultation response is set out in detail above. Notwithstanding the Highway Authority's concerns these include more general statements besides the specific detailed concerns. Having considered the issues and viewed access on site the planning officer is of the opinion that the proposed scale and type of development is anything but that of an 'industrial estate'. The resulting scale of operations is better viewed as 'artisan', whose level of traffic would not be significantly different from the potential agricultural use that otherwise is capable of using and accessing the site. The existing driveway is used by traffic from the adjacent hotel, and could be used, as already noted, more heavily by agricultural traffic.

The site is also part of a listed building(s) complex of farmhouse and agricultural outbuildings

with the need for a more flexible approach towards safeguarding setting of the listed buildings. The highway access is up to a 7m width opening with views from the access in either direction greater than 100m. Seen in context it is considered that the modest disruption envisaged should be acceptable in terms of highway safety.

Neighbour Amenity:

It is considered that the proposal would not unacceptably harm the residential amenity of occupiers of adjacent properties by disturbing, interfering with or overlooking such properties.

RECOMMENDATION

Approve.

01. The proposal including the change of use, by reason of its design, scale and materials, respects the character and setting of the listed building, does not have a detrimental impact on highway safety and neighbour amenity and accords with the aims and objectives of Policy EQ2 and EQ3 of the South Somerset Local Plan, 2006- 2028.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 001B, 011A and 010B received 2.10.2015, and 006A, 002A, 005A, 003A and 004A received 28 September 2015, 003A received 5.08.2015 and Location and Block Plans received 13.08.2015.

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

03. All plant growth and hedging across the frontage of Holbrook farmhouse shall be kept cut back and not overhanging the roadside boundary so as to maintain visibility of the nearside main road for a minimum distance of 120 metres.

Reason: In the interests of highway safety further to Policy TA5 of the South Somerset Local Plan 2006- 2028.

Agenda Item 21

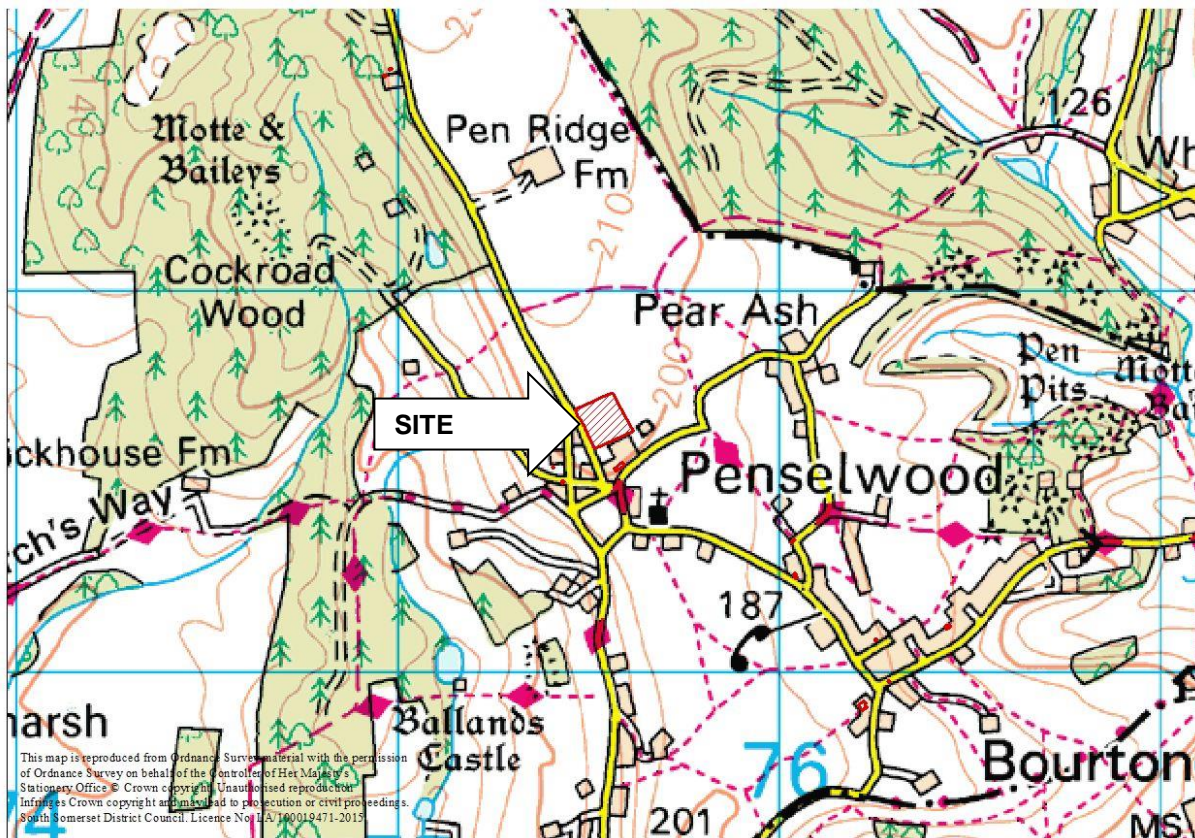
Officer Report on Planning Application: 15/03640/FUL

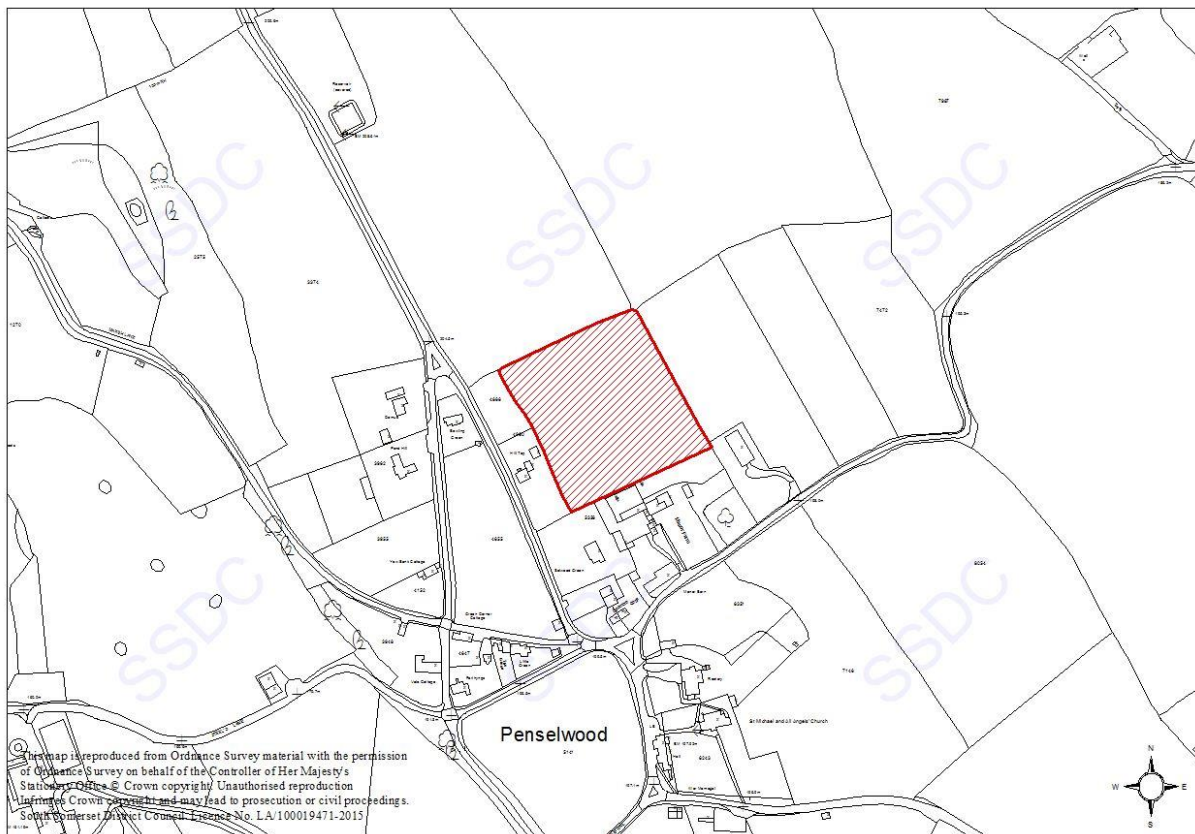
Proposal :	Change of use and erection of a block of 3 stables (GR 375542/131647)
Site Address:	Land OS 5464, Hilltop Road, Pen Selwood
Parish:	Pen Selwood
TOWER Ward (SSDC Member)	Cllr Mike Beech
Recommending Case Officer:	Sam Fox Tel: 01935 462039 Email: sam.fox@southsomerset.gov.uk
Target date :	14th October 2015
Applicant :	Mrs Louise Norton
Agent: (no agent if blank)	
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee at the request of the Ward Member(s) with the agreement of the Area Chairman to enable the comments of the neighbour to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The site is located on the northern edge of the village. The site is an agricultural field set back from the highway behind a residential dwelling and adjoining paddock to the west of the site. Access is derived off the highway by a finger of land in the adjoining field to the north. The applicants dwelling along with an additional dwelling lie to the south with agricultural land to the east.

This application seeks permission for the change of use of land from agricultural to equestrian with the erection of a block of 3 stables.

RELEVANT HISTORY

None relevant

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

On 5th March 2015 the South Somerset Local Plan (2006 - 2028) was adopted. Therefore it is considered that the development plan comprises this plan.

On this basis the following policies are considered relevant:-

Policies of the adopted South Somerset Local Plan (2006-2028)

Policy EQ2 - General Development

Policy EQ8 - Equine Development

National Planning Policy Framework

7 - Requiring good design

CONSULTATIONS

PEN SELWOOD PARISH COUNCIL - Pen Selwood Parish Council have received representation from the immediate neighbours of this property who, like the Parish Council, have concerns about the siting of the stable block which is considered to be too close to the garden of the adjoining property. It is considered that if the stable block is to be sited against this boundary hedge, it should be at the North end of the hedge, near the entrance to the field and at least 5 metres from the boundary to allow access by a tractor to maintain the hedge. There is also concern that there is no mention of the development and site of a manure heap and its associated run off, smell, flies, etc. We are also aware that the adjoining property does have a well within the front conservatory. We are concerned that amenity of the adjoining property could be damaged.

At the meeting the applicant did appear to be amenable to a change of site for the stable block and assured the meeting that it was not her intention to "upset anyone".

Subject to these concerns being suitably addressed, the Parish Council has no objection to the change of use or the erection of stables.

COUNTY HIGHWAY AUTHORITY - On basis that the stables are for private use, ancillary to the Applicant's residential property Selwood Green, I would not wish to raise a highway objection.

SSDC LANDSCAPE OFFICER - noting the proposed site to lay in close proximity to both the corner of the plot, and the host residence, I have no substantive landscape issues to raise.

ENVIRONMENTAL PROTECTION - I have considered this application as well as the comments made by other contributors. I cannot support any objection to this application as there is no reason to believe that a well manage small stable block will have any detrimental impact on local amenity. I therefore have no objection.

CRANBORNE CHASE AONB - The AONB is content with the proposal so long as any external lighting complies with the AONBs Position Statement on Light Pollution. I note other consultees' comments about a need for a muck heap and I agree with that. However, the AONB could not support a relocation of the proposed stables at the far side of the field because that would introduce a built structure into the wider countryside as well as being more distant from the house and the need for a degree of oversight in the interests of the welfare of the horses. In addition a water supply will be needed and doubtless that can be most readily obtained from the house.

REPRESENTATIONS

Four letters of representation have been received from one neighbour raising the following issues:

- Stable too close to boundary, only 2m away.
- No manure heap details, stored/managed and where will it be sited.
- Hedge cutting hindered by too small gap of 2m, hedge has been in place for hundreds of years.
- Position will be facing easterly prevailing wind, should be moved to other side of field.
- Concern over odour, flies and rodents from manure heap.
- Will DEFRA/Environment Agency issue guidelines.

APPLICANTS CASE

The applicant, following receipt of concerns raised by the neighbour, responded by way of an

email on 24 September 2015 to try and address some of the issues raised as follows:

Water supply will be from the residential dwelling as the other fields containing the water troughs are not in my ownership.

Taking into consideration the concerns of the neighbour regarding the muck heap, I would be happy to locate it at the top of the field near the entrance gate. It would never be burned on site and would be removed regularly.

Hedge cutting would not be hindered as proposed location has no hedge only overhang of trees from neighbouring property.

Moving stable to far side of field is not possible as too exposed to severe weather, too far to carry water and an eyesore for neighbours.

Stables would only be used in very wet conditions, mainly winter, when there are very few flies around.

CONSIDERATIONS

Description

The proposal involves the erection of timber stable in an agricultural field measuring approximately 10.8m long, 3.6m deep and 3.2m to the ridge. The proposal will be sited in the south west corner of the site approximately 2m from the western boundary with the neighbouring property and approximately 1m from the southern boundary of the applicants dwelling.

Neighbour/Parish comments

A number of concerns were raised by a neighbour and these concerns were reiterated by the Parish Council. I will address each of these concerns in turn before addressing any outstanding planning matters.

Firstly the location of the proposal close to the boundary of the neighbouring property has been raised as a concern. The neighbour has suggested moving the proposal to the west side of the field whilst the Parish Council have suggested moving it to the north end of the field close to the access. However, the proposed location of the building is close to the built form behind a mature hedge/trees and is not considered to cause unacceptable harm to the character of the landscape or the wider AONB. The Landscape Officer is satisfied with the siting of the proposal while the AONB are not only content with the siting but would oppose any relocation of the proposal to the far side of the field (west) as it would introduce a built structure into the wider countryside as well as being more distant from the house and the need for a degree of oversight in the interests of the welfare of the horses along with the practical supply of water from the dwelling. Whilst the neighbour has contended both these issues as a barn is in the neighbouring field to the west, this is secreted behind a mature high hedge and is further south than the building would be if it were moved to that corner of the south, and many horses are in fields distant from the owners dwelling, the siting has been considered on its own merits and is considered acceptable.

Two related concerns have been raised as to the siting of the proposal. One regarding the position of the stable in terms of facing the prevailing wind. Whilst other buildings around the area may face a different direction the applicant considers the position of the proposal to be suitable for her horses in terms of adequate shelter. Two, the need for access to water from the main dwelling. The neighbour has argued that troughs are already available for water and this negates the need for the stable to be close to the dwelling. The applicant has responded stating there are no troughs in her field as she did not buy all the land that was for sale and she will be obtaining a water supply from her residential garden.

Secondly, concern has been raised to the impact of a manure heap on the site in terms of

odour, flies and possible vermin. The initial concern was due to a lack of information regarding this issue which was subsequently addressed by the applicant stating she would be happy to site the muck heap at the northern end of the site near the entrance gate and it would be removed from the site on a regular basis and never burned. The neighbour contended this by stating the stables could be moved to that end of the site and being closer to the muck heap would be easier for the applicant. The Environmental Protection Officer was consulted in regard to these concerns and also the potential issues of noise nuisance, but raised no objections to the scheme. It should further be noted that the proposed stables, due to their domestic scale, are unlikely to create more issues in these areas of concern than many agricultural uses that could be carried out on the site without the need for planning permission.

Thirdly, the position of the proposal 2m from the boundary and its possible impact on hedge cutting has been raised. The applicant has responded and states the proposal will not hinder the hedge cutting as there is no hedge in this corner of the field only an overhang of trees from the neighbour's garden. A post and rail fence has been put around this corner of the site by the previous owner and no hedge cutter goes to this area. The neighbour has contended this stating the hedge, which is hundreds of years old, is within their boundary and has been maintained by them for 35 years. The overhang of trees are hazel trees let to grow to be re-laid and coppiced. The hedge cutter has cut the whole boundary hedge once a year. The post and rail fence was installed to allow the previous owner to have an area separated from the animals to burn waste. They would like us to recognise their requirement for continued tractor access to maintain it. The maintenance of the hedge and access to the site to do this is a civil matter and must be dealt with by the applicant and the neighbour directly.

Fourthly, the neighbour has queried whether DEFRA or Environmental Agency will be issuing guidelines. This is not a planning matter and the applicant and neighbour will need to check for any regulation compliance with other agencies.

Visual amenity

The proposal is considered to be appropriate in terms of size, scale and design. The Landscape Officer has raised no objection to the siting of the proposal nor the Cranborne Chase AONB, advising any re-location of the building from the proposed site would be opposed by them. On this basis it is not considered that it would harm the character of the property or have a detrimental impact on the visual amenity of the area.

Residential amenity

The proposed building is some 20m from the neighbouring dwelling and at the end of their 35m long front garden on the other side of a high mature hedge and tree boundary whilst the applicant has advised the muck heap will be sited at the northern end of the field, approximately 70m from the dwelling and again on the other side of a high mature hedge boundary. The neighbour has stated this is an area of their garden that they have trees planted and they regularly use to burn their waste, understandably as it is some distance from the dwelling, therefore, this would not appear to be an area that would be used in the same way as a patio seating area for example. The Environmental Protection Officer does not consider the proposal harmful to residential amenity and has raised no objection. It is not considered that the proposal would harm local residential amenity.

Cranborne Chase AONB

The AONB support the proposal in its current location and would resist any attempt to move the stable across the field. The only concern raised was complying with their statement on light pollution, which can be dealt with by way of a condition.

CONCLUSION

The proposal is similar to that of 09/02781/FUL, which was won at appeal and covered the main issues regarding position to residential dwellings and the impact of noise, odour, flies and

vermin. The proposal is significantly distant from the main dwelling behind a mature high hedge and the muck heap will be even further again, over the required distance of 50m from a well or water source. There are no environmental protection concerns and the position is supported by both the Landscape Officer and the AONB, to the point where the AONB have stated they will not support a re-location to the other side of the field as suggested by the neighbour. This is a small scale development which can be conditioned to remain so whilst a condition to prevent the burning of waste on site and external illumination will ensure further protection for neighbours and the landscape. Overall the proposal is considered acceptable in terms of visual and residential amenity, accordingly the proposal is considered to comply with policies EQ2 and EQ8.

RECOMMENDATION

Grant permission subject to the following conditions

01. The proposal, by reason of size, scale, materials and use causes no demonstrable harm to residential amenity, respects the visual amenity of the wider AONB and does not cause unacceptable harm to the distinctive character and quality of the Local Landscape in accordance with the aims and objectives of policies EQ2 (General Development), EQ_ (Pollution Control) and EQ8 (Equine Development) of the South Somerset Local Plan (Adopted 2006-2028) and the provisions of the NPPF (2012).

SUBJECT TO THE FOLLOWING:

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

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

02. The materials to be used in the development hereby permitted shall be those as identified within the planning application and no other materials unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to comply with saved policy EQ2 (General Development) of the South Somerset Local Plan (2006-2018) and the provisions of chapter 7 of the National Planning Policy Framework.

03. No means of external illumination shall be installed on any part of the site without the prior written consent of the Local Planning Authority. Any details that may be agreed shall not be subsequently altered unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of residential and visual amenity and to comply with policy EQ2 of the South Somerset Local Plan (2006-2028).

04. There shall be no burning of any waste in association with the proposal on the site.

Reason: In the interests of residential amenity and to comply with policy EQ7 of the South Somerset Local Plan (2006-2028).

05. The building hereby approved shall be used on for the keeping of horses for the private and recreational purposes of the occupants of Selwood Green and for no other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: The application has been assessed on this basis only and in the interests of safeguarding amenities in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028).

06. The development hereby permitted shall be carried out in accordance with the following approved plans: Details and drawings received on 29 July 2015 and 19 August 2015 and details received by email from the applicant on 24 September 2015.

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