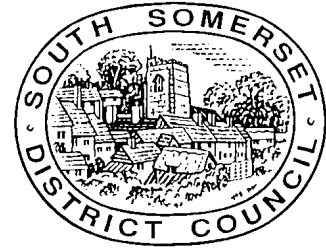


South Somerset District Council

Notice of Meeting



Area East Committee

Making a difference where it counts

Wednesday 9th November 2016

9.00 am

**Council Offices
Churchfield
Wincanton
BA9 9AG**

(disabled access and a hearing loop are 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 **11.15am**.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Kelly Wheeler 01935 462038**, website: www.southsomerset.gov.uk

This Agenda was issued on Monday 31 October 2016.

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



Area East Committee Membership

Mike Beech
Tony Capozzoli
Nick Colbert
Sarah Dyke

Anna Groskop
Henry Hobhouse
Tim Inglefield
Mike Lewis

David Norris
William Wallace
Nick Weeks
Colin Winder

South Somerset District Council – Council Aims

South Somerset will be a confident, resilient and flexible organisation, protecting and improving core services, delivering public priorities and acting in the best long-term interests of the district. We will:

- Protect core services to the public by reducing costs and seeking income generation.
- Increase the focus on Jobs and Economic Development.
- Protect and enhance the quality of our environment.
- Enable housing to meet all needs.
- Improve health and reduce health inequalities.

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 **10.45am**. Planning applications will not be considered before **11.15am** 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 9 November 2016

Agenda

Preliminary Items

1. **Exclusion of the Press and Public** (Page 10)
2. **Historic Buildings at Risk (Confidential)** (Pages 11 - 12)
3. **Minutes of Previous Meeting**

To approve as a correct record the minutes of the previous meeting held on Wednesday 12th October 2016.

4. **Apologies for absence**
5. **Declarations of Interest**

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

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 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 David Norris, Sarah Dyke, 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.

6. 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.

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

8. 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 7th December at 9.00am.

9. Chairman Announcements

Items for Discussion

- 10. Retail Support Initiative Grant Application - Wincanton and Wincanton 'Top Up' (Pages 13 - 15)**
- 11. Area Development Plan and Budget - Half Year Progress Report (Pages 16 - 27)**
- 12. Wincanton Sports Ground - Funding Contribution (Pages 28 - 29)**
- 13. Henstridge Airfield s106 Update Report (Pages 30 - 32)**
- 14. Area East Committee Forward Plan (Pages 33 - 34)**

15. **Planning Appeals (For Information Only)** (Page 35)
16. **Schedule of Planning Applications to be Determined by Committee** (Pages 36 - 39)
17. **16/01832/REM - Land at Lake View, Chistles Lane, Keinton Mandeville** (Pages 40 - 54)
18. **16/02679/FUL - Swanton Farm, Street Lane, Brewham** (Pages 55 - 63)
19. **16/01225/FUL - Easy Bean, Fosters Farm, Fosters Lane, South Barrow** (Pages 64 - 73)
20. **16/02976/OUT - Land at Park House, Whitechurch Lane, Henstridge** (Pages 74 - 78)
21. **16/03866/FUL - Laurel Cottage, Mill Lane, Pitcombe** (Pages 79 - 83)
22. **16/03675/S73A - Solar Site at Sutor Farm, Moor Lane, Wincanton** (Pages 84 - 88)
23. **16/02788/FUL - Land to the South of 1 Wood Lane, South Cheriton** (Pages 89 - 93)
24. **16/02150/DPO - Southlands, Marsh Lane, South Cheriton** (Pages 94 - 97)

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 1

Exclusion of the Press and Public

The Committee is asked to agree that the following item (agenda item 2) be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under paragraph 3: "Information relating to financial or business affairs of any particular person (including the authority holding that information)." It is considered that the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.

Agenda Item 2

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Agenda Item 10

Retail Support Initiative Grant Application – Wincanton and Wincanton ‘Top Up’ (Executive Decision)

Assistant Director: Helen Rutter, Communities
Service Manager: Helen Rutter, Area East Development Manager
Lead Officer: Terena Isaacs – Community Support Assistant
Pam Williams – Neighbourhood Development Officer
Contact Details: terena.isaacs@southsomerset.gov.uk or 01935 462248
pam.williams@southsomerset.gov.uk or 01963 435020

Purpose of the Report

For Members to consider the Retail Support Initiative (RSI) grant request detailed below.

Public Interest

Supporting and helping to improve the retail offer in the towns and villages across Area East.

Recommendation:

To consider an award of up to £1840 as a 50% contribution to The Red Lion, 3 Market Place, Wincanton, towards pub front improvements and signage:

- £1,500 from the Community Development budget revenue element ring-fenced for the RSI
- £340 from the Community Development budget, Wincanton top-up, revenue element ring-fenced for the RSI

All awards to be subject to the following standard conditions:

- (a) The grant award may be used by SSDC for promotional/publicity purposes
- (b) Grants are paid for approved works/purchases on production of receipted invoices and subject to a visual inspection to confirm completion
- (c) Awards are subject to feedback being supplied within 12 months
- (d) Applicants will normally be expected to draw down the grant within 6 months of the offer
- (e) That appropriate consents are obtained
- (f) Works requiring listed building/planning consents or building regulations will be required to be signed off by the appropriate officer prior to the release of funds
- (g) If, within 3 years of a grant award, the business ceases to trade, the District Council reserves the right to reclaim the grant on the following basis: year one – 100%; year 2 – 75%, year 3 – 45%

Background

This application is being considered under the scheme’s operating criteria agreed in July 2014, a copy of which is attached at Appendix 1.

Current application

This is the first application to be considered for this property on the Market Place, Wincanton. As it is an application for Wincanton an additional ‘top up’ is available to further assist closed units in the town. On this occasion some of the additional ‘Top up’ has been requested to

greatly improve the pub front and to further enhance the Market Place. The application meets the criteria of both the basic RSI and the Wincanton 'top-up'.
The amount requested is £1,840.

Grant details

The Red Lion is a prominent building on the Market Place, which has been closed more than open over the last 5 years. The premises have fallen into disrepair and the frontage is looking tired and needs to be enhanced to encourage visitors. The applicant's aim is to create a friendly public house with a variety of entertainment and charity events, to support the local community and charities, creating a relaxed environment for local people and visitors to the town.

Shop front improvements, to include pub signage, new outside lighting and prepare and paint windows, front door, guttering and down pipes:

- Total Project Cost – £3,680
- Amount requested – £1,840

Other funding – the remaining funding for this project will come from the applicant's own savings. The applicant has a 3 year lease of the premises, which includes a 6 month notice period that can be triggered at any time. The assessment score is 56 out of a max of 100. This figure exceeds the minimum level score (50) required for grant assistance to be considered.

Observations: Prominent unit in Wincanton Market Place in need of redecoration to improve exterior and to give the property a new identity. This unit hasn't opened its door since last summer. The recommended grant award of £1,840 includes £340 from the Wincanton 'top up'.

Financial Implications

If Members choose to award this grant, the unallocated budget for Retail Support Initiative will be as follows:

	Revenue element	Capital	Wincanton 'top-up'
Unallocated budget 2016/17	£6,204.40	£1,212	£9,424

Corporate Priority Implications

The awarding of grants meets the following corporate aims:

To increase economic vitality and prosperity

Carbon Emissions & Adapting to Climate Change Implications

This project does not cause any changes to carbon emissions.

Equality and Diversity Implications *None*

Background Papers: *None*

Appendix 1

Retail Support Initiative

Operating criteria

Percentage contributions cannot exceed 50% of costs and no retrospective applications are eligible (i.e. in respect of works which have already been commissioned/started).

Applications over £1,000 will be considered by Area East Committee on a monthly basis since the Community Regeneration Sub-Committee quarterly meetings ceased. Amounts up to £1,000 may be considered at any time as a delegated grant in consultation with the Chairman and Ward Member(s).

Grant levels:

Maximum 50% of project costs as follows:

Eligible costs:

- Shop-front improvements, if they enhance the High Street
- Business rates assistance – a contribution to the amount payable for new businesses (which do not compete with another business) in their first 2 years of trading
- Exceptional projects which add to the viability of towns/villages

Process

Applications for Grants are accessed and recommendations made on the basis of a fully completed application form and two 'like for like' quotes. Self-help/DIY schemes may complete the application form and supply a project budget with supporting information. All grant recipients must accept that the grant may be used for publicity purposes by the District Council. Payment of the grant is done retrospectively, for a completed programme of works on the basis of receipted invoices. Exceptionally officers, in consultation with the Chairman, may release partial payments where there is clear justification for doing so.

The District Council will continue to claw back grants from businesses which cease trading on the following basis: 100% in year one, 75% in year two, 45% in year three.

The existing assessment and current scoring mechanism favours businesses:

- employing more than 2 people
- in prominent places
- key rural stores/Post Offices
- retailers

The award is subject to the following standard conditions:

- The grant award may be used by SSDC for promotional/publicity purposes;
- Grants are paid for approved works/purchases on production of receipted invoices;
- Awards are subject to a summary of the benefit of the scheme being supplied;
- Applicants will normally be expected to draw down the grant within 6 months of the offer and if not will have to inform us of the reason(s) for the delay. If there is a valid reason, officers can provide a 6 month extension, but beyond this the grant would either be withdrawn or referred Area East Committee to be re-affirmed;
- That appropriate consents are obtained - works requiring listed building/planning consents or building regulation consent will be required to be signed off by the appropriate officer prior to the release of funds

Agenda Item 11

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, Assistant Director Communities
Lead Officer: Tim Cook, Area Development Team Lead – East
Contact Details: tim.cook@southsomerset.gov.uk or 01963 435088

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 2016/17 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 2016/17 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 2016-17 and progress against projects in the Area East Development Plan are attached in Appendix 1.

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
Tim Cook (37hrs) AD Team Lead & NDO Communities	Wincanton Rural areas (shared)	<ul style="list-style-type: none"> • Community research & plans • Community grants programme • Community buildings • Rural services
James Divall (18.5hrs) NDO Communities	Bruton Milborne Port Ilchester Rural areas (shared)	<ul style="list-style-type: none"> • Health & wellbeing • Local Information Centres (LIC)
Pam Williams (26hrs term time/ 18.5hrs other times) NDO Economy	Castle Cary Wincanton High Street	<ul style="list-style-type: none"> • Economic & business development • Infrastructure projects • Wincanton Town Team & Retail Support Initiative
Jackie Hatcher (29hrs) 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) 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 2016/17. Appendix 3 gives an overview of all funding awards made from AEC budgets within the first 6 months of the 2016/17 year.

Area East Capital Programme

The Area East capital programme supports investment in new or existing, locally important assets. These may be SSSDC owned, community owned or privately owned. In the last 2 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 2016 with a progress report from the lead officer. In summary this shows that there is a total of £17,851 unallocated to projects & available for local priority schemes in 2016/17. In addition there is an allocation of £24,971 in the Parish Infrastructure Fund and £6,252 unallocated for future years.

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 £2,967 unallocated in 2016/17 for community capital grants (within the £17,851 mentioned above) and available for awards in December 2016.

Area East Reserve

At the start of the year there was £60,190 in the Area East Reserve. Most of this is ring fenced for specific projects leaving £3,460 unallocated – see Appendix 2 for details.

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.

Carbon Emissions & 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 2016-17;
Monthly budget monitoring and quarterly capital monitoring reports

Place & Performance – Communities
Area East Development Service Plan 2016-17
 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-today 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: Top level actions – more detail is within individual work programmes/project plans					
Priority Area	Action	Target Date	Milestone	Lead Officer	Current Progress
Page 20	Support Town Team approach in market towns with projects that enhance & market attractiveness of High Streets	2017	Report to AEC on project performance	PW/JD CSAs	Wincanton - support for WTF. The Chamber of Commerce is arranging Christmas event Castle Cary – ‘Big Christmas’ planning progressing Successful weekly market operated by CC TC In conjunction with P&E meeting with WTC to be programmed following decision to give notice on CP compensation scheme - explore potential to ‘trial’ measures during notice period.
	Transfer of specific SSDC town centre assets to local Councils if required & support the disposal of unwanted assets	Ongoing 2016	Assets transferred, agree way forward Report to AEC annually	NDOs	Transfer of CCMH agreed by DX in April - negotiations in hand to finalise the terms of peppercorn transfer with £45k dowry. Work is underway with Bruton TC to consider the transfer of various SSDC owned assets.
	Encourage take up of business & charity rates relief schemes	2017	Report to AEC	CSAs	Dissemination of information about re-valuation of premises
2. Economic development, job creation & regeneration schemes	Project to establish land/ business premises not currently being marketed and bring these to market	Stage 1 report to AEC January 2017	Report on hypothesis that more land & premises can be brought back into use	PW	Review of submitted sites underway.

Progress local priority projects 1) Assessment of options & feasibility of extensions to existing Business Parks or new site, as appropriate 2) Small work space/hub	March 2017	Reports to AEC Feasibility of Sports Ground/pavilion units developed	PW	Report to Area Regeneration Board seeking funding failed to meet funding criteria. Corporate concern of SSDC involvement in a scheme which is against the direction of growth. Update meeting with landowners Nov 2016
Enhanced Retail Support Initiative in Wincanton & general RSI elsewhere in Area	Ongoing	Number & leverage of investment reported to AEC. Analysis of car park usage & vacancies to assist with targeting	PW CSA	2 applications received and processed. Continuing interest in scheme from prospective applicants. Face to Face promotion of scheme undertaken with eligible retailers/service sector businesses in Wincanton, Bruton and CC
Encourage eligible projects to bid for Heart of Wessex LEADER funding	Report April 2017	Report on performance of programme to AEC April 2017	ADT	Issues outside of the influence/control of SSDC have hindered progress on LAG activity. AEC funding allocation for LAG being reviewed in light of this - option to provide direct project support.
Project feasibility for a work/retail incubation unit within Area	March 2017	Report to AEC	PW	Initial call for proposals did not result in recruitment of consultants. Modified brief sent out October 2016. Timeline to be agreed but reporting to AEC now expected March 2017
Common Lane multi-user path	2017	Route opened	PW CSAs	Work underway to prepare planning application – submission Nov 2016
Limington to Yeovil multi-user path	March 2017	Report to AEC on progress of scheme	JD	The project has been assessed and is due to be programmed as part of the SCC Small Improvement Scheme. Timescale outside of SSDC control but the project group will reconvene when the SIS details are known.
Receipt of land & exercising option on car park at Waterside, Wincanton	March 2017	Report to AEC & DX	PW	Terms agreed with landowner. Landowner's solicitor instructed to progress transfer of land and car parking area to SSDC
Pre-feasibility study & survey for potential south access to Bruton Station & associated footpath	Spring 2017	Completed feasibility study	JD	Survey work has been completed and supplied to FGW.

3. Community-led planning & development	Completion of Queen Camel Neighbourhood Plan	March 2017	Final Report and lessons from Front Runner AEC/DX	TC CSAs	Plan reinitiated by Queen Camel Parish Council with support from ADTL. Draft to be reviewed in light of changes to national policy before next (Reg 14) statutory stage.
	Support Neighbourhood Plan Wincanton	March 2017	Plan informed by needs identified, draft plan completed	TC	Draft plan completed. Next statutory stage (Reg 14 – 6 week local consultation) to begin in January 2016.
	Support Neighbourhood Plan Castle Cary	March 2017	NDP completed	PW	Draft plan completed. Informal local consultation underway. statutory process (Reg 14 – 6 week local consultation) to begin shortly in parallel with SEA screening
	Support parishes to carry out quality community research (inc Housing Needs Assessments) to prioritise & achieve planned projects or influence growth Bruton, M Port & K Mandeville (Refreshed Community Plans) Charlton Horethorne & Charltons (new plans) CaryMoor (Housing Needs Survey) .	April 2017	Completed parish plans are endorsed at AEC	JD/TC	Charlton Horethorne Community Plan completed and endorsed Oct 2016. Charltons Community Plan currently being drafted after a phase of consultation. Consultation event was attended by over 150 people. Aiming for completion in Feb 2017. Housing needs surveys supported in CaryMoor, Charlton Horethorne with requests for support from Pen Selwood and Babcary. Bruton – Consultation at the Packhorse Fair has informed the production of the household survey which has now been distributed. M Port proposing to complete Housing Needs Survey as part of Parish Plan refresh
	Comment on impact of significant planning applications Encourage parish engagement with applications and S106 negotiations Link community projects with locally available S106	March 2017	Clearer reporting of 106 investment projects to AEC. S106 annual statement in update of Ward profiles	ADT	Comments provided on 7 significant applications. ADT has drafted ward accounts with details of secured and expected S106 contributions at a parish level. Currently checking the accuracy of all information before distributing. Will be launched at the Annual Parish Workshop in January 2017.

4. Improve access to services & facilities to reduce inequality	(a) Run a high quality access point & advice service for the public at Churchfield	Ongoing	Annual report AEC To achieve 98% customer satisfaction rate Reduce cost whilst improving service offered	HR/LD CSAs	Annual review of LIC activity is currently underway. This will trigger payment of £500 to each community-run LIC.
	(b) Support development of Town/parish led LICs				
	Support development of Balsam Centre services in response to local needs	March 2017	Annual Report to AEC	TC	Full report considered by AEC at the September meeting. AEC agreed a contribution of £10,000 towards the Like Minds project.
	Audit of community-led youth work & youth opportunities in Wincanton, C Cary & Bruton with a view to creating a directory 0-18 Development of Henstridge Templecombe and Milborne Port youth work programme	March 2017	Annual report to AEC	TC/JD	Audit commenced – currently collecting data.
	Explore potential for developing community/leisure hub facilities across the towns /villages of East Somerset	Ongoing	Report to AEC	ADT	Audit commenced alongside youth data collection.
Development of Wincanton Hub to improve people's access to services & facilities	Ongoing	Report to AEC	TC CSAs	ADTL has taken a lead role in shaping the pilot work to pilot the Symphony project in Wincanton. New Community Partnership 'Wincanton Matters' established to take this forward. Work with SSCAT has progressed and consultation in local schools has been used to design new transport solutions to help young people access	

	Improved community buildings Ilchester pavilion – initial feasibility work completed.. Sparkford feasibility work to build stage Investigate potential for improved use of the David Sharp centre.	April 2017	At least 2 buildings helped to build ready stage. Report to AEC	TC/JD	NDO support given to Sparkford parish council regarding potential purchase of land for extension of recreation ground and site for new hall. NDO support for refurbishment of new kitchen at Sparkford cricket club – next phase to develop a new changing room block. NDO support to Ilchester recreation ground committee regarding an extension to the pavilion to home the scout Group and other youth and sport provisions (current stage needs statement and feasibility study)
	Support preparation of a master plan for Jubilee Park, Bruton	Ongoing	Report to AEC	JD	Jubilee Park programme plan and project definition forms progressing. Initial meeting commenced regarding new MUGA within the park.
5. Effective democratic engagement	Arrange annual parish meeting & workshops in response to demand from AEC, Parishes & community organisations	March 2017	Report to AEC	ADT	2016 Planning Tour visiting employment land in Somerton, Glenda Spooner Horse Welfare/Visitor Centre and Hadspen Estate delivered. Annual Parish meeting arranged for 23 rd January 2017. Provisional programme to include: 106/CIL, Community Justice and Emergency Planning.

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 Remaining Available Resources – 2016/17

1	Budget type	AE Capital Programme <ul style="list-style-type: none"> • Rolled forward annually • £25k top up by DX each year 	AE Reserve <ul style="list-style-type: none"> • Revenue budget • Not replenished 	AE Community Grants <ul style="list-style-type: none"> • Annual revenue fund • Must be spent or committed in year • Renewed annually 	AE Discretionary <ul style="list-style-type: none"> • Annual revenue • Must be spent or committed in year • Renewed annually
2	Year start position 2016/17	£ 109,857	£60,190	£19,870 inc £10,000 HLC grant	£10,200 (+ £19,090 allocated to projects carried forward) = £ 29,290
3	Commitments to projects	£60,783 For detail please see Appendix 4	RSI spend £2,296	£14,980	HoW LAG £6,780 Dev Work Hubs £8,000 Winc Rec Trust £1,840 SIDs – Mudford £2,470
4	Allocations not yet committed to individual projects	Parish Infrastructure £24,971 Community Grants £2,967	Community Planning £26,930 Derelict sites, C Cary £4,000 Rural business units £5,800 Winc RSI top up £9,764 RSI £7,940	N/A	N/A
	Uncommitted balance at: 1st October 2016	£21,136	£3,460	£4,890	£10,200

Ward	Name of Group (applicant)	Name of project and brief project description where info can be used for publication	Amount Awarded £	Total project cost/total annual budget £	Comment
Community Grants (Revenue)					
Blackmore Vale	Charlton Croquet Club	Lease legal costs	260	520	Complete
Bruton	Bruton Town Council	Bruton Town plan	1,000	2,250	Awaiting payment
Bruton	Bruton festival of art	Temporary bridge for Pack Horse Fair	720	2,804	Complete
Milborne Port	Milborne Port PC	Updating parish plan	1,000	2,000	Complete
Wincanton	The Growing Space (Wincanton)	Development cut flower curing group	1,000	2,000	Complete
Wincanton	Wincanton Town Festival	Wincanton Town Festival	1,000	3,400	Complete
			£ 4,980		
LIC support (Members Discretionary)					
Bruton	Bruton Town Council	Bruton LIC	500		
Castle Cary	Castle Cary Town Council	Castle Cary LIC	500		
Wincanton	Wincanton Town Council	Wincanton LIC	500		
			£ 1,500		
RSI					
Cary	The Old Bakehouse	Shop front improvements	843	1,685	Complete
Wincanton	Bootmakers	Shop front and signage	1,453	3,379	Awaiting payment
			£ 2,296		

Totals: £ 8,776 £ 18,038

AREA EAST

	2016/17 Estimated Spend £	Actual Spend to 30/09/16 £	2016/17 Remaining Budget £	Future Spend £	Responsible Officer (s)	Responsible Officer's Comment on Slippage & Performance Against Targets
Capital Programme						
Galhampton-New Village Hall	12,500	0	12,500		T Cook	Approved June 12. Reconfirmed June 16. Fundraising is ongoing. Passed stage 1 of Big Lottery Fund.
Wincanton-Pedestrian/Cycle Link Common Lane	4,650	0	4,650		P Williams	Legal agreements finalised. Planning application to be submitted Winter 2014
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.
Parish Infrastructure Fund						
Barton St David PC-Speed signs	0	0	0		T Cook	Awarded March 14. Signs erected. Grant no longer required approval to be returned to balances -June 16.
Parish Infrastructure Fund	3,500	0	3,500		H Rutter	
Community Grants						
Hadspen -Additional storage space	3,000	3,000	0		T Cook/J Divall	Awarded Dec 15. Reconfirmed June 16. Completed and paid.
Kingsdon Village Shop refurbishment	7,000	5,015	1,985		J Divall	Awarded Dec 15 Completed and paid.
Castle Cary-Fair Field Project	7,920	0	7,920		T Cook	Awarded June 16 Delayed due to unsuccessful funding bid
Horsington PC-Pond Improvements	5,000	5,000	0		T Cook	Awarded June 16. Completed and Paid.
South Barrow PCC-Provision of Meeting Place	10,000	10,000	0		T Cook	Awarded June 16 . Completed and paid.
Total East Capital Programme	60,783	23,015	37,768	0		
Reserve Schemes Awaiting Allocation But Approved in Principle						
Unallocated Capital Reserve	14,884	0	14,884	6,252	H Rutter	£25,000 awarded for 2016/17 at DX Feb 2016. AEC June 2016 agreed for £25k to be allocated 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.
Community & Leisure Grants	2,967	0	2,967	0	H Rutter	Balance available for 2016.
Total Reserve Schemes	17,851	0	17,851	31,223		
Summary						
East Capital Programme	60,783	23,015	37,768	0		
Reserve Schemes (Unallocated)	17,851	0	17,851	31,223		
Total Programme to be Financed	78,634	23,015	55,619	31,223		

Agenda Item 12

Wincanton Sports Ground – Funding Contribution

Assistant Director: Helen Rutter, Communities
Service Manager: Tim Cook, Area Development Lead (East)
Lead Officer: Tim Cook, Area Development Lead (East)
Contact Details: Tim.cook@southsomerset.gov.uk or (01963) 435088

Purpose of the Report

To consider the reallocation of funds to Wincanton Recreational Trust as a contribution towards governance review of the organisational set ups at Wincanton Sports Ground.

Public Interest

To assist Wincanton Sports Ground, a significant local facility, by reviewing the current management arrangements and recommending options which will help sustain the sports facilities in the future.

Recommendation

That a contribution of £1,800 from the Members' Discretionary budget is reallocated to the governance review, subject to a contribution of 11% (to a maximum of £200) from WRT.

Background

In June 2015, Members considered an allocation of £1,840 from the Members' Discretionary budget for Wincanton Recreational Trust (WRT) as a contribution towards a Sports Development Officer post, which could support a programme of sports activities for one year – this followed a successful pilot, wholly funded by the WRT. Members approved this funding but as a result of difficulties recruiting to the post, the SSDC funding was not drawn down and is no longer required for this purpose. However, there continues to be a need for SSDC support to review the future management arrangements.

Previous funding support

With the exception of the £1,800 referred to above, there have been no payments in respect of Wincanton Sports Ground over £200.

Current Situation

The organisational structures at the Sports Ground (which were put in place in 1993) comprise two distinct elements, the first a charity which owns the land, the other a management committee, a company limited by guarantee. This structure is not necessarily the best way to ensure the future viability of the facilities going forward e.g. it can be less appealing for volunteers to come forward to help with running the facilities and it has a bigger obligation towards business rates than might otherwise be the case. Following close liaison with both organisations over the last few months, it has become clear that there is a willingness to review the current model with a view to putting in place arrangements which minimize financial burdens and give the best opportunity to apply for external funding opportunities as they arise. Working closely with SSDC officers a brief has been prepared, the purpose of which is to:

- gain a better understanding of the needs of key user groups both existing and prospective (natural catchment c5 miles) of the Sports Ground.
- produce options for operating the facility in a way that fosters ownership by user groups, the town and the surrounding area.

It is suggested that the £1,800 allocated in June 2015 towards Sports Development Officer post is now reallocated so that it becomes the main funding source for the governance review subject to the following:

- SSDC involvement in the selection of a suitable consultant
- Payment to be made retrospectively on production of receipted invoice
- Review to be completed by March 2016

In parallel with this work, WRT are beginning to investigate options to realise the value of some of their land.

Financial Implications

A sum of £10,200 remains unallocated in the Members' Discretionary Budget, as this is a request for funds to be reallocated from the Wincanton Recreational Trust Sports Development Officer to a Governance Review, unallocated balances will not change.

Corporate Priority Implications

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

Carbon Emissions & Climate Change Implications

Providing local access to a range of activities and services reducing the need to travel which therefore reduces carbon emissions.

Equality and Diversity Implications

The loss of services designed to meet the needs of the most disadvantaged in target communities is likely to have a significant effect over time.

Background Papers: *Area East Committee Agenda & Minutes June 2015*

Agenda Item 13

Henstridge Airfield S106 – Update Report

Assistant Director: Martin Woods
Service Manager: David Norris
Lead Officer: Adrian Noon
Contact Details: adrian.noon@southsomerset.gov.uk or 01935 462370

Purpose of the Report

To update members on the progress of the s106 agreement in relation to Henstridge Airfield.

Public Interest/Background

At the July meeting of Area East Committee members resolved to approve application 15/04069/FUL as a replacement operational permission for Henstridge Airfield. This approval is subject to a S.106 agreement under the Town and Country Planning Act 1990 to set out the obligations under which the airfield will operate in future.

Members expressed a hope that this agreement would be completed with 3 months and expressed a wish that an update be provided should the agreement take longer to produce

Recommendations

(1) That members note progress to date

Report Detail

It was resolved that application 15/04069/FUL be approved subject to:-

- a) the prior completion of a s106 agreement, in a form acceptable to the Council's solicitor(s) and to the satisfaction of the Development Manager in consultation with the Council's advisors and ward members and chair to:-
 - i. require the applicant to establish a Consultative Committee;
 - ii. Revoke all previous permissions without compensation
 - iii. agree a regime of testing to be applied to aircraft without recognised noise certificates;
 - iv. To limit aerobatic flying by aircraft landing or taking off from the airfield to one period of 20 minutes between 11.00am and 12.00 noon and another 20 minute period between 2.00pm and 3.00pm Monday to Saturday and not at all on Sundays and bank holidays. Such flying shall only occur in the airspace over the airfield and shall only be undertaken by aircraft based at the airfield. These 'approved' slots shall be limited to 8 per week and not more than 150 in total per calendar year and. Within each slot multiple aircraft may fly aerobatics, however each aircraft shall count as one towards the annual and weekly maxima. No aerobatic flying with 2 days notification of a noise sensitive event.

With the exception of the afore mentioned aerobatic flying over the airfield there shall be no aerobatic flying within 8km of the centre point of the main runway unless agreed in writing in relation to a specific public event

'Aerobatic' flying shall be defined as that which:-

"involves performing intentional manoeuvres in an aircraft involving an abrupt change in its attitude, an abnormal attitude or abnormal acceleration, not necessary for normal flight, including flying inverted or performing vertical or near vertical climbs or descents, rolls, loops, spins, stalls and sharp turns or a combination of the above in an aircraft certified for aerobatics, normally carried out over a fixed area or aiming point such as the airfield. Aerobatic flying is normally associated with a notable change of aircraft noise when performing different manoeuvres".

All aircraft flying within approved aerobatic slots to carry appropriate GPS to verify compliance.

- v. Prohibition of abinitio circuit training (which shall be defined).
- vi. Ensure a log of aircraft movements is maintained log shall include:-
 - (a) Date and time of arrival/departure;
 - (b) Point of departure/destination;
 - (c) Aircraft registration;
 - (d) Aircraft type;
 - (e) Pilot's name;
 - (f) Number of Persons On Board.

Such log shall be open to inspection by the Local Planning Authority on request.

- vii. Ensure that the airfield owner shall expressly bring the agreed procedures and restrictions to the notice of every pilot of an aircraft intending to use the airfield, in accordance with details to be agreed by the Local Planning Authority, including for this purpose making the airfield PPR (Prior Permission Required).
- viii. Require the agreement of a pilots contract to cover adherence to the above restrictions.
- ix. Set out the monitoring regime and sanctions which may have been taken against pilots in event of any breach.

and;

- a) the imposition of conditions as set out in the report .

The Council's solicitor as prepared a draft agreement which has been shared with the applicant, the Council's advisors (principally John Steel QC and the Environmental Protect Unit) and ward members. Their comments are being incorporated in the agreement, where appropriate.

Unfortunately there have been delays over the summer and early autumn period due to the availability and other commitments of our advisors and officers. It is also the case that a complex and unique agreement such as this may take longer than normal to draft, especially

given the role of our external advisor. Nevertheless it is important that care is taken to ensure that the final agreement achieves the aims of the committee resolution, whilst at the same time is in a form that is acceptable to the Airfield.

It is hoped that with the on-going input of all parties, constructive progress will continue to be made and the agreement will be concluded by the end of the year.

Financial Implications

None.

Council Plan Implications

None

Carbon Emissions & Climate Change Implications

None

Equality and Diversity Implications

None

Background Papers

- Officer report to Area East Committee July 2016
 - Minutes of July 2016 Area East Committee
-

Agenda Item 14

Area East Forward Plan

Assistant Directors: Kim Close / Helen Rutter, Communities
Service Manager: Helen Rutter, Area Development Manager (East)
Lead Officer: Kelly Wheeler, Democratic Services Officer
Contact Details: Kelly.wheeler@southsomerset.gov.uk or 01935 462038

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: None

Appendix A

Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
7 December 16	Wincanton Sports Centre Update	To update members on the latest position of the Centre	Steve Joel
7 December 16	Community Grants Applications	To consider any SSDC community grant applications	Tim Cook
7 December 16	Highways Update	To update members on the total works programme and local road maintenance programme	John Nicholson SCC
7 December 16	Countryside Service	Annual update report on the works of the service	Katy Menday
11 January 17	Citizens Advice South Somerset	To update members on the service	Dave Crisfield
11 January 17	Affordable Housing Development Programme	Yearly update for members	Colin McDonald
8 February 17	Area East Annual Parish/Town Council summary of issues raised	To inform members of the topics discussed at the issues raised at the Annual Parish/Town Council meeting	Helen Rutter/Tim Cook
8 February 17	Environmental Health Service	Yearly update report	Alasdair Bell
8 February 17	Work with Young People	Yearly update report	Steve Barnes
8 March 17	Streetscene Service	6 monthly review for members	Chris Cooper
8 March 17	Village Halls in Area East	Update report	Tim Cook
8 March 17	Welfare Benefits Service	Annual update report	Catherine Hansford
8 March 17	Regeneration Update	Update report	Pam Williams

Agenda Item 15

Planning Appeals

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

15/03758/FUL – Alehouse Lodge, Ilchester Road, Charlton Mackrell
Conversion of existing building into 2 no. dwellings and erection of a detached dwelling with associated access, parking and car ports.

16/01950/FUL and 16/01951/LBC – 5 Leigh Farm Cottages, Leigh Common, Stoke Trister
Conversion of one cottage into two cottages.

16/01818/OUT – Land at Hollyhock Cottage, Peacocks Hill, Barton St David
Outline application for the erection of 2 no. semi-detached dwellings.

Appeals Allowed

None

Appeals Dismissed

None

Background Papers: None

Agenda Item 16

Schedule of Planning Applications to be Determined by Committee

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

Purpose of the Report

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

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 11.15am.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 11am.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
17	NORTHSTONE	16/01832/REM	Approval of reserved matters (appearance, landscaping, layout and design) following approval of 14/01333/OUT (redevelopment and restoration of Lake View Quarry to provide 42 dwellings, 1.000 sq meters workspace for B1 use and associated community and recreation facilities)	Land at Lake View Quarry, Chistles Lane, Keinton Mandeville	Galion Homes (Lakeview) Ltd
18	TOWER	16/02679/FUL	Change of use of field no. 5176 from agriculture to mixed use of land for agriculture and keeping and rearing of game birds and	Swanton Farm, Street Lane, Brewham	Mr J Clayton

			construction of access track		
19	CARY	16/01225/FUL	Erection of food processing and packaging building, with new access and parking area and retention of existing building as offices.	Easy Bean, Fosters Farm, Fosters Lane, South Barrow	Mr N Dauncey
20	BLACKMOOR VALE	16/02976/OUT	Outline application for the erection of a retirement bungalow with a new vehicular access onto Whitechurch Lane	Land at Park House, Whitechurch Lane, Henstridge	Mrs E D G Heath
21	TOWER	16/03866/FUL	Erection of a two storey extension at rear of property	Laurel Cottage, Mill Lane, Pitcombe	Mr M Fysh
22	WINCANTON	16/03675/S73A	Application to vary condition 2 of planning approval 14/05472/FUL to require restoration of the land within 30 years of the permission rather than 25 years as originally permitted	Solar Site at Sutor Farm, Moor Lane, Wincanton	Pfalzsolar
23	BLACKMOOR VALE	16/02788/FUL	Erect treehouse around an oak tree for ancillary residential use in connection with Little Cheriton House or for holiday letting purposes	Land to the south of 1 Wood Lane, South Cheriton	Mr & Mrs J Burney
24	BLACKMOOR VALE	16/02150/DPO	Application to discharge S106 agreement dated 02/00896/FUL (agricultural tie) dated 18th Dec 2002	Southlands, Marsh Lane, South Cheriton	Mr S Hitchman

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

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

Agenda Item 17

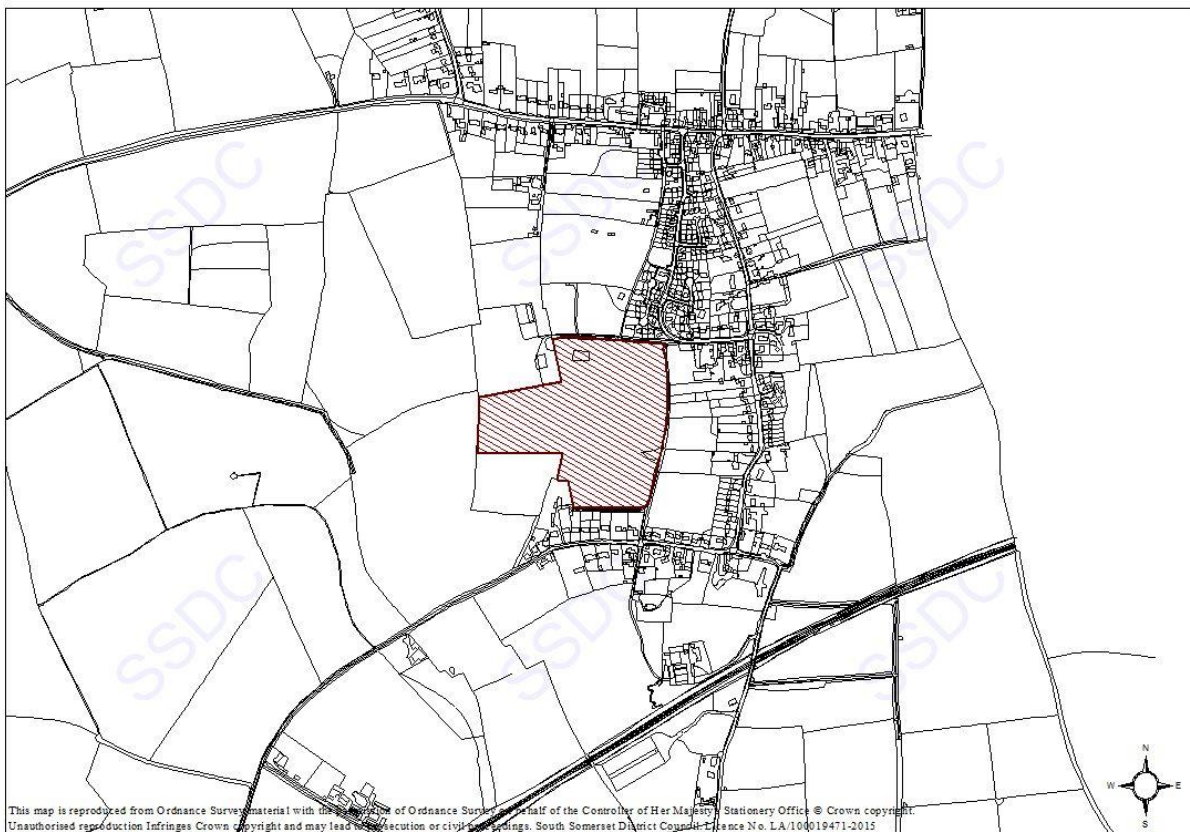
Officer Report On Planning Application: 16/01832/REM

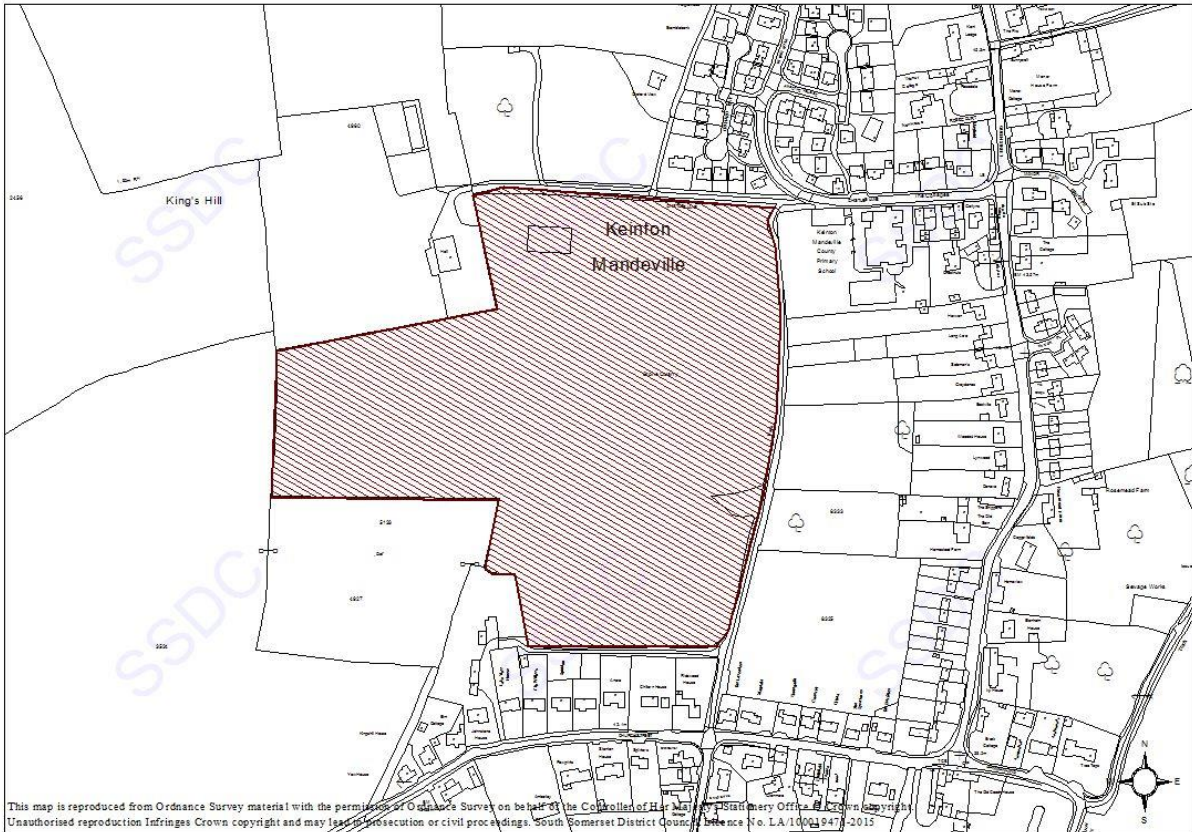
Proposal :	Approval of reserved matters (appearance, landscaping, layout and design) following the approval of 14/01333/OUT (redevelopment and restoration of Lake View Quarry to provide 42 dwellings, 1,000 sq metres workspace for B1 use and associated community and recreation facilities.
Site Address:	Land At Lake View Quarry Chistles Lane Keinton Mandeville
Parish:	Keinton Mandeville
NORTHSTONE Ward (SSDC Member)	Cllr David Norris
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	2nd August 2016
Applicant :	Galion Homes (Lakeview) Ltd
Agent: (no agent if blank)	Mr Jack Appleton Pembroke House 15 Pembroke Road Clifton Bristol BS8 3BA
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

The application is referred to committee to enable the issues raised to be debated.

SITE DESCRIPTION AND PROPOSAL





This 3.15ha site is on the west side of Keinton Mandeville, lying between Chistles lane and Church Street, to the rear of properties in Queen Street. The village hall is to the north west of the site and the village primary school to the north east. There are residential properties to the south, east and north east, with the site bounded by agricultural land on all other sides.

The eastern part of the side is currently in use as a quarry, with the western part of the site comprising fallow land. The existing quarry access is from Chistles Lane and there is an industrial type steel framed building to the north west corner of the site. A public footpath runs along the eastern boundary. The Kingweston Meadows SSSI is approximately 250m to the west and the site is a designated county geological site.

Outline permission has been granted for up to 42 houses, including 35% affordable employment space, open space, allotments, parking for the school and a new access via Chistles Lane. This reserved matters application seeks detailed approval for:-

- 42 dwellings
- 1,000m² of employment space;
- allotments;
- a village green;
- additional parking and coach turning space for the school;
- associated on site open space.;

The application is supported by:-

- A Planning Statement;
- A Design and Access Statement
- A statement of community involvement;
- A Landscape and Ecological Management Plan
- A Landscape & Visual Impact Appraisal;

The applicant has provided amendments to address concerns about levels, drainage, landscaping and points of detail about the design of several plots.

RELEVANT HISTORY

14/0133/OUT Outline permission granted for the redevelopment and restoration of Lakeview Quarry to provide 42 dwellings, 1,000 sq metres workspace for B1 use and associated community and recreation facilities

07/04959/FUL Planning permission refused for erection 16 houses on the grounds:-

01. Having regard to the location of the site outside of the development area on a greenfield site, no special justification has been put forward to warrant departure from the development plan the proposal is located in an unsustainable location that does not support economic activity. As such the proposal is contrary to Policy STR6 of the adopted Somerset and Exmoor Joint Structure Plan Review 2001-2011 and Policy ST3 of the adopted South Somerset Local Plan 2006.
02. The development of the site would lead to the sterilisation of current existing mineral reserves leading to the loss locally distinctive materials in constructing the built environment. As such the proposal is contrary to Regional Spatial Strategy Policy RE3, Policy M31 of the adopted Somerset Minerals Local Plan and Policy 24 of the adopted Somerset and Exmoor Joint Structure Plan Review 2001 - 2011.
03. The site is located outside of the development area and is poorly related in terms of layout to the existing settlement form, detrimental to the appearance of the area. As such the proposal is contrary to Policies VIS1, VIS2 of the Regional Spatial Strategy and Policy ST5 of the adopted South Somerset Local Plan 2006.

97/02308/CPO Application permitted under Section 96 for determination of conditions on permission 2784/A and 25092 for quarrying of stone.

940152 Outline permission refused for erection of 5 dwellings

2784/A Extension of existing quarry approved 24/8/51

2784 Extension of an existing quarry approved 3/5/49

POLICY

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

South Somerset Local Plan 2006 - 2023

The following policies are considered relevant to this reserved matters application.

SD1- Sustainable Development

HG5 – Achieving a Mix of Market Housing

TA5 – Transport Impact of New development

TA6 – Parking Standards

HW1 – Provision of open space, outdoor playing space, cultural and community facilities in new development

EQ1 – Addressing Climate Change in South Somerset

EQ2 – General development

EQ4 – Biodiversity

EQ5 – Green Infrastructure

National Planning Policy Framework

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 11 - Conserving and Enhancing the Natural Environment

Keinton Mandeville Local Community Plan (2005)

- Housing Objectives 1 (production of Village Design Statement), 2 (local infrastructure – housing developments over 10 will be resisted) and 3 (affordable housing).
- Transport Objectives 1 (reduction in traffic volumes and speeds, and removal of HGV rat-running). 2 (resolution of parking problems particularly at the cross roads, village store and school) and 3 (maintain and improve public transport).
- Youth Provision Objective 2 (additional sports facilities)
- Economy Objective 3 (resist loss of business premises)
- Environment Objective 1 (improve quality of footpaths)
- Leisure and Cultural Activities Objective 2 (encourage leisure and cultural activities), 3 (provision of community facilities, open spaces and play areas)

CONSULTATIONS

Keinton Mandeville Council – initial comments as follows:

- *Positive aspect: This is a spacious housing development.*
- *Houses are too large to be a benefit to the school. A turning place for school coach which was promised in earlier application does not exist*
- *Infill of the site. This represents a fundamental change to the plan. It is scurrilous that infill seems to have slipped under the radar, the likely number of lorry movements required to import material for infilling the site is huge. In practice the movements will be doubled with lorries having to enter and leave the site. Initial (outline) plan did not require the site to be infilled, this represents a substantial change to plans and makes it impossible for the PC to support the application.*
- *There are changes to the drainage system and the new drainage proposals are unclear*

- *This is a large site with large homes - need to question the future use of triple garages with studios above.*
- *The development would be better served (in both the construction stage and finished state) by a road from the High Street. Many years ago, an application for development of the Quarry was refused, opinion at that time was that an additional access road from the High Street would be required, the same access issues remain, and more so with likely volume of infill traffic.*
- *The affordable homes are not integrated into the whole development. Social Housing accounts for 15 out of 42 houses - over a third of the total housing, but only a tiny proportion of the site. This will not contribute to community cohesion. This housing could be expanded onto the village green.*
- *Parking is required for the allotments.*
- *The school bus stop is on the wrong side of the road requiring school children to cross and then re cross the road, and as such would be dangerous.*
- *The traffic management plan for the top of Queen Street – bollard outside Bay Tree Cottage - is impractical. The line of sight indicated on the drawing does not exist. Local knowledge and experience suggests that this would cause more confusion and congestion*

RESOLVED: It was proposed and unanimously agreed to recommend refusal

Note:

The infilling required represents a substantial change to the approved outline application. It is not clear how many vehicle movements over what time period would be generated by the applicant's decision to raise the levels of the site. It is anticipated that this would be substantial and as such would affect the entire village. There has been no construction traffic management plan submitted as required by condition nine of the outline permission. Without this information the Parish Council is unable to make an informed recommendation, a traffic management plan MUST be submitted to the Parish Council for consideration.

In response to a notification of the amount of material initially thought to be necessary to achieve the proposed levels:-

'Infill of the site. This represents a fundamental change to the plan. It is scurrilous that infill seems to have slipped under the radar, the likely number of lorry movements required to import material for infilling the site is huge. In practice the movements will be doubled with lorries having to enter and leave the site. Initial (outline) plan did not require the site to be infilled, this represents a substantial change to plans and makes it impossible for the PC to support the application...The infilling required represents a substantial change to the approved outline application. It is not clear how many vehicle movements over what time period would be generated by the applicant's decision to raise the levels of the site. It is anticipated that this would be substantial and as such would affect the entire village. There has been no construction traffic management plan submitted as required by condition nine of the outline permission. Without this information the Parish Council is unable to make an informed recommendation, a traffic management plan MUST be submitted to the Parish Council for consideration

Subsequently additional details were provided to demonstrate that there is in fact sufficient material on site to achieve the required levels to make the drainage work. Revision to certain plots and the layout were also provided to address concerns raised and the PC were reconsulted. The Council commented:-

- *This was a change from the previous amendment which had indicated that a substantial amount of infill material was required - with the applicant now stating that no infill was required, this appeared to be an extraordinary turnaround. It would be important to have a condition to prohibit the importation of any infill material.*
- *Not clear why the chimneys have been removed*
- *Disappointed that the applicant was not prepared to alter the size of the plot for affordable houses*
- *Disappointed that the school drop off point remained in the same position and concerns about the safety aspect for children had not been taken into account.*

Parish Council opposition to the development remained, however, should the planning officer be minded to approve the application, the Parish Council would recommend a condition to prohibit importation of any infill material to the site.

Further details were provided in relation to the drainage strategy and the PC again consulted:-

Assurance is required that maintenance of the grass in enclosed area will have a proper designated land management / maintenance scheme as it will become shabby.

Resolution: Support the amendment to the plans (change of location of drainage scheme) subject to condition that the grass over top of attenuation site is properly maintained.

County Highway Authority – No objection subject to imposition of conditions and resolution of drainage as it was noted:-

1. *As the surface water management strategy now differs from that originally proposed in the Site Specific Flood Risk Assessment submitted in support of the Outline Planning Application (consented) then I believe the Flood Risk Assessment needs to be revisited to ensure that the effects of the new drainage strategy are assessed. As the proposal now is to discharge surface water from site into downstream systems and watercourses, then the potential resultant flood risk will need to be assessed. It is important to note that whilst the Somerset Drainage Boards Consortium didn't object to the original surface water management strategy at outline, they did advise that any additional surface water run-off from the development would drain to the watercourses in their area. This being the case, they requested that planning consent be granted conditional upon the need to control any additional surface water run-off generated by the development in a manner that would not increase flood risk elsewhere. Whilst no such planning condition was applied, condition 16 of the outline planning consent does require the Local Planning Authority to approve the surface water management strategy. As the proposal is now to discharge surface water to offsite systems, and in turn watercourses, then I believe that the Somerset Drainage Boards Consortium should be consulted.*
2. *Further, as this is classed as a major development for surface water management purposes, then Somerset County Council (Ann-Marie Wood), as Lead Local Flood Authority LLFA), have been consulted on the Reserved Matters application but the Outline Planning Application pre-dated the LLFA's involvement. The LLFA have commented that this application doesn't refer to the surface water drainage element of the proposed development, however, by virtue of the submission of the Design and Access Statement, the surface water*

management strategy has changed. I believe it important to advise Ann-Marie that this is the case as she may decide to review the proposals further.

- 3. It is noted that the decision to move away from soakaways serving as a means to discharge highway run-off has been made due to the high levels of groundwater present thereby not satisfying highway authority design requirement. Whilst this is correct, it may be beneficial to explore other infiltration drainage options to serve the site overall, such as infiltration basins etc. which won't need to be adopted by the highway authority provided that appropriate measures are put in place to secure the long-term maintenance of the asset.*
- 4. The drainage strategy refers to discharging surface water run-off into an existing highway culvert at the junction of Church Street and Queen Street but as no such culvert appears on our records, we are unable to confirm whether this is actually a highway authority asset. However, if it is proven to be a highway asset then it is important to note that there is no automatic right of discharge into it. Highway authority drains are considered to be suitable for their current purpose, within the constraints of our current maintenance budgets and regimes, and unless the designer can prove that this drain serves to collect run-off from the development land, then the proposal will increase the burden on our system. In this case the highway authority will require the existing system to be upgraded such that it is hydraulically and structurally capable of accommodating the additional flow without placing an increased liability upon the authority.*
- 5. The routing of the highway drainage system on-site is a cause of concern as it extends beyond the limit of proposed highway adoption to pass through private land. Whilst easements can be secured to protect the highway authority's interests, such easements in effect sterilise land, are routinely abused and are difficult to enforce. It can be extremely onerous and costly undertaking highway works in private land and designs should avoid the need to route highway drains through private land wherever possible. Preference should be given to providing maintenance corridors or routing drains under paths if drains need to extend beyond carriageways.*
- 6. The 'off-highway' route of the drain out onto Church Street via the narrow lane is a cause of concern as it is unsuitable to provide access, egress and turning for a fully laden tanker/jetter vehicle, which will need to gain access to the flow control and storage tank. Further, the visibility from this track westwards onto Church Street is insufficient and presents a safety concern for maintenance operations.*
- 7. The location of the storage tank, i.e. remote from the public highway, would place an undue liability on the highway authority in terms of maintenance and eventual replacement at the end the life of the asset.*
- 8. Commuted sums would need to be secured to reflect the future cost of maintaining and replacing the storage tank and the additional costs of maintaining an attenuated drainage system.*

In detail concern was raised that:-

The offsite highway drainage proposals are not acceptable as they entail piping through a culvert and the introduction of high level overflows. Further to this there are no assessments to determine whether the existing highway drainage system can accommodate the additional flow. This is a fundamental issue as unless a suitable

means to transfer run-off to the point of out approved by then the proposed surface water management strategy is not viable.

SSC as Lead Local Flood Authority – commented in relation to the updated drainage details:-

At this time I do not feel that the information submitted is suitable to discharge the conditions or approve reserved matters. The applicant has indicated their intention to utilise soakaway to capture, store and remove surface water from each individual property which the LLFA would approve of. However, the surface water drainage scheme proposed for the capture, storage and removal of surface water runoff from the highways is not acceptable, the applicant has indicated and intention to utilise existing highway drainage systems off site on Church Road which also includes and intention to install a surface water drainage pipe perpendicular through and existing stone culvert. This is not acceptable; the applicant will need to provide full calculations for the existing system, the culvert and the ditch at the proposed outfall to prove that the drainage option they are proposing will not have any detrimental effect on the existing system. The LLFA would prefer to see a new system installed from the development to the outfall therefore bypassing all the existing highway drainage systems and surface water drainage system.

At the time of writing clarification of the surface water drainage had been sought from the applicant along with a justification for the proposed method of discharge. An oral update will be necessary with regard to the final comments of the LLFA and highways authority.

Leisure Policy Co-ordinator – no objection, reminds applicant of need to comply with s106 requirements with regard to off-site leisure contributions.

Environment Agency – no objection subject to conditions to secure agreement of drainage details.

SSDC Environmental Protect Unit – no objection subject to a contaminated land safeguarding condition and part of the site may be contaminated.

SCC Rights of Way – no objection subject to keeping rights of way clear during construction and obtaining any necessary consents.

Landscape Architect – initially requested revision to detail of the landscaping scheme, no objection to revised scheme.

SSDC Ecologist – no objection. Notes that adequate information has been provided to discharge the ecology conditions of the outline permission.

Natural England – note the need, identified at the outline stage for great crested newt mitigation measures. No further comments to make.

Somerset Wildlife Trust – suggests conditions to require bird and bat boxes and minimize external lighting

Police Crime Prevention Design Advisor – no comment.

REPRESENTATIONS

21 representations were received to the first notifications:-

- Consultations should have notified properties in Queen St;
- A further road access should be provided, direct to B3153;
- Irving Road should not be opened.
- Increased traffic cannot be accommodated on local network, particularly Queen Street;
- Rat running through the village is a problem;
- Impact of construction lorries;
- Danger to pedestrians, particularly around school;
- Damage to road
- Impact on badgers, further survey work should be carried out;
- Loss of green field site outside village boundary;
- Layout does reflect linear character of Keinton Mandeville;
- Poor relationship with village;
- Too many dwellings;
- Not enough allotments
- Gardens are too small;
- Use of render not in keeping;
- Design asymmetrical;
- Employment units are not needed;
- Loss of view from footpath over open quarry;
- Increase risk of flooding to properties south and south east in Church St and Common La;
- Sewage problems
- Impact of importation of significant material;
- Noise and pollution;
- Drop off layby for school on wrong side of road;
- Impact on property values;
- New houses not needed;

The applicant was asked to clarify the amount of material it was proposed to bring on site (this was stated to be necessary in the application but not clarified). It was then stated that c.30,000 cubic meters of material would be necessary, equating to about 2,000 lorry load. This was considered so significant that it would be treated as materially altering the nature of the scheme and this then formed the basis of a second round of consultation, generating 46 further responses. Many re-iterated points already made above, however the unanimous view was that the road network simply cannot accommodate this level of HGV traffic without serious safety risks to other road users, pedestrians and residents. Concern was raised that the proposal is a best flawed, at worst a wilful attempt to mislead. In particular it was felt that 2,000 lorry loads was an under-estimate.

In light of this level of concern the applicants re-surveyed the site and subsequently confirmed that in fact no additional material will need to be brought onto site. Additional information was provided to confirm this and various amendments were made to the detail of the scheme to address comments made by various technical consultees. This updated information was then subject to a third round of consultations and a further 7 representations were received, generally expressing relief that there would not be large amounts of material imported. Again previous comments were reiterated, including a concern about how the levels could have been got so wrong; it was suggested that the application should be withdrawn and resubmitted. Further comments included:-

- Concern about the proposed drainage strategy and the position taken by the highway authority

- The figures need verification;
- Presumably and unspecified amount of topsoil to finish the scheme will have to be imported
- An unspecified plot was stated as overlooking an existing garden.

Finally in response to technical concerns about the drainage strategy, clarification of the strategy has been provided and a fourth round of consultation was carried out in relation to drainage matters. No further public response has been received.

CONSIDERATIONS

Principle of Development

The grant of outline permission has established the principle of the development of this site, together with the access arrangements via Chistles Lane. It would not be appropriate to revisit these fundamental issues at this reserved matters stage. The key considerations are therefore the reserved matters i.e. layout, scale, appearance and landscaping.

Layout

The proposal for 42 dwellings and employment provision on this generous site is considered to be an appropriate level/density of development that would provide generous public and private scape for future occupiers as well as allotments. Parking for the school and a centrally located 'village green' would be to the benefit of the wider community. The low density is considered appropriate for this edge of village location.

In terms of the detailed layout the county highway authority raises no objection on highways safety grounds or to the highways layout. Whilst the proposal is not a linear extension of the linear parts of the village it was clear at outline stage that this would not be the case. It is however reflective of the immediate context of development around Irving Road to the north of Chistles Lane.

There is substantial separation between the proposed houses and existing properties and it is not considered that any existing resident would be unduly impacted in terms of privacy. The proposed layout provides for adequate amenity for future occupiers of the development with a satisfactory degree of separation between the houses and the proposed employment units. It is noted that the proposed affordable units are smaller than the open market units however this simply reflects the reality of the provision of such accommodation, which in this case needs to comply with the requirements of the planning obligation to provide 35% affordable houses of a specified size.

On this basis the layout of development is considered to comply with policies TA5 and EQ2.

Scale of Development

The proposal is for 42 dwellings. This is compliant with the outline permission and is considered a reasonable level of development for a site of this size in this location. The scheme provides for an appropriate balance of built form and open space. In terms of the scale of the built form, all properties are 2-storey which is considered appropriate for the location.

Appearance

The properties are of an appropriate design and detailing, which, subject to agreement of the

detailed materials by condition, are considered to be compliant with policy EQ2.

Landscaping

Following amendments to the detailed landscaping scheme the landscape architect has no objection to the proposed planting scheme. On this basis this aspect of the proposal complies with policy EQ2.

Other Issues

Highways safety

The fundamental highways issues in terms of the access to the site and any wider highways impacts were addressed at the outline stage and should not now be re-considered. As noted above, the proposed layout is considered acceptable by the highway authority, subject to conditions, and meets parking and safety requirements. As such this aspect of the proposal complies with policies EQ2, TA5 and TA6.

Ecology

At outline stage detailed ecological mitigation measures were proposed and agreed. These are now subject to conditions imposed on the outline permission that require implementation as part of the development. The detail now proposed is considered to respect the agreed mitigation measures and as such the Council's advisors raise no ecological objection. Accordingly, notwithstanding on-going local concerns about possible wildlife impacts, particularly on badgers, the proposal is considered to comply with policy EQ4.

Residential Amenity

It is considered that there is sufficient space within the site to ensure that the amenities of existing and future residents would be safeguarded, in terms of garden size, parking provision, separation between properties etc. This could reasonably be assessed at the reserved matters stage. On this basis the proposal complies with policy ST6.

Drainage

At the outline stage an infiltration scheme was proposed to deal with surface water on site and it was stated that the site does not currently discharge any water off-site. A condition was imposed to secure the agreement of the technical details. Since then further testing has shown that the ground conditions are not suitable to accommodate the surface water that the now proposed scheme would generate and an attenuated drainage system with an off-site discharge is now proposed. This would be piped via the southeast corner of the site to Queen Street and from there a new pipe under the road would take the water to a roadside ditch at the bend on Common Road where it would discharge at a rate of 5l/s.

Whilst this might be acceptable in principle this strategy poses a number of questions:-

1. Why is it now necessary to create an off-site discharge where previously there was none? In this respect SCC as drainage advisor (the 'LLFA') has been asked to confirm that the technical justification for a switch from an infiltration to an attenuation system has been provided.
2. If an off-site discharge is necessary are the proposed details acceptable in terms of:-
 - a) The detailed design of the on-site system?
 - b) A discharge rate of 5l/s?
 - c) The off-site piped system under the road?
 - d) The capacity of the roadside ditch to accommodate the ditch?

At the time of writing it had been confirmed that, if an attenuated system is justified, the on-site detail and the rate of discharge is accepted. However a detailed response on the justification for an attenuated system, the suitability of the new off-site piped system under the road and the capacity of the roadside ditch to accommodate the discharge was awaited. An oral update in this respect will be necessary.

Whilst the detail of the drainage system is a matter for condition, the type of system (i.e. infiltration or attenuation) is fundamental to the layout of the development. It would not be appropriate to approve the current attenuation based layout until such time as an infiltration based system has been reasonably ruled out and the technicalities of the proposed attenuation system agreed.

Levels

It is most unfortunate that the applicant initially misjudged the levels and the need to import materials, however this cannot be held against the proposal which has now been clarified and acceptable levels proposed. This would ensure that the development sits comfortably in the landscape.

Heritage Assets

There are no affected listed buildings; however there are archaeological remains, principally a Roman villa to the west. It is considered that the proposed layout would safeguard this historic asset and an archaeology condition imposed at outline stage would ensure that it is properly protected.

Local Concerns

Many local residents remain concerned about the principle of the development of this site, the access arrangements and the wider traffic implications on the wider road network. These were weighed in the balance at the outline stage and not considered to justify withholding permission. It would not now be appropriate to seek to revisit these issues.

Concerns are raised about both the size of the properties and their gardens. These are not considered objectionable and given the scale of the development are considered appropriate.

A number of non-planning comments are made with regard to property values and views; these should not be afforded any weight in the balance.

Conclusion

It is accepted that this proposal continues to generate considerable local opposition,

RECOMMENDATION

That, subject to the drainage details being satisfactorily resolved, these reserved matters be approved subject to the following conditions.

Justification

The proposal is of a satisfactory layout, appearance, scale and landscaping that would have no adverse impacts on visual or residential amenity, ecology, flood risk, highways safety, heritage assets or landscape character. As such the proposal complies with the policies of the South Somerset Local Plan 2006-2028.

CONDITIONS

01. Except as required by other conditions attached to this approval, the development

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

- 1250 001 Location Plan
- 1250 004 D Site Block Plan
- 1250 010 D Site Plan Boundary Treatments
- 1250 011 A Part Site Plan Roofs
- 1250 012 B Part Site Plan 1 of 8
- 1250 013 B Part Site Plan 2 of 8
- 1250 014 B Part Site Plan 3 of 8
- 1250 015 B Part Site Plan 4 of 8
- 1250 016 E Part Site Plan 5 of 8
- 1250 017 E Part Site Plan 6 of 8
- 1250 018 E Part Site Plan 7 of 8
- 1250 019 E Part Site Plan 8 of 8
- 1250 035 B Plot 1 Plans Sections & Elevations
- 1250 036 B Plot 2 Plans Sections & Elevations
- 1250 037 B Plot 3 Plans Sections & Elevations
- 1250 038 B Plot 4 Plans Sections & Elevations
- 1250 039 B Plot 5 Plans Sections & Elevations
- 1250 040 B Plot 6 Plans Sections & Elevations
- 1250 041 B Plot 7 Plans Sections & Elevations
- 1250 042 B Plot 8 Plans Sections & Elevations
- 1250 043 B Plot 9 Plans Sections & Elevations
- 1250 044 B Plot 10 Plans Sections & Elevations
- 1250 045 B Plot 10 Plans Sections & Elevations
- 1250 046 B Plot 12 Plans Sections & Elevations
- 1250 047 B Plot 13 Plans Sections & Elevations
- 1250 048 B Plot 14 Plans Sections & Elevations
- 1250 049 B Plot 15 Plans Sections & Elevations
- 1250 050 B Plot 16 Plans Sections & Elevations
- 1250 051 B Plot 17 Plans Sections & Elevations
- 1250 052 B Plot 18 Plans Sections & Elevations
- 1250 053 B Plot 19 Plans Sections & Elevations
- 1250 054 B Plot 20 Plans Sections & Elevations
- 1250 055 B Plot 21 Plans Sections & Elevations
- 1250 056 B Plot 22 Plans Sections & Elevations
- 1250 057 B Plot 23 Plans Sections & Elevations
- 1250 058 B Plot 24 Plans Sections & Elevations
- 1250 059 B Plot 25 Plans Sections & Elevations
- 1250 060 B Plot 26 Plans Sections & Elevations
- 1250 061 B Plot 27 Plans Sections & Elevations
- 1250 062 A Garage Type G1
- 1250 063 A Garage Type G2
- 1250 064 A Garage Type G3
- 1250 065 A Plot 28-30 Plans Sections & Elevations
- 1250 066 A Plot 31-32 Plans Sections & Elevations
- 1250 067 A Plot 33-34 Plans Sections & Elevations
- 1250 068 A Plot 35-37 Plans Sections & Elevations
- 1250 069 B Plot 38-39 Plans Sections & Elevations
- 1250 070 A Plot 40-42 Plans Sections & Elevations

- 1250 071 A Office 1 Plans Sections & Elevations
- 1250 072 A Office 2 Plans Sections & Elevations
- 1250 075 C Road 1 & 8 Site Sections as Proposed
- 1250 076 C Road 1 & 8 Site Sections as Proposed
- 1250 077 C Road 4,5 & 7 Site Sections as Proposed
- 1250 078 C Road 4,5 & 7 Site Sections as Proposed
- 1250 079 C Site Block Plan with Levels
- 1250 SK-002 Site Survey
- Landscape and Ecological Management Plan
- Landscape and Visual Impact Appraisal
- Addendum to the Landscape and Visual Impact Assessment (LVIA) and Landscape and Ecological Management Plan (LEMP) submitted 15/07/16
- Amended LVIA Figure 24 – Landscape Masterplan submitted 20/09/16
- Amended LEMP Figure 2 – Landscape Mitigation Proposals submitted 20/09/16
- Amended LEMP Figure 3 – Planting Plan submitted 20/09/16

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

02. Prior to the construction of each dwelling hereby approved particulars of following shall be submitted to and approved in writing by the Local Planning Authority;
- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
 - c. details of all hardstanding and boundaries
 - d. details of the rainwater goods and eaves and fascia details and treatment.

Such details shall be generally in accordance with the material schedule submitted in support of the application. 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.

03. All planting, seeding or turfing comprised in the Landscaping Proposals as shown on the approved landscaping drawings shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority give written approval to any variation.

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

04. Prior to the commencement of the dwellings hereby approved details of measures for the enhancement of biodiversity, which shall include the provision of bat, swallow and swift boxes and a time scale for delivery of all such measures, shall be submitted to

and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with policy EQ4 of the South Somerset local Plan 2006-2028.

05. Prior to the occupation of any dwelling a scheme of external lighting shall be submitted to and approved in writing by the local planning authority. Once approved such scheme shall be fully implemented in accordance with the submitted details and not altered without the prior written agreement of the local planning authority.

Reason: To safeguard the character of the locality in accordance with policy EQ2 of the South Somerset local Plan 2006-2028.

06. With the exception of top soil, there shall be no importation of any material to achieve the levels shown on the approved drawings.

Reason: In the interests of residential amenity and highways safety in accordance with policies EQ2 and TA5 of the South Somerset Local Plan 2006-2028

07. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 5.0m from the carriageway edge and shall thereafter be maintained in that condition at all times.

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

08. The drive of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

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

Agenda Item 18

Officer Report On Planning Application: 16/02679/FUL

Proposal :	Change of use of field no. 5176 from agriculture to mixed use of land for agriculture and keeping and rearing of game birds and construction of access track.
Site Address:	Swanton Farm Street Lane Brewham
Parish:	Brewham
TOWER Ward (SSDC Member)	Cllr Mike Beech
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	21st September 2016
Applicant :	Mr Jack Clayton
Agent: (no agent if blank)	Nigel Salmon 2 Priory Road Wells BA5 1SY
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

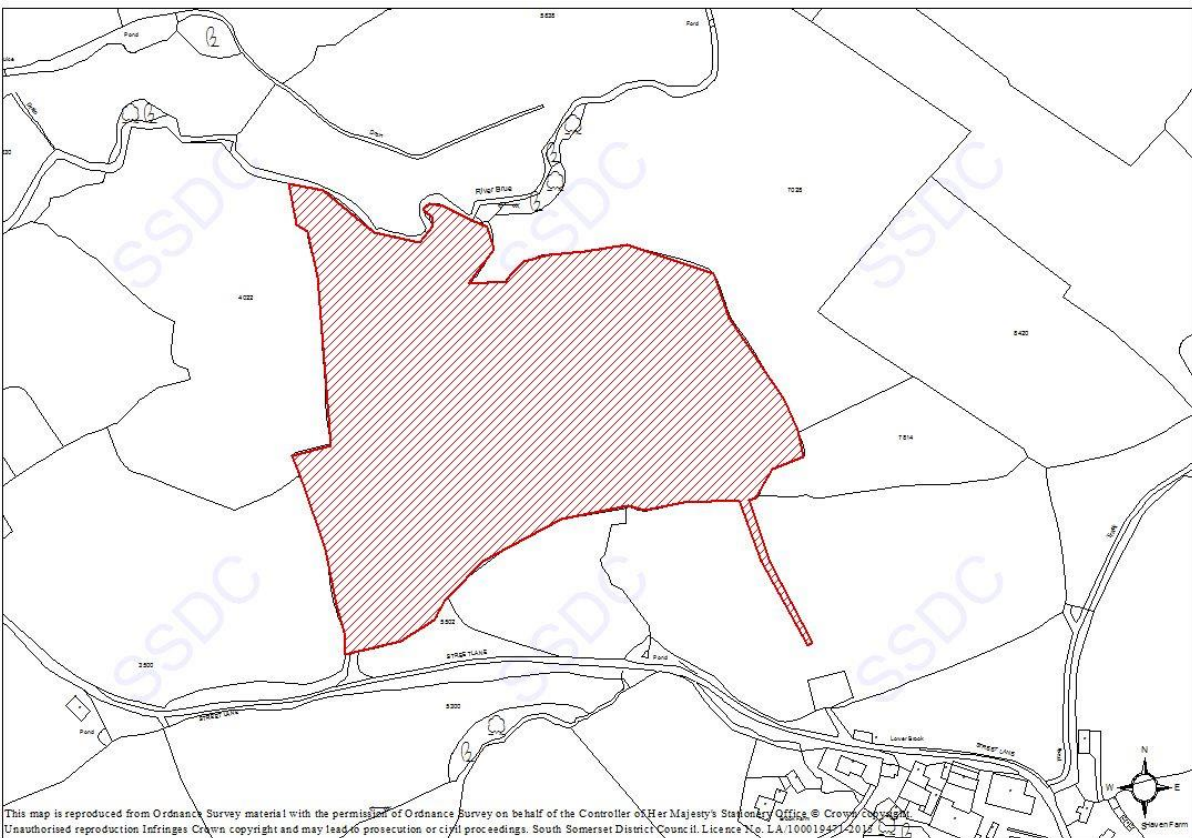
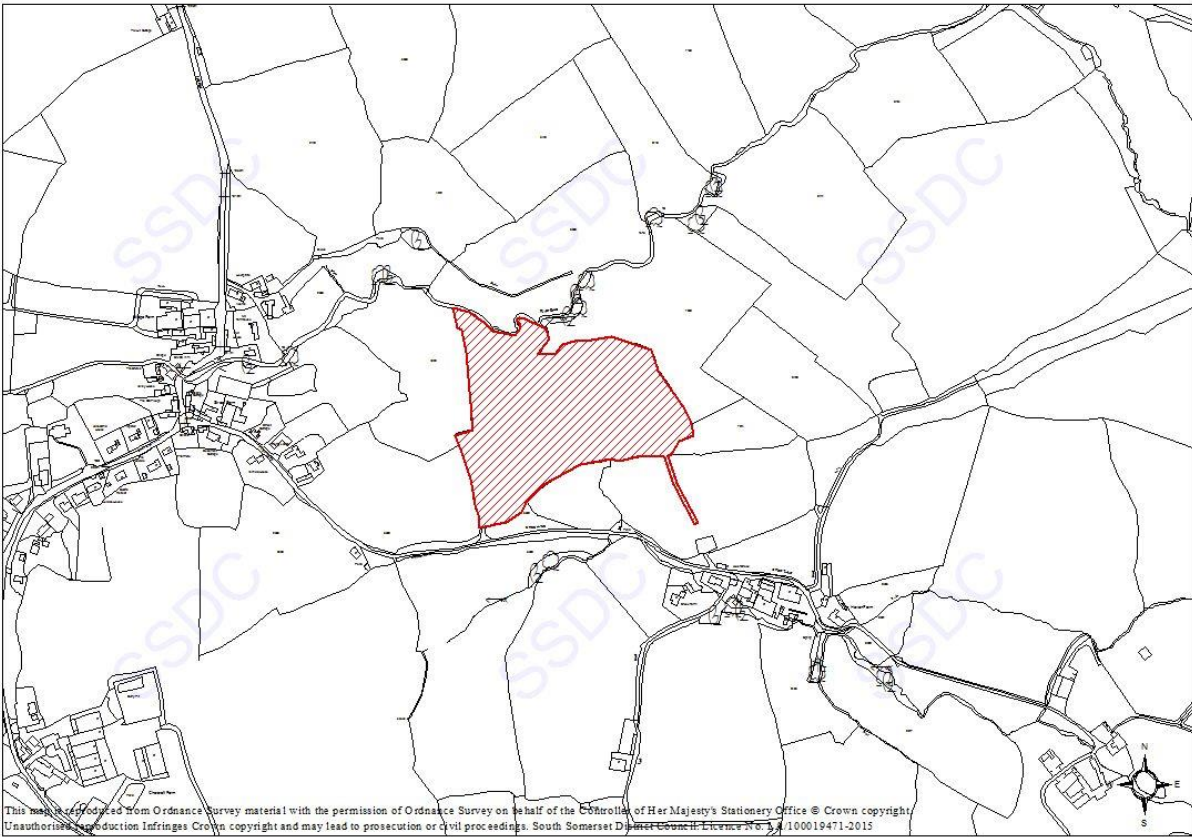
As a 'major major' application when recommended for approval the council's scheme of delegation requires the application is referred to committee.

BACKGROUND

The application was submitted at the request of the planning officer because the use involved a change of use and followed the receipt of other applications on the adjacent site that sought a mixed agricultural and game bird enterprise. These have recently been approved in accordance with the council's scheme of delegation. They involved:

- Erection of a hatching shed
- Erection of livestock shed/ farm office/ staff amenities building and later existing cattle shed to provide machinery store. Erection of silos and formation of hard surfaced yard area, and
- Temporary retention of agricultural workers mobile home

SITE DESCRIPTION AND PROPOSAL



The site is located in the countryside on the north side of Street Lane, a no through road, to the east of and accessed through the village of South Brewham. The land is set back one field to

the north of the applicant's 'homestead' through which the application site is accessed, with a second access directly off Street Lane, between the homestead and village.

The proposal seeks change of use from agriculture to a mixed use for agriculture and the keeping and rearing of game birds, and includes the construction of an access track between the Swanton farm 'homestead' and land whereon would be located temporary bird rearing pens.

OFFICER Note: The presence of game birds require a change of use where birds are predominantly reared for 'the shoot' rather than direct to 'the plate'. It is noted that many agricultural operations include the rearing of game birds albeit an ancillary element to their overall farming operation. The applicant's farming of game birds is on a substantially different scale and is the dominant use undertaken on site.

The application is supported by a:

- Planning Access and Design Statement
- Ammonia and Odour Screening Assessment
- Transport Statement
- Flood Risk Assessment
- Water Environment Risk Assessment

HISTORY

16/04282/EIASS - Erection of a Hatching Shed, EIASS not required.

16/04281/EIASS - Change of use of field no.5176 from agriculture to mixed use of land for agriculture and keeping and rearing of game birds and construction of access track, EIASS not required.

16/00663/FUL - Temporary retention of agricultural workers dwelling, pending

16/01211/AGN - Application for Prior Notification for proposed agricultural track, Withdrawn.

16/00662/FUL - Erection of a hatching shed, pending.

16/00657/FUL - Erection of livestock shed/ farm office/ staff amenities building and later existing cattle shed to provide machinery store. Erection of silos and formation of hard surfaced yard area, pending.

13/04309/FUL - Retention of ancillary domestic outbuildings and LPG tank, and the extension of the lambing shed for purposes of an implement store, and feed bin - Approved.

12/04187/FUL - Positioning of an agricultural workers mobile home - Approved.

12/01721/FUL - Erection of agricultural livestock building and yard area - Approved.

11/04872/FUL - Erection of an agricultural building to be used for the housing of sheep and rearing of calves - Approved.

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

HG9 - Housing for Agricultural and Related Workers

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EP4 - Expansion of Existing Businesses in the Countryside

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ7 - Pollution Control

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 3 Supporting a Prosperous Rural Economy

Chapter 7 - Requiring Good Design

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Policy Guidance

Other Relevant Documents

Somerset County Council Parking Strategy, adopted March 2012 and re-adopted September 2012 following corrections made.

Somerset Highways Standing Advice - June 2015.

Our Brewham - the future of our Parish (2011)

CONSULTATIONS

Brewham Parish Council - object. Concern is raised that the pens were erected on the land this spring before any application for change of use was made and it was noted that the land in the area is very wet and thus unsuitable for such an activity. Pens need also to be rotated on a three year rotation, and thus a relatively intensive game rearing operation would have implications for a much larger area of open ground as well as site and access activity. There appears to be no provision for this in the application.

Environment Agency - no objection.

Natural England - No objection

SSDC Ecologist - I've considered this application, including the ammonia screening assessment, and I don't have any objections, nor recommendations to make.

SSDC Landscape Architect - I recollect the earlier applications for additional buildings at the farm. Whilst in a separate field (to the north) this application relates to those earlier proposals, and the landscape context is the same. As stated previously, the site lays separate from the existing village core, in a deeply rural landscape, and is two field's distance from the existing

farm groups to the southeast that are served by a narrow lane. Generally this is an attractive, little-populated part of the district, with the area once part of the royal forest of Selwood, whose irregularly-shaped fields were developed from being taken directly into cultivation from woodland clearance in the early medieval age. The vestiges of this clearance are apparent today in the field shape; the species-rich hedgerows which clearly define the pasture field-pattern; the woodland blocks and woody corridors, and fine specimen oaks (for which Selwood was once renowned, and which still endow the locality with such character). This is the landscape context of the proposal; whose historic origin is clearly apparent, and richly expressed, and from a landscape perspective, not a location that can comfortably accommodate change without adverse impact.

Whilst the rearing of game birds is clearly a rural occupation, the scale of this proposal is intensive. Traditionally, pens were staked out within woodland, or in clearances at the woodland edge. This proposal intends 115 no. rearing pens, each comprising a 9 square metre housing, with wire mesh pens, each covering 167 sq. metres, in an ordered arrangement. The regularity and standardisation of appearance is clearly a geometric expression that will be at variance with the nuanced, deeply rural character of this historic landscape. As such, I do not consider the proposal to enhance local character and distinctiveness as is required by LP policy EQ2.

Should you be minded to support the proposal, mindful of how traditional pheasant rearing is expressed, it might be worthwhile pursuing the idea of planting up the field outside the penning areas with a second generation of native trees and shrubs, to effectively provide a wooded context for rearing, which could be considered an appropriate approach to mitigation of the development effect.

Cranborne Chase and West Wiltshire AONB - This is related to other applications in relation to farm buildings and a hatching shed, as well as the temporary retention of an agricultural workers mobile home. Those latter items were covered in my letter of 22nd March 2016 (attached) and it appears that the current proposal is closely linked to those. Subject to the caveats in that letter the AONB does not object to the current application for the retention of mixed use of the land for agriculture and keeping and rearing of game birds and construction of the access track. I would, however, bring to your attention, and that of the applicant, the AONB's suite of Good Practice Notes and Position Statements. Particular relevance to this proposal are the Good Practice Note on Colour in the Countryside and New Agricultural Buildings.

SSDC Environmental Protection - No comments

County Highway Authority - The proposal will mean that there will be an increase of vehicle movement. Street Lane is a no through road that leads to farms, with the exception of the residential dwellings at the start of Street Lane. There are various vehicle movements that will need to take place including delivery of chicks, feed and LPG bottles for heating. The use of HGV traffic is likely to be minimal and will occur over the late spring and summer months. This combined with the other vehicle movements that are likely to take place means that there although there is an increase of vehicle movements to the proposal, it is the opinion of the Highway Authority that this would not be a significant increase and would not be detrimental to the existing highway network. The Highway Authority does not therefore raise an objection to this proposal.

County Rights of Way - no objections.

REPRESENTATIONS

There have been received 22 householder responses although the reasons given also reflect the other applications that have recently been permitted. 16 households have objected to the proposal, while 6 support the application.

The objections include:

- Detrimental to the rural character of Brewham, both in terms of size and scale of the business activity
- Far too big and intensive for the site
- Inappropriate and over-development of the site
- Site unsuitable for rearing pheasants as farm land at Brewham is far too wet
- Significant increase in traffic
- An increase of just under 23% - commercial journeys a week
- An increase in traffic could be hazardous to dog walkers and horse riders and is close to a local footpath
- Very narrow lane
- Amenities- devastating impact on the well-being of existing residents close to the proposed development
- Very disappointed that the applicant has not listened to the objectors and down-sized the overall commercial development
- Water pollution
- Trojan horse that could lead to even more development on the site
- The applicant has gone ahead and completed his first year's game rearing programme without first obtaining the required permission.

The letters of support include:

- Providing employment opportunities and outsourced work to contractors
- The size of the smallholding and change of use under dual ownership is not a consideration

CONSIDERATIONS

Principal of Development:

While not an agricultural use because the birds are reared for 'the shoot', the implication for the applicant in managing the game bird farm is that the use does not benefit from agricultural Permitted Development Rights. This was why an accompanying application was withdrawn for agricultural Prior Approval for the track access ref: 16/01211/AGN that now forms part of the current application. It should be noted that many agricultural businesses include the presence of game bird rearing for shoots as an ancillary element of their agricultural use. It should be noted also that where birds are reared for 'the plate' the use would be agricultural. The land-based rural use can be undertaken only in the countryside. The proposal is considered to have 'in principle' support. Accordingly the main considerations include character and appearance, highway safety and neighbour amenity.

Character and Appearance:

The council's Landscape Architect, whose comments are given in full above, has raised concern relative to the physical impact the presence of pens and associated structures would have on local character due to the scale of the proposal. His comments reflect the other applications involving the adjacent homestead site, since determined. In considering the other applications the establishment of an existing barn (11/04872/FUL) and temporary dwelling (12/04187/FUL) would have anticipated an element of further expansion had the original agricultural business remained. The proposed built form arguably reflects a 'rounding off' of

anticipated built form that is inferred by the original permissions for the adjacent site.

Returning to the fields that are the subject of the current application; these tend to be well screened. The pens are erected on a temporary seasonal basis. The Planning Officer attended the site towards the end of the winter at which time there was no established greenery and the adjacent landscape could be viewed. It was noted that there were one or two houses with views of the site with an awareness of the main road that runs east to west, further north of the applicant's site. The advent of seasonal greenery was seen would further reduce visibility of the site. At the time other possible fields were viewed. Objectors refer to the need for rotation and that other land may be required. It is envisaged that this may well be the case but that this would reflect an equivalent number of pens at any one time. In conversation the applicant drew attention to wet patches on adjacent land and that these could not be used, although the wet areas tended to coincide with locations of highest visibility and so in any case would not be favoured.

Subsequently the applicant, at their own risk, went ahead and erected pens on the land and has since removed them having completed a whole bird rearing season on the land. It is important to note that in doing this the applicant did not break any planning law, although the physical presence of the pens allowed objectors to prove their point with evidence of the actual harm arising as the consequences of having put pens on site. Conversely the applicant had the opportunity to prove objectors wrong. The pens were viewed during their use and the land was viewed once more by the planning officer as the pens were being removed from site. During the site visits the greenery that screens the site tended to support the presence of the pens. The pens were inevitably seen through gated entrances but otherwise largely screened by the adjacent hedgerows. Having had the opportunity of viewing the pens in situ their effect is considered to be generally localised. The opportunity created by the presence of the pens has not been used by objectors to demonstrate their point. The proposal is not considered to have the significant visual impact that objectors feared.

There remains a character issue with pens viewed from the air and seen in wider context, although the temporary nature of the land use suggests a little flexibility is required. It is noted that the AONB has not objected to the proposal. The Landscape Architect favours additional planting of the land that seeks to enhance and replicate game bird habitat and has worked with the agent to secure this. Conditions seek removal and re-erection of the pens each season. A drawing that shows a typical pen and what this comprises and therefore is expected to be seasonally removed from site will be shown at committee, while the number of pens are controlled and limited. A condition seeks landscape planting around the edges of the fields that is to be undertaken during the coming planting season. On this basis it is considered that the proposal would not have a detrimental impact in terms of character and appearance.

Highway Safety:

The Highway Authority have reviewed the current application in context with the three earlier permissions for the adjacent site. The Highway Authority have not raised objection to either the current application or the three that precede the change of use application. As noted above the pens were erected on site and have enjoyed an entire season on site before being removed. The associated traffic has therefore been forthcoming during this time. Despite this the associated traffic movements have not resulted in identified incidents, albeit that this is one part of the overall use that is proposed.

The scale of development remains a local concern that results from the narrowness of the lane and access taken through the nearby village centre. The conflict between traffic and pedestrians, dog walkers, horse riders and cyclists is noted. Local objectors are concerned that the level of traffic involving a narrow lane will lead to conflict, to the detriment of user amenity and of the lane's quiet character. The loss of amenity and character is considered in

context with all four applications. Undoubtedly there would be an increased level of traffic accessing the lane, although one must also consider the farm sites that currently, arguably, are underused that may generate additional traffic in turn, although their impact is considered more appropriately considered in response to successive applications. The application before us when seen in context with the three other applications since permitted is not considered would result in an adverse harm to user amenity or the character of the rural lane.

Residential amenity

The fields that are the subject of the current application, are removed from the nearest neighbours so that the proposal is not considered would have any detrimental effect on adjacent neighbouring occupants in terms of their amenity and general disturbance.

Parish Council and Neighbour Comments

The comments that have been received are considered, as appropriate, within the body of the officer's report.

Reference is made to a 'Trojan Horse' and that the establishment of the game bird farm could see further development of the applicant's site. Elsewhere in the Officer Report comment is made that the 2011/ 2012 permissions inferred further development and that the recent permissions should be seen in 'rounding off' development, albeit the siting of the applicant's anticipated permanent dwelling is yet to be identified. Any significant enlargement over and above what is now permitted or proposed through the current application is likely to be problematic. The applicant is aware of this view, although additional growth must be a matter for a future application to deal with.

A late objection has drawn attention to the fact that in considering landscape character the council did not seek a Landscape and Visual Impact Assessment (LVIA) , although because of the seasonal and temporary nature of the proposal it was considered the approach was not necessary. The Landscape Architect who otherwise raised concerns did not seek an LVIA and has since confirmed an LVIA was not necessary.

Other Matters

Water and air quality are central concerns of the Change of Use application. Similar concerns were raised by the hatchery application that has since been permitted, but it took the change of use to fully engage with local concerns and prior to the responses received from the technical consultees the applicant's three other applications were put on-hold. Both Natural England and the Environment Agency have responded positively to the proposals. And having received the responses the long overdue decisions were determined in accordance with the council's scheme of delegation. The current application that involves a large area of land is required to be referred to committee.

The current application includes the setting out of the field track that links the Swanton farmstead with the adjacent change of use field. This is not considered to have raised any particular issue with its presence in serving the unit.

RECOMMENDATION

Approve.

01. The access track in combination with the temporary and seasonal change of use made of the land; the resulting scale and location of pens would not demonstrably harm visual amenity, character and appearance, nor have a detrimental effect on water and air quality, highway safety or residential amenity. Accordingly the proposal complies with policy EQ2, EQ3, EQ7 and TA5 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 generally in accordance with the following approved plan: PL3636/1A received 2 September 2016.

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

03. No more than 115 rearing pens shall be set out on the land at any one time. Each pen shall comprise a hut, abutting wire run and associated equipment in accordance with drawing X

Reason: To enable the Local Planning Authority to retain adequate control over numbers in the interests of landscape character and highway safety further to Policy EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

04. The rearing pens as detailed in condition 3 (above) shall not be sited on the land between 30 September and 1 March.

Reason: To enable the Local Planning Authority to retain adequate control over the appearance of the site in the interests of landscape character, further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

05. No external lighting shall at any time be installed and/ or operated on any part of the site without the prior written agreement of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain adequate control over lighting in the interests of landscape character further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

06. The landscaping scheme X shall be undertaken during the coming planting season. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

Agenda Item 19

Officer Report On Planning Application: 16/01225/FUL

Proposal :	Erection of food processing and packaging building, with new access and parking area and retention of existing building as offices. (resubmission of 15/04176/FUL)
Site Address:	Easy Bean Fosters Farm Fosters Lane South Barrow
Parish:	South Barrow
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 :	16th May 2016
Applicant :	Mr N Dauncey
Agent: (no agent if blank)	Greenslade Taylor Hunt 1 High Street Chard Somerset TA20 1QF
Application Type :	Minor Manfr 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 Vice Chairman to enable the comments of the Parish Council and Neighbours to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The application site is located in the countryside beyond development limits, 3km north of junctions with the A303. The site is accessed through the adjacent settlement, and lays north-east of South Barrow. Easy Bean operates out of four separate units in addition to the office building that will remain and is located alongside the proposed food processing and packing building. The business has grown to include 10 full-time employees. Planning permission ref: 14/04881/FUL exists for three residential barn conversions to sit alongside the existing use although one conversion depends on the reduction and loss of floor space (unit 2) associated with the Easy Bean operation that is proposed to be relocated.

The proposal seeks the erection of a food processing and packaging building measuring 27.4 metres by 17 metres with a ridge 5 metres and eaves 2.8 metres above ground level. External materials are detailed as timber cladding to three elevations and the fourth metal clad, under profiled metal roof cladding. The proposal seeks exchange of the existing floor space, calculated to be 598 square metres spread across the separate buildings by a reduced floor space of 438 square metres in one purpose built building. A new access and parking area is proposed to include an additional 11 parking spaces that makes 22 spaces.

The application is supported by an Access Statement, Landscape Statement, Landscape Schedule and covering letter with production and extraction details.

RELEVANT HISTORY

15/04176/FUL - Change of use to B2 and erection of food processing and packaging building, with new access and parking area - Withdrawn (OFFICER Note: the current application is submitted following the withdrawal of the 2015 application.)

14/04881/FUL - Change of use and conversion of former agricultural buildings to 3 dwellings and new build domestic garages, Approved.

09/00628/COU - The change of use of premises from agricultural to food production (B1) - Approved.

08/02637/FUL - The construction of a new access point and track and change of use of equestrian livery establishment to livery and training establishment - Approved.

06/00548/COU - Change of use from redundant cattle sheds to horse stables and livery yard and formation of an outdoor menage, Approved.

03/01291/COU - Conversion of redundant farm buildings into 5 holiday cottages with games room and relocation of agricultural building, Approved.

94/01995/FUL - Alterations, erection of an extension, installation of processing plant and use of pig house in connection with meat processing (revised application), Approved.

93/01907/FUL - Alterations, erection of an extension, installation of processing plant and use of pig house in connection with meat processing, Approved.

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

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

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

National Planning Policy Guidance

Other Relevant Documents

Somerset County Council Parking Strategy, adopted March 2012 and re-adopted September 2012 following corrections made.

Somerset Highways Standing Advice - June 2015.

CONSULTATIONS

Cary Moor Parish Council objects for the following reasons:

- a) Change of use to B2. This opens up the possibility of future use of the site for any industrial purpose. The location is in a residential rural area and unsuitable for this type of development. There are several industrial sites nearby which would be appropriate.
- b) B2 use allows for smell, noise, light pollution, heavy vehicle movements, collection/deliveries etc. which all impact on surrounding rural residential properties.
- c) Highway issues. The proposed site is accessed by derestricted roads, restricted visibility and sub-standard junctions. There are no foot paths for pedestrians who regularly use these roads. The site is unsuitable for this type of development.
- d) The proposal shows 21 parking spaces indicating potential scope for possible further expansion of the site.

County Highways - If the applicant accepts a condition that requires the use of the existing building to cease once the new building is brought into use, then I would retract the Highways reason for refusal and require a condition that secures the objective to be attached.

Their original response:

'The proposed development is distant from any significant settlement and beyond the 30mph speed limit in the village, is served by derestricted roads with restricted forward visibility and substandard junctions. With no street lighting, or footways walking and cycling will not be an attractive or safe option for users of the proposed development of existing residents. The consolidation of a business use in this location will result in additional vehicular, and to a lesser extent pedestrian, movements onto a substandard part of the network that is not suitable for the types of traffic associated with a general business/industrial development.

I would recommend that this application be refused on highway grounds for the following reason(s):-

The proposed development will lead to additional vehicle and pedestrian traffic on the network which will lead to increased conflicts between vehicles and vulnerable road users to the detriment of highway safety and therefore the site does not provide a safe and suitable access for all as required by Section of NPPF and Policy TA5 from the South Somerset Local Plan 2006-2028.'

SSDC Landscape Architect: Providing the case for the building is accepted, then I have no landscape issues to raise regarding the principle of construction of a farm-scale building in this location.

Turning to the detail, I see that a landscape statement is offered in support of the application. It notes the close relationship of the building to the farm complex, and the partial containment of the plot's confines, with hedgerows to the west and south. Construction of the new building aside, it considers the main impact to be the formation of a new access to the site.

I agree that there is a credible relationship between the building proposal, and the existing building footprint, and that the new build is not disproportionate to the existing farm buildings. Whilst the proposal extends the built form of the farm toward the village, a comprehensive planting proposal is intended to visually contain the site, and to provide separation. Works to create a new access are localised, and remediated by planting. Reviewing the planting proposal, I agree the intent and form of the planting, and am satisfied with the detail of the planting spec. If minded to approve, please condition implementation of the planting scheme in the season immediately following completion of the structural works.

SSDC Economic Development - From an economic development perspective we would not object to this application.

SSDC Environmental Protection Officer - has no comments to add in respect of this application.

County Archaeologist - No objections

REPRESENTATIVES

There have been 20 householder letters received: Of these 16 households object and 4 support the proposal.

The letters of objection include the following concerns:

- Unsuitable and unsustainable location
- South Barrow does not have public transport links or any facilities such as a shop or post office
- Policy SS2 only permits employment opportunities that are appropriate to the scale of the settlement and increases the sustainability of the settlement.
- A food processing building on a green field site, totally inappropriate to be placed in a rural area.
- Policy EP4 'It is demonstrated that the proposal is needed in this location' - Easy Beans could as easily operate from another location.
- The planned development would be much better sited on an industrial estate.
- Easy Bean is a growing business it needs to relocate to one of the many industrial units nearby.
- 44% increase in production that will result, which is the stated plan for Easy Bean, will bring more articulated lorries and workers vehicles (at present no one from South Barrow works there) to the narrow village road through the village itself.
- The business has obviously expanded further as the new proposal requires a significant increase in floor area. This leads to the assumption that traffic movements will also increase.
- Its increased manufacturing facility will generate a greater number of traffic movements from employees, deliveries, collections, refuse and waste collections
- The question of road safety for pedestrians, cyclists, dog walkers, horse riders is very much placed in jeopardy
- Any amount of tree screening will not disguise the imposition of this industrial structure from neighbour properties
- The height of the natural screening to be placed at the site's western edge would have to be higher than planned as our garden is at the same height to the building
- Visual impact upon a rural scene
- Detrimental impact on the rural character of the area
- Bed and breakfast business with guests attracted to this location enjoy the peace and tranquillity of the rural setting and particularly comment on the open aspect of the landscape, supporting local pubs during their stay. The proposal would have a detrimental effect on my business.
- Poor access to the site via a narrow country road composed of sharp, blind bends, passing directly through the village centre
- No street lighting, footpaths nor passing bays
- Conflict with the National Cycle Network Route
- There are several equestrian establishments in this area and riders are often seen in the village

- This is not an industrial area and nor is the infrastructure of the highway suitable to cater for regular daily movement of increased number of industrial vehicles
- This proposal will have an unacceptable impact on this quiet rural location
- Light, noise and air pollution
- An increase in food processing so close to residential buildings will have a detrimental effect upon air quality for the residents.
- We are already aware of cooking smells from the existing location.

The letters of Support include:

- This application to increase their production facilities can only bring more employment and prosperity to the village
- It would be very sad if the premises had to close and jobs were lost
- With the movement of the equestrian centre away from the site this also will be removing a lot of heavy traffic from our village road
- It is a small little village which has flourished
- The fears of local residents re; increased traffic, noise and smells are understandable and it is to be hoped that the developer can address these issues satisfactorily
- The nature of the current business is such that as sales increase the number of deliveries and collections in and out by our current distribution network will largely remain unchanged

CONSIDERATIONS

Principle of Development

Local Plan Policy EP4 (expansion of existing businesses in the countryside) is applicable in considering matters raised by the application, although in considering its criteria not all should be read literally, so that it is also important to be aware of paragraph 28 of the National Planning Policy Framework (NPPF). Seen in context the approach taken by Policy EP4 might be regarded as too restrictive. Therefore while neighbour objections are right to point out the inconsistencies between the proposed development and the local plan policy; in particular, questioning whether 'It is demonstrated that the proposal is needed in this location': the NPPF (para.28) requires 'taking a positive approach to sustainable new development'. This includes the need to 'support... well designed new buildings' through 'Sustainable growth and expansion of all types of business.'

Easy Bean has operated from the site since 2009 (ref: 09/00628/COU) although the current operation involves a B2, rather than the B1 Use Class for which permission was originally given. If the current application is permitted the 'unlawful' use that exists currently would have been resolved. The proposal retains the B1 office building, and while the building appears does not have planning history it is evident that the building and its use has stood long enough to have become lawful.

While there is local concern that the proposal does not involve the expansion of an existing business. The site and buildings are locally viewed would be vacated to relocate to this new site beyond the recognised curtilage of the existing built form that arguably is contrary to bullet point 5 of Policy EP4. Notwithstanding, the replacement building is located adjacent to the B1 office building that remains. Importantly the proposed floor area is exchanged in favour of an overall reduction. This is welcomed by County Highways whose response originally considered the location unsustainable to support an expansion of business in this location. On the basis of extinguishing the current commercial use the Highways Officer has not objected to the proposal. On balance, given that the proposal would not involve a greater commercial space, it is considered that there is support 'in principle'. Accordingly there is the need to

consider other material considerations including character and appearance, highway safety, and neighbour amenity.

Character and Appearance

The Landscape Architect is supportive and considers that there is a credible relationship between the proposed building and the existing building footprint and that the new build is not disproportionate to the existing 'farm' buildings. While the landscape planting is welcome and considered to visually contain the site and provides separation from the village, neighbouring occupants have observed that their land is higher than the adjacent lane with views out across to the applicant's site that would largely be unaffected by the proposed plant screening. Having been on site the planning officer would not disagree, and although the building, as is presented, would not be visually much different from any other agricultural type of building, the site's use; the presence of parking and associated comings and goings makes for a potentially marked difference, which the present informality of the existing use perhaps plays down. Notwithstanding the council's Landscape Architect does not choose to raise landscape concerns.

Highway Safety

The Highway Authority's original response was firmly against the proposal, based on its location, the network of rural roads variously described as sub-standard and the access through the village centre. Their interest revolved about the implications of additional traffic and in particular the availability of the vacated buildings to continue in commercial use. On the basis that the commercial use ceased and that this was conditioned the Highways Officer withdrew their initial recommendation to refuse. The applicant is supportive of entering into a legal agreement, as they are supportive of the demolition and removal of the larger roadside commercial building that is considered inappropriately located to support its residential conversion that can be controlled by the same S106.

Turning to the Highway Authority's initial reason for refusal, neighbour objectors have noted the site's planning history and that up to 12 parking spaces are already envisaged for the barn conversions permitted under ref: 14/04481/FUL. Their concerns reflect that the permission might only be undertaken once the extant business use is relocated without which the level of traffic largely remains the same. Local objectors observe that one of the three residential conversions requires the loss of Easy Bean floor space, while having removed the commercial use from the site a fourth barn conversion could come forward leading to yet more traffic. The situation, they suggest, presents a significant increase in traffic in addition to the much greater level of parking proposed up to 21 spaces by the current application that taken together is exactly what the County Highway Authority seeks to avoid.

But having considered the above concerns it also should be noted that the extant barn conversions (2014) permission considered the residential conversions to sit alongside the continuing Easy Bean use. In relocating to its new site the legal agreement avoids a continuing commercial presence at the vacated site. A 'belt and braces' exercise would remove the roadside commercial building in its entirety. The removal of Easy Bean clearly would free up an additional residential unit but the additional traffic this creates is not for the current application to consider. Similarly, on the basis that the conversion permission was viewed to be undertaken alongside the commercial use; that again would have sought minor adjustment to floor space to the Easy Bean operation, this means that the overall traffic movements were accepted at the time. The additional vehicular use should therefore not be used against the current proposal. In summary, the residential conversions are not considered reliant on removal of Easy Bean. On this basis there is no increase in traffic drawn to the site.

There remains a concern that as purpose built premises there would be efficiencies and that these would lead to a growth in business on site. A neighbour letter - an employee of the site -

suggests that sales would increase but that the number of deliveries and collections in and out by the current distribution network would likely remain unchanged although the real difference would be that fully loaded lorries depart the site. Clearly there are local concerns that the development is designed to increase the site's use that goes beyond mere efficiencies with a consequential increase in the site's use that would bring about conflict with the original comments of the Highway Authority. Paragraph 7.2 of the Access Statement in support of the proposed 21 parking spaces for the new B2 building states that this Use Class 'would result in the provision of just 12 car spaces based on the Somerset Parking Standards optimum standards. Such level of car parking would be considered insufficient in this location'. The parking layout clearly provides an over provision. The applicant advises that this accords with a B1 use for the same location that was initially anticipated for the site. An oversupply in this location is probably for the best to avoid conflict with highway users, but it does suggest greater pressures for parking that arises from the proposal. The site is grown from the 2 to 3 employees referred to in 2009 to the current 10. The purpose built accommodation evidently gives rise to greater flexibility that results from efficiencies, so there also must be the potential for further growth in the numbers employed by the site, but whether this would be a significant increase is another matter. Having explored the pros and cons we are left with the Highway Authority's support seeking to control loss of the existing commercial use and on this basis their remarks attract great weight in terms of the proposal would not have a detrimental impact on highway safety. .

Neighbour Amenity

The presence of a B2 use is considered by the application. The Environmental Protection Officer's response has not sought to object to the B2 Use and its location and proximity to adjacent residential occupants. The application is submitted with extraction details that would have been considered by the council's Environmental Protection office.

As it stands a condition seeks to limit the use within the scope of the B2 Use Class. The specific proposal is not considered to have any significantly detrimental effect for neighbour amenity.

Neighbour and parish Council concerns

These are generally considered as part of the above considerations. Concerns relate to the scale of development in this location and the B2 change of use.

The applicant's business is clearly grown from the original farm diversification exercise undertaken on site, and later the establishment of what was thought a B1 use. The current operation that involves a B2 use is viewed locally to have outgrown its location. Local opinion is concerned that having invested in the site that reflects a growing business the applicant/ owner would want to further develop and invest in the site that is very clearly an inappropriate location to do so.

Other Matters

Easy Bean is an employer with jobs potentially at risk should the current application be refused. This said, for all appearance it is a successful and growing local business, as is witnessed by its supply contracts to national stores as well as the existence of the current application. There comes a time when a use also outgrows its location that otherwise is supportive of a local start-up.

S.106 Agreement

Should the application be approved a Section 106 agreement will be necessary to: secure the loss of a commercial use for the vacated buildings, and the demolition and removal of the roadside commercial building.

RECOMMENDATION

That application reference 16/01225/FUL be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to ensure that:-
1. Any potential commercial use is removed from the buildings vacated and identified as 2, 3 and 4 on drawing no. 2093-PL-108 received 21 March 2016.
 2. Demolition and removal of building 1 identified on drawing 2093-PL-108 received 21 March 2016.

and

- b) the following conditions

01. The proposal by reason of its location, scale and use of materials respects the character of the area, and causes no demonstrable harm to highway safety, or residential amenity in accordance with the aims and objectives of Policy EQ2 and TA5 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: 2093-PL-106; -105; and -107, received 21 March 2016.

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

03. The Landscape Schedule and Specification (August 2015) shall be fully implemented as part of the approved development. All planting, seeding, turfing or earth moulding comprised in the schedule and specification shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

04. Any external light source within the site shall be shielded and directed to avoid off site light pollution.

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

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

Reason: In the interests of highway safety further to Policy TA5 and TA6 of the South Somerset Local Plan 2006- 2028.

06. The use hereby permitted shall not take place; no plant/ machinery shall be operated and no deliveries shall be taken at, or dispatched from the site outside the hours of 06:00 hours and 17:00 hours Monday to Friday nor at any time on Saturdays, Sundays or Bank holidays.

Reason: To enable the Local Planning Authority to retain adequate control over such hours of use in the interests of residential amenity further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

07. The building hereby permitted shall only be used for food processing and packaging associated with the Easy Bean operation and for no other purpose, including any use otherwise permitted within Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (including any Order revoking or re-enacting that Order, with or without modification), or such uses ordinarily incidental to the use hereby permitted.

Reason: To enable the Local Planning Authority to retain adequate control over such uses, in the interests of neighbour amenity and given the rural location further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

Agenda Item 20

Officer Report On Planning Application: 16/02976/OUT

Proposal :	Outline application for the erection of a retirement bungalow with a new vehicular access onto Whitechurch Lane.
Site Address:	Land At Park House Whitechurch Lane Henstridge
Parish:	Henstridge
BLACKMOOR VALE Ward (SSDC Member)	Cllr Tim Inglefield Cllr William Wallace
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	26th August 2016
Applicant :	Mrs E.D.G Heath
Agent: (no agent if blank)	Mr Matt Williams Brimble Lea & Partners Wessex House High Street Gillingham SP8 4AG
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 Chairman to enable the comments of the Parish Council to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The application site is located in the countryside beyond development limits, north of Henstridge within the hamlet of Whitechurch, a settlement of some 20 plus dwellings and farms. The roadside is broken by gaps including the current application site that is taken from the adjacent agricultural field. From the roadside there are extensive views out over the countryside to the east and in a northerly direction.

The proposal seeks a retirement bungalow with a new vehicular access. The application is made in outline with all matters reserved, although submitted with an 'illustrative' layout drawing.

The application is supported by a Planning Statement.

RELEVANT HISTORY

None

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
SS2 - Development in Rural Settlements
SS5 - Delivering New Housing Growth
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ2 - General development
EQ4 - Biodiversity

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 4 - Promoting sustainable transport

Chapter 7 - Requiring Good Design

Chapter 11 - Conserving and Enhancing the Natural Environment

National Planning Policy Guidance

Other Relevant Documents

Somerset County Council Parking Strategy, adopted March 2012 and re-adopted September 2012 following corrections made.

Somerset Highways Standing Advice - June 2015.

CONSULTATIONS

Henstridge Parish Council - The application should be approved only if it is subject to a S106 restriction requiring the owner of the property to be of retirement age, that the building is constructed of local materials and that the roofline is single storey.

County Highway Authority - Standing advice applies.

SSDC Highway Consultant - Consider sustainability issues (transport). The traffic impact on Whitchurch Lane may not be significant. However, an assessment of the junction of Whitchurch Lane with the A30 should be undertaken in respect of the extent of visibility splays available at the junction, and the current number of dwellings located on Whitchurch Lane needs to be identified (OFFICER Note: Applicant's email of 27 July 2016 seeks to respond to this). The proposed means of access appears reasonable and I support the provision of the visibility splays of 2.4m x 43m as shown although the southerly splay should be taken to a point 1.0m off the carriageway edge rather than the centreline. The access should be properly consolidated/surfaced for the first 6.0m, and surface water drainage measures should be proposed. On-site parking needs to be in line with SPS optimum standards.

SSDC Environmental Health - No comments in respect of this application.

SSDC Landscape Architect - the proposal site lays within a small paddock within the hamlet of Whitechurch, which lays to the north of Henstridge. The hamlet is characterised by a loose cluster of farm buildings and individual dwellings, interspersed in places by agricultural land in the form of small paddocks and meadowland, and it is within a small paddock to the east side of the lane that this proposal for a bungalow is intended. The wider context of both the site and the hamlet is countryside.

There are few residences in the hamlet, and most of those present assume traditional form. As noted, in places small paddocks and garden spaces, along with farm buildings intersperse the house forms, to contribute to local distinctiveness. The application site has a stone wall frontage, and its pasture directly links with the wider landscape of the Blackmore Vale. I view

the introduction of a bungalow into this paddock to adversely impact upon local character, in that it erodes the main open space abutting the street; it introduces a locally uncharacteristic house form to the street; and will necessitate the traditional wall being breached. In failing to conserve and enhance local character & distinctiveness, I do not see this application as meeting the objectives of LP policy EQ2.

County Archaeologist - No objection

REPRESENTATIONS

There have been four householder responses following neighbour consultations that object to the proposed development. Their concerns include:

- A great shame to lose yet another 'Green Field' site
- The proposed dwelling would seriously impede upon visual amenity of the lane, looking out over the Blackmore Vale.
- Precedent
- Hazardous onto A30

CONSIDERATIONS

Principle of development

Paragraph 55 of the NPPF requires that housing should be located, for example, where development in one village supports services in a village nearby. The location is clearly not part of such a relationship. Whitechurch is a small hamlet laying 500 metres north of, and separated from, the settlement of Henstridge. Policy SS2 considers rural settlements in the countryside although the location is well away from such recognised settlements. We are dealing with a proposal whose countryside setting is distinct. There is a long stretch of lane towards Henstridge without pavement or street lighting that enters the A30, having a poor access width. The applicant must have special circumstances to justify a single dwelling in this location, which appears lacking in this case. While the council's current lack of a five year housing land supply is acknowledged the location of development is considered removed from an SS2 settlement location. On this basis it is considered that there is no 'in principle' support.

Character and Appearance

The landscape Architect's response is given in full above. This notes the location and the concerns of developing in this locality. On the basis of the Landscape Architect's advice that attracts significant weight it is considered that the proposal brings about an adverse impact in terms of character and appearance in this locality that is removed from a SS2 settlement location.

Highway Safety

This is an outline application with All Matters Reserved although an illustrative drawing is submitted indicating the access point and location of parking and turning on site. It is considered that an acceptable layout is capable of being brought forward pending any necessary alterations to the roadside frontage that currently forms a length of continuous roadside stone boundary wall.

Reference is also made by the council's highway consultant to the off-site highway concerns where Whitechurch Lane enters onto the main (A30) road. The visibility at this point is restricted as is the width of the lane. The applicant argues that one additional dwelling is not going to result in any significant increased use made of the junction.

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.

Parish Council Response

This requires that any permission is conditioned to restrict its occupancy. This can be done subject to the application being supported.

Other Matters

The application seeks a retirement bungalow and this is explained in the supporting Planning Statement. Its proposed use and type of occupancy is considered inappropriate in this rural location without there being a specific supporting justification. An unrestricted open market dwelling would not be supported in this location. The services and facilities increasingly dependent upon with age are not generally located locally with resultant pressures and stresses for society in specifically restricting occupancy of the proposed dwelling in this rural location.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASON:

01. The erection of a new dwelling in this rural location, remote from adequate services and facilities has not been justified on the basis of any exceptional circumstance or community benefit that would outweigh the longstanding policy presumption to protect the countryside from unwarranted and unsustainable development. As such the proposal is contrary to the aims and objectives of the NPPF (in particular paragraphs 14 and 55), and policies SS1 and SS2 of the South Somerset Local Plan 2006- 2028.
02. The proposed development by virtue of the introduction of a bungalow into part of the roadside agricultural field would have an adverse impact upon local character, in that it erodes the main open space abutting the street; it introduces a locally uncharacteristic house form to the street; and necessitates the traditional roadside stone boundary wall being breached. As such the proposal in fails to conserve and enhance local character and distinctiveness and is contrary to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent did not take the opportunity to enter into pre-application discussions.

Agenda Item 21

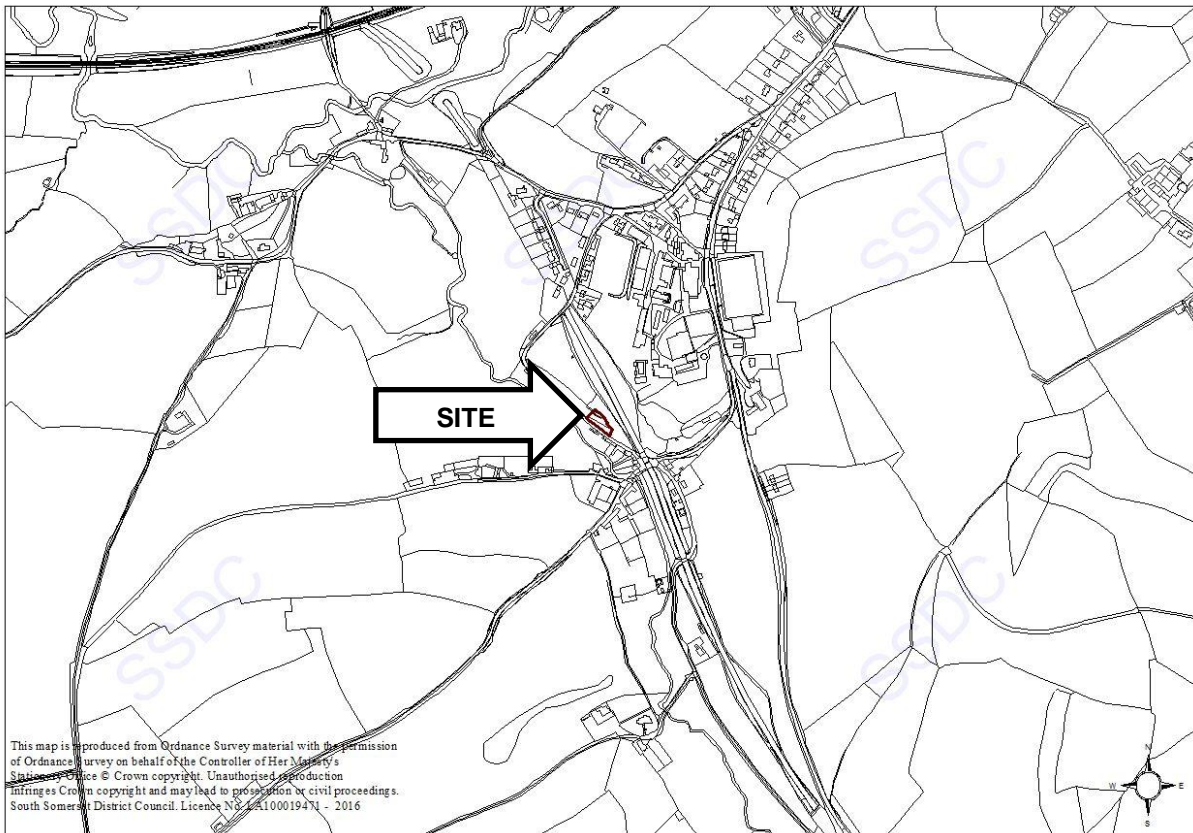
Officer Report On Planning Application: 16/03866/FUL

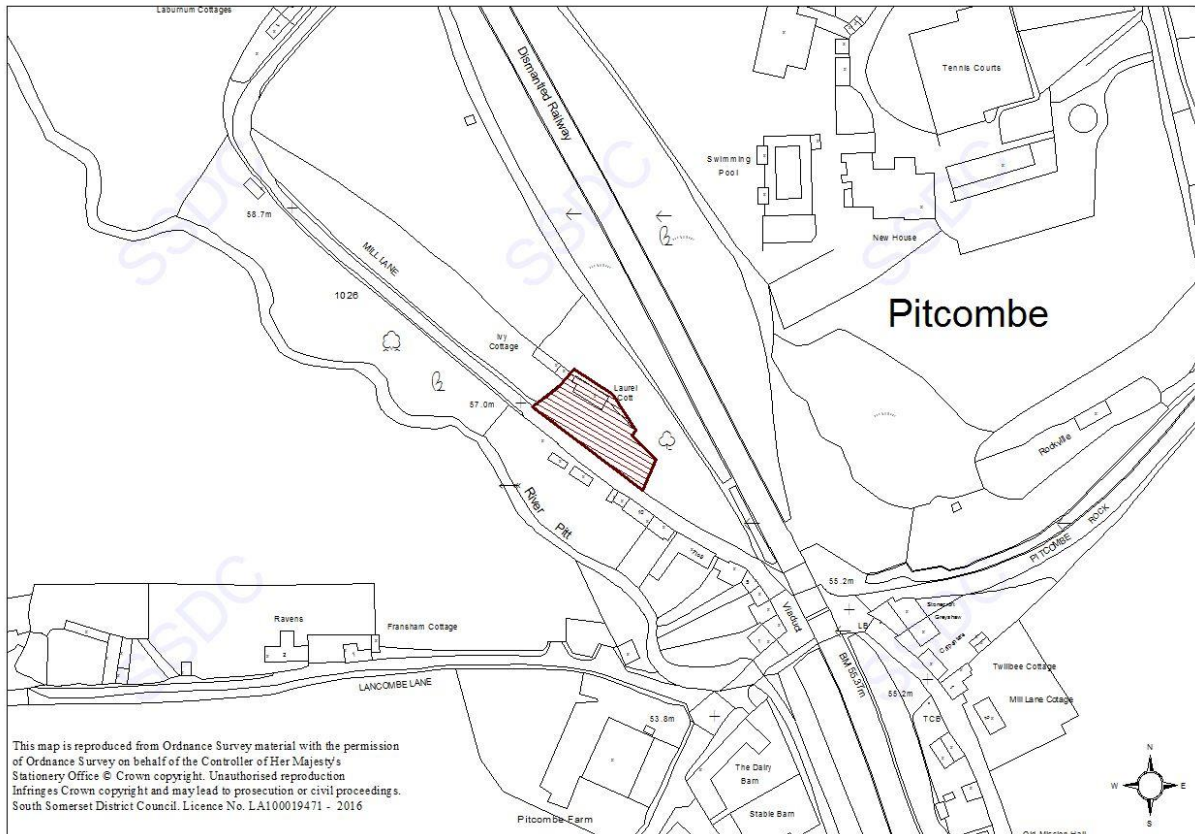
Proposal :	Erection of a two storey extension at rear of property
Site Address:	Laurel Cottage Mill Lane Pitcombe
Parish:	Pitcombe
TOWER Ward (SSDC Member)	Cllr Mike Beech
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	10th November 2016
Applicant :	Mr M Fysh
Agent: (no agent if blank)	Coe Design Ltd (Peter Coe) Pound Lane Studio Yarlington Wincanton Somerset Ba9 8DG
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the ward member, and with the agreement of the area chair, in order to allow the views of the parish and residents to be publicly debated.

SITE DESCRIPTION AND PROPOSAL





The proposal seeks partially retrospective permission for the erection of a two storey rear extension and for associated engineering operations. The property consists of a two storey detached house, finished in natural stone with a clay tiled roof and painted timber window frames. The proposed extension would be finished in natural stone and render under a clay tiled roof. The extension is cut into the hillside, with a large retaining wall forming the rear elevation. The site is close to various residential properties and open countryside. The site is not located within a development area as defined by the local plan. The site is located within a conservation area.

HISTORY

16/02738/FUL - Amendment to car parking provision as approved in planning permission 15/03191/FUL creating a pull-in parking space off Mill Lane - Application permitted with conditions 01/09/2016

15/03191/FUL - Erection of a two storey extension and alterations to the parking layout - Application permitted with conditions 29/09/2015

07/00626/FUL - Alterations to external doors and windows and internal alterations - Application withdrawn 19/02/2007

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).

The policies of most relevance to the proposal are:

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

Policy SD1 - Sustainable Development
Policy SS1 - Settlement Strategy
Policy EQ2 - General Development
Policy EQ3 - Historic Environment
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards

National Planning Policy Framework

Chapter 7 - Requiring Good Design

Other Material Considerations

None

CONSULTATIONS

Parish Council - Expresses disappointment with the retrospective nature of the application, and suggests that the works carried out to build the retaining wall were carried out with the intention of building an extension in this location. They recommend refusal on the grounds that the proposed extension has been constructed unlawfully and represents overdevelopment of the site, which they state is of particular concern as the site is within a conservation area.

County Highway Authority - Refers to standing advice

SSDC Highways Consultant - States that there are no significant highways issues and therefore raises no objections.

SSDC Conservation Officer - No objections

REPRESENTATIONS

None received.

CONSIDERATIONS

The proposed extension is considered to be of an appropriate design and detailing that would have an appropriate relationship with the main dwelling in terms of scale and design. The proposed materials are considered to be appropriate. The conservation officer was consulted, and raised no objections. The proposed extension is to the rear of the property, and cut into the hillside. As such, it will be very difficult to see from the surrounding conservation area. 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 conservation area.

It is noted that the parish council has raised a concern that the proposal represents overdevelopment of the plot. However, the proposal will not result in a dwelling that is out of kilter with neighbouring properties in terms of relative plot sizes. As such, and in light of the above consideration in relation to the character of the area, it is not considered reasonable to withhold permission on this ground.

The parish council have also raised concerns about the retrospective nature of the application. However, to make a planning application retrospectively is a perfectly legitimate approach and cannot affect the outcome of the application process.

It is not considered that the window layout and general bulk of the extension is such that it would give rise to undue overlooking or an overbearing relationship with neighbouring

properties. Therefore the proposal would not harm residential amenity.

The highway authority was consulted and referred to their standing advice, which the scheme is considered to broadly comply with.

Accordingly the proposal is considered to comply with policies TA5, TA6, EQ2 and EQ3 of the South Somerset Local Plan and the aims and objectives of the NPPF.

RECOMMENDATION

Permission be granted for the following reason:

01. The proposal by reason of its size, scale and materials, respects the character of the conservation area, and causes no demonstrable harm to residential amenity or highway safety in accordance with the aims and objectives of Policies TA5, TA6, EQ2 and EQ3 of the South Somerset Local Plan and the aims and provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans: 226.200.SS.X/P and 226.200.SL.P, 226.100.01PP, 226.100.02PP, and 226.100.03PP received 31 August 2016

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

02. No further work shall be carried out on site unless details of the roof and wall materials have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In order to ensure that the development accords with the character of the area in accordance with Policies EQ2 and EQ3 of the South Somerset Local Plan.

03. No further work shall be carried out on site unless full details the new natural stonework walls, including the materials, coursing, bonding, mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing; this shall be supported with a sample panel to be made available on site and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.

Reason: In order to ensure that the development accords with the character of the area in accordance with Policies EQ2 and EQ3 of the South Somerset Local Plan.

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

Reason: In order to ensure that the development accords with the character of the area in accordance with Policies EQ2 and EQ3 of the South Somerset Local Plan.

05. No further work shall be carried out on site unless design details of all roof eaves, verges and abutments, including detail drawings at a scale of 1:5, and all new cast metal guttering, down pipes, other rainwater goods, and external plumbing shall be submitted

to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In order to ensure that the development accords with the character of the area in accordance with Policies EQ2 and EQ3 of the South Somerset Local Plan.

06. No further work shall be carried out on site unless details of all new vents and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In order to ensure that the development accords with the character of the area in accordance with Policies EQ2 and EQ3 of the South Somerset Local Plan.

Agenda Item 22

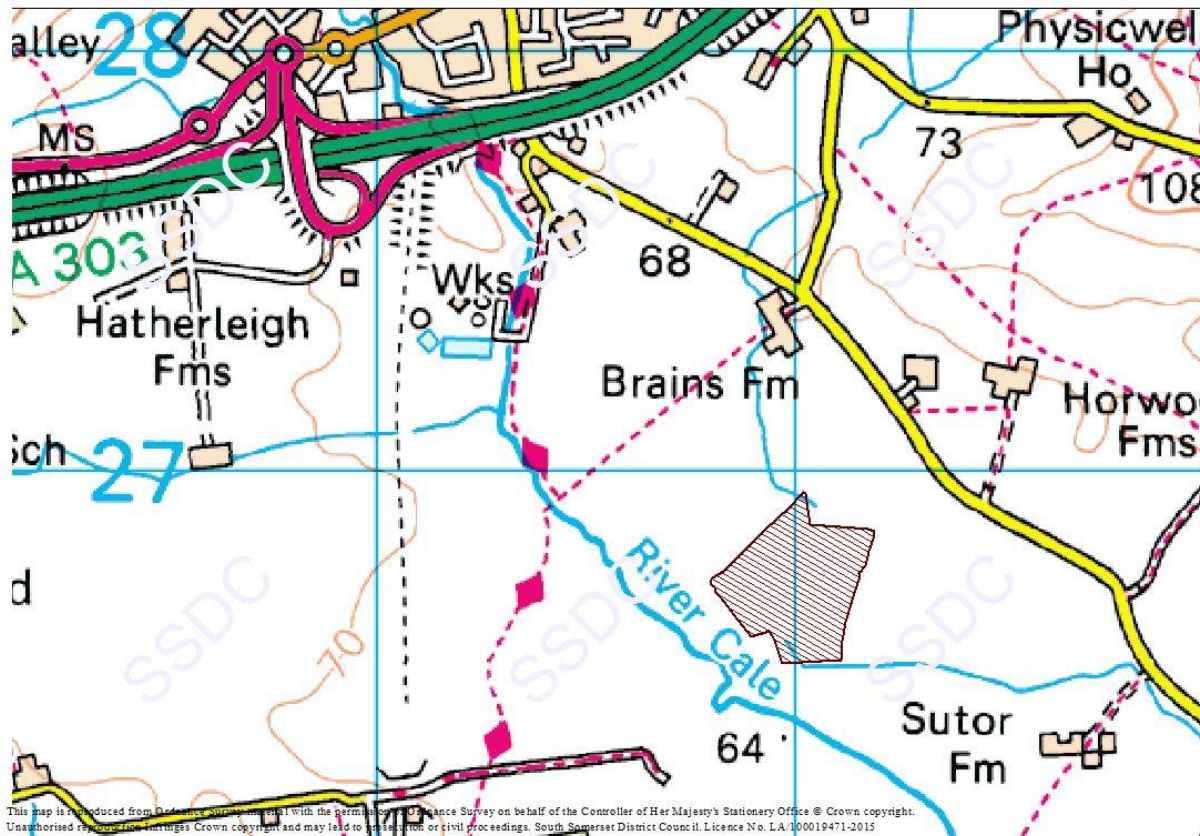
Officer Report On Planning Application: 16/03675/S73A

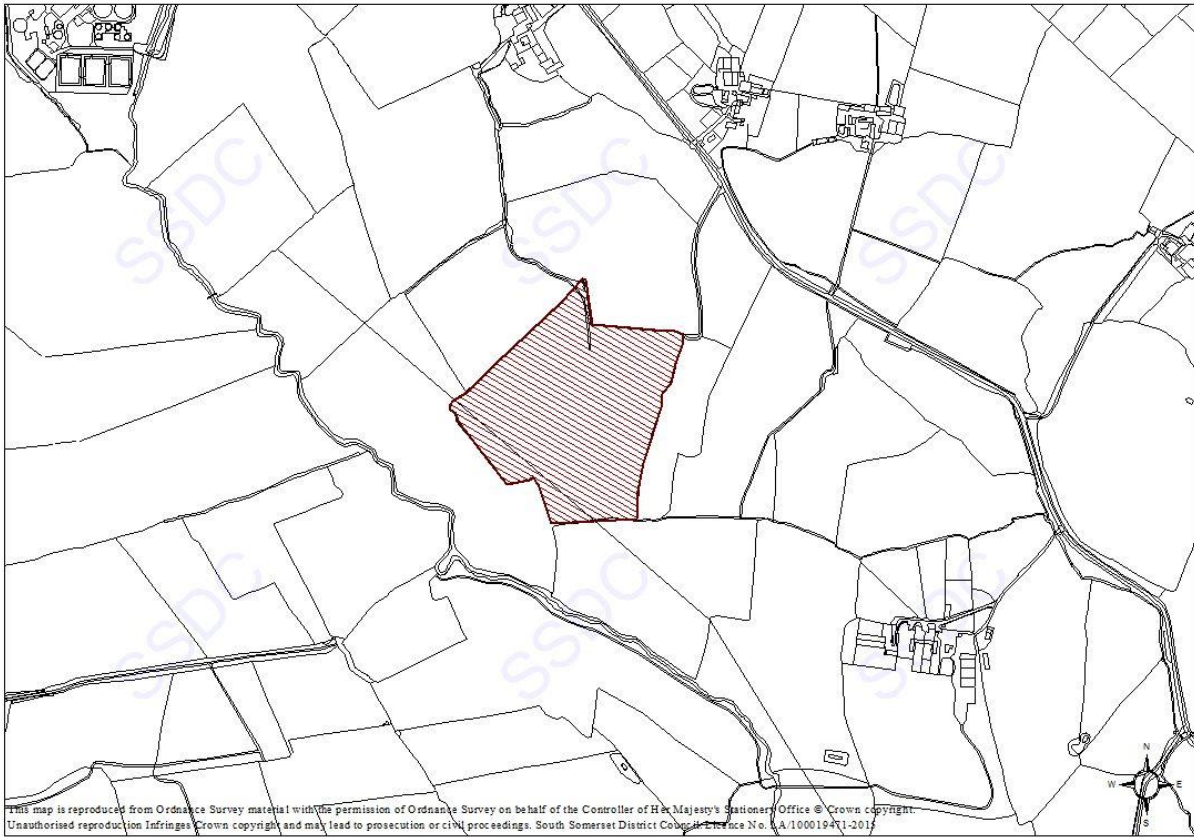
Proposal :	Application to vary condition 2 of planning permission 14/05472/FUL to require restoration of the land within 30 years of the permission rather than 25 years as originally permitted.
Site Address:	Solar Site At Sutor Farm Moor Lane Wincanton
Parish:	Wincanton
WINCANTON (SSDC Member) Ward	Cllr Nick Colbert Cllr Colin Winder
Recommending Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Case	
Target date :	29th November 2016
Applicant :	Pfalzsolar
Agent: (no agent if blank)	Mr Diccon Carpendale Brimble Lear & Partners Wessex House High Street Gillingham SP8 4AG
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL

The application as a 'major major' application and recommended for approval in accordance with the council's scheme of delegation is referred to committee.

SITE DESCRIPTION AND PROPOSAL





Planning permission was given on 12 March 2015 for the location of a 5MWP Solar Farm on a 9.3 hectares site with associated works that would generate annual electricity the equivalent of consumption of approximately 1400 homes, over a 25-year period.

The application site is located in a single field that is 1km south of Wincanton. The field is a broadly level site. The River Cale is located a short distance to the south-west, and to the north-east Moor Lane passes at its nearest point some 300m away. The land classification is Grade 4 (poor quality). The development is complete.

The proposal seeks to vary condition 2 attached to planning permission 14/05472/FUL to require restoration of the land within 30 years of the permission rather than 25 years as originally permitted.

Condition 02 reads:

'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.'

It is proposed to simply remove reference to '25' years and replace it with '30' years.

RELEVANT HISTORY

14/05472/FUL - Construction of a 9.3 hectare solar park with associated works, Approved.

13/02070/EIASS - Proposed Solar Park - Enlarged site. EIA not required.

12/03380/EIASS - Proposed Solar Park. 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

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

CONSULTATIONS

Wincanton Town Council - Recommends approval

County Highway Authority - No observations

Landscape Architect - No landscape issues with this extension of time proposal.

REPRESENTATIONS

None

CONSIDERATION

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).

The proposal was not particularly controversial when originally permitted (2015) while an additional 5 year period is of limited overall duration and in consequence there is support 'in principle'.

Landscape character

The issues of landscape character remain largely the same. It is noted that the landscape architect has not raised objection to an extension of time, neither has the Town Council. The extension of time is not considered to give rise to detrimental impact in terms of character and appearance.

Highway Safety

There are no highway safety implications in supporting the extension of the time.

Residential amenity

There are no dwellings in close proximity to the site. It is not considered that any harm would result to the amenity of the residents given a 5 year extension of time.

Other Matters

The original planning conditions need to be re-attached and/ or up-dated, as appropriate.

RECOMMENDATION

Approve

01. 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 originally envisaged of the proposed PV panels on the local landscape character. 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. 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 12 March 2015.

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

02. The development hereby permitted shall be removed and the land restored to its former condition within 30 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.

03. Details of the consolidated and surfaced access shall accord with those agreed in the council's letter of 22.12.2015 (ref: 14/05472/FUL) to be maintained at all times for the life of the development.

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

04. The development hereby permitted shall be carried out in accordance with the following approved plans: 12073-1 Rev c; WSP-0091-GA-600-ST234 Rev C, DNOC SEP-131004-roo, and 1014/PL10 received 9 December 2014.

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

05. The approved on-site planting scheme (Drawing No. 1014/PL10 received 9th December 2014) shall be implemented in the first planting season following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

06. 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 EC3, ST5 and ST6 of the South Somerset Local Plan, Policy EQ2 of the emerging local plan and the NPPF.

07. The scheme of off-site landscaping along the eastern boundary of the site shall accord with details agreed by the council's email of 24.11.2015 (ref: 14/05472/FUL). Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

Agenda Item 23

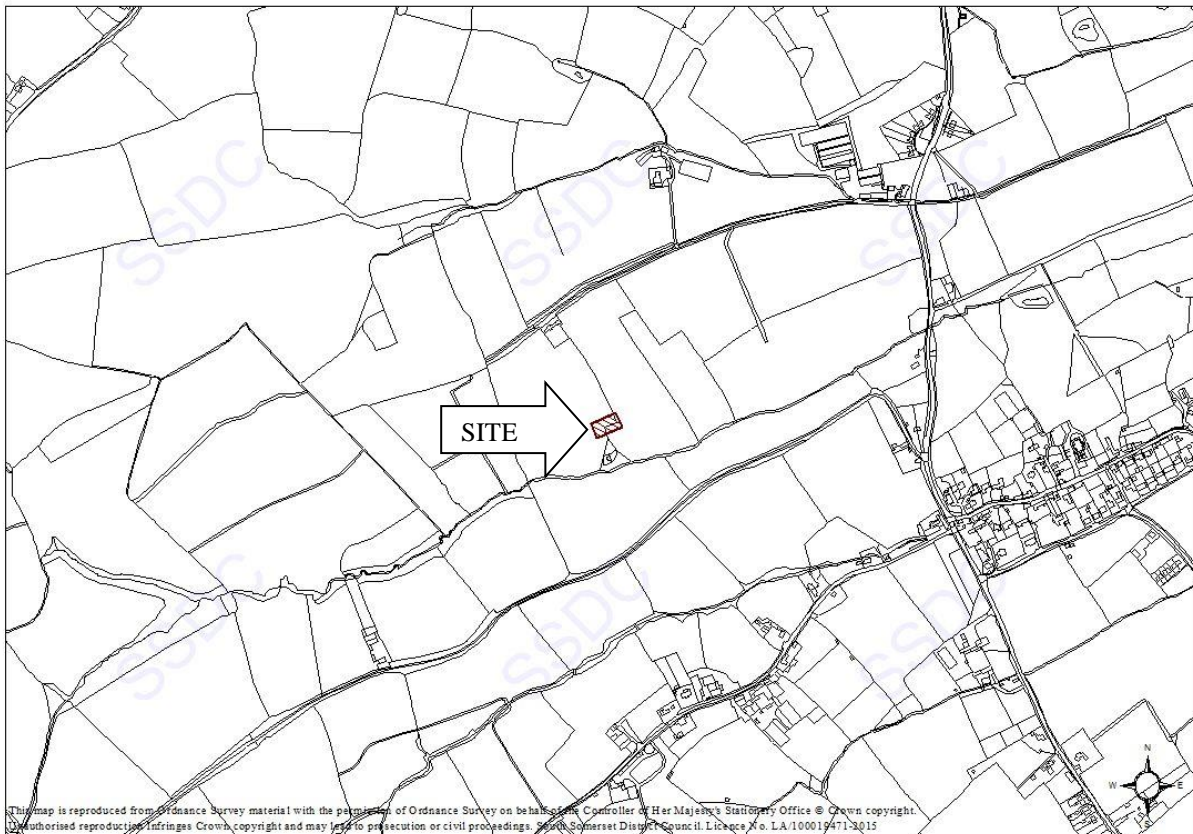
Officer Report On Planning Application: 16/02788/FUL

Proposal :	Erect Treehouse around an Oak tree for ancillary residential use in connection with Little Cheriton House or for holiday letting purposes.
Site Address:	Land To The South Of 1 Wood Lane Wood Lane South Cheriton
Parish:	Horsington
BLACKMOOR VALE Ward (SSDC Member)	Cllr Tim Inglefield Cllr William Wallace
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	25th August 2016
Applicant :	Mr & Mrs J Burney
Agent: (no agent if blank)	Mrs Janet Montgomery Wessex House High Street Gillingham SP8 4AG
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 Members with the agreement of the Area Chairman to enable the comments of the to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The application site is located in the countryside beyond development limits, south of Little Cheriton House and beyond its garden curtilage.

The proposal seeks the erection of a tree house constructed around an oak tree for ancillary residential use in connection with Little Cheriton House or for holiday letting purposes.

The application is supported by a Planning Design and Access Statement, Arboricultural Report and Tree Bat Survey.

RELEVANT HISTORY

None

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
 SS2 - Development in Rural Settlements

EP8 - New and Enhanced Tourist Facilities
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ2 - General development
EQ4 - Biodiversity

Regard shall also be had to:

National Planning Policy Framework (March 2012):
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

National Planning Policy Guidance

Other Relevant Documents

Somerset County Council Parking Strategy, adopted March 2012 and re-adopted September 2012 following corrections made.

Somerset Highways Standing Advice - June 2015.

CONSULTATIONS

Horsington Parish Council - supports this application. They did question if there would any letting restrictions placed on the building so it could not be permanently inhabited?

County Highways - standing advice applies.

SSDC Highway Consultant - No highway issues as ancillary residential use. If used as holiday accommodation, consider sustainability issues (transport). The traffic impact on Wood Lane may not be significant. However, an assessment of the junction of Wood Lane with the A357 should be undertaken in respect of the extent of visibility splays available at the junction. No issue with the proposed means of access from Wood Lane into the site on the basis that it does not appear Wood Lane is a classified road. On-site parking needs to be in line with SPS optimum standards.

SSDC Landscape Architect - the application site lies within a rural valley that has witnessed little change, the pattern of fields remain as indicated on the historic maps (1832 tithe) whilst the adjacent ancient woodlands to the west will be at least 400 years old, and there is minimal residential presence in the immediate area, the host property to the north by Wood Lane being the notable exception. The introduction of a contemporary styled tree house - a residential form - into this rural field, where there is no built presence to which it relates and where the historical landscape record is relatively intact, can be regarded as incongruous; at variance with local character; and an erosion of the highly distinctive historic landscape. The addition of a track (of which I can see no detail of its construction) and its associated vehicular movement will further this adverse impact, which I consider to be at variance with the objectives of LP policy EQ2, thus providing landscape grounds for objection.

SSDC Tree Officer - I have concerns regarding the requirement for below-ground services, e.g. water and electricity. This is potentially the most damaging of all the construction activities required and the design ought to avoid or minimise the requirement for cross-radial trenching. The installation of the screw piles ought not to be problematic.

I quite agree with the recommended installation of a 100 mm depth of wood-chip within the Root Protection Area of the Oak. In addition to this, some ground protection boarding (plywood sheets, pinned into place with steel pins) laid on top of the mulch would significantly increase its effectiveness.

However, the tree is one amongst several located within a discreet location. It seems unlikely that the owners would allow significant damage to occur to the very centre-piece of the project. For this reason, I do not consider that imposing a tree protection condition is necessary. The proposed access route for the driveway

SSDC Ecologist - I don't have any comments nor recommendations to make.

CONSIDERATIONS

Principle of development

The countryside location removed from nearby built form does not support the proposal. Used ancillary to the applicant's dwelling the site is unrelated to a garden curtilage area, while as a holiday let the location, again, is poorly related and represents an unsustainable location. There is not any justification for the proposed development in this location that brings domestic presence onto the land and in consequence there can be no support in principle. Accordingly there is the need to consider any material considerations that include character and appearance, highway safety and the impact on the well-being of the tree.

Character and Appearance

The Landscape Architect's response is given in full above and notes the location and lack of more recent development within the immediate location. The tree forms part of the wider rural landscape and the site is removed from the applicant's house and the land does not form part of a garden curtilage. The Landscape Architect considers that the proposal has an adverse impact in terms of character and appearance and would be contrary to Policy EQ2.

Highway Safety

In considering the holiday let element there is a need to secure appropriate visibility off site with Wood lane's access to the main road, which was viewed on leaving the site visit having cut back verges.

Impact on the tree

The Tree officer's view is that given the tree is a central feature of the project its long term well-being would be a consideration for the applicant in developing the site. If supported there would be the need to secure further detail for the access track and its impact on the hedgerow roots, as well as in the vicinity of the tree. Likewise details of service provision would need to be detailed.

Other Matters

The Parish Council have referred to any permission including a letting restriction. In dealing with a holiday let this can be conditioned subject to all other planning considerations being supportive of the proposal.

The applicant has also forwarded two letters in support of the proposal that considers there is demand for the type of facility proposed and that visitors will utilise local pubs. Notwithstanding such support there is a range of holiday accommodation in the locality that serves a variety of needs without specifically the specific presence of having a built structure otherwise isolated and set adrift in the middle of agricultural farm land.

RECOMMENDATION

Refuse

SUBJECT TO THE FOLLOWING:

01. The proposal by virtue of its location in open countryside, for which an overriding essential need has not been justified, is remote from local services and therefore constitutes unsustainable development that is contrary to policies SD1, SS1, SS2 and EP8 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.
02. The residential form present in this rural field, where there is no built presence to which it relates and where the historical landscape record is relatively intact, is regarded as incongruous; at variance with local character; and an erosion of the highly distinctive historic landscape. The addition of a track and its associated vehicular movement will further this adverse impact, which is at variance with the objectives of Policy EQ2 of the South Somerset Local Plan 2006- 2028.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent did not take the opportunity to enter into pre-application discussions.

Agenda Item 24

Officer Report On Planning Application: 16/02150/DPO

Proposal :	Application to discharge Section 106 agreement 02/00896/FUL (Agricultural tie) dated 18th December 2002.
Site Address:	Southlands Marsh Lane South Cheriton
Parish:	Horsington
BLACKMOOR VALE Ward (SSDC Member)	Cllr Tim Inglefield Cllr William Wallace
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	29th June 2016
Applicant :	Mr S Hitchman
Agent: (no agent if blank)	Greenslade Taylor Hunt 1 High Street Chard Somerset TA20 1QF
Application Type :	Non PS1 and PS2 return applications

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 local concerns to be fully debated.

SITE DESCRIPTION AND PROPOSAL





This application seeks the discharge of a Section 106 agreement dated 18 December 2002 that accompanies planning permission ref: 02/00896/FUL for the erection of an agricultural worker's dwelling. The obligation restricts any sale, lease or other disposal of the dwelling or the adjacent land (a large agricultural field sits between) on which are located various agricultural buildings and yard area.

The application was considered concurrently with application ref: 16/02160/DPO that has been approved and sought a similar release of land although this was undeveloped land tied to the same agricultural dwelling that is linked to the current application.

RELEVANT HISTORY

16/02160/DPO - Application to discharge section 106 agreement 950451 (Poultry buildings) dated 16 November 1995 (as modified on 28 June 2010) - Approved.

02/00896/FUL - The erection of an agricultural workers dwelling - approved.

Prior to 1997 various agricultural applications were submitted.

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
HG9 - Housing for Agricultural and Related Workers

National Planning Policy Framework:
Part 1 - Building a strong, competitive economy
Part 3 - Supporting a prosperous rural economy
Decision Taking (Planning Conditions and Obligations)

Planning Practice Guidance - Use of Obligations

CONSULTATIONS

Horsington Parish Council - rejects the proposal for the following reason:
The initial reason for the planning consent was to serve the business which is still in existence. There is no evidence provided to suggest that the requirement for an agricultural workers dwelling is no longer required. (OFFICER Note: the agricultural worker's occupancy condition remains in place.)

REPRESENTATIONS

A site notice was posted at the site. There have been no responses received.

CONSIDERATIONS

This application seeks the discharge of the non-fragmentation legal agreement which ties the farmhouse known as Southland Farm to the associated farm holding that includes agricultural structures and yard areas. An accompanying application for similar that links the farmhouse with open agricultural land more recently was permitted ref: 16/02160/DPO.

The Section 106 agreement was imposed as part of the original permission for the farmhouse with the aim of trying to secure the long-term viability of the holding and the relevancy of the new agricultural workers dwelling to the holding. At the time of the application (2002) it was common place to impose such non-fragmentation restrictions and this was supported by the relevant planning policy of that time. Policy has since changed however with the introduction of the NPPF and the Council's new local plan (adopted March 2015), neither of which support the use of planning obligations in this way on the basis that they are not usually considered to be necessary, fair or reasonable to make such developments acceptable.

Condition 3 of planning permission ref:02/00896/FUL restricts the occupation of the farmhouse to "a person solely or mainly working, or last working in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants", and so the agricultural tie attached to the property will remain in force through this condition should the legal agreement be discharged. There is no evidence to suggest that the removal of this non-fragmentation agreement will lead to the holding becoming less viable.

It is considered that there are no exceptional circumstances that over-ride current planning policy requirements relating to legal obligations and therefore there can be no justification to insist on the retention of this non-fragmentation legal agreement. Local concerns include that the land involves built form as distinct from non-developed agricultural land and inevitably one day having been separated there would be pressure for a new dwelling from which to manage the built form and that this is a distinctly different proposition to the separation of open land from the 'managing' dwelling. Notwithstanding, the issue must be whether the separation results in an amenity concern and in this case removed from the adjacent built form amenity is

not considered an issue. With regard to concerns that in the long term there would be pressures arising for a new dwelling to serve the agricultural built form in the event the site is sold off separately to the currently tied dwelling it can only be said that there is no automatic requirement for a house in this location for which an essential need would have to be proven at the time.

RECOMMENDATION

To allow the discharge of Section 106 Agreement dated 18 December 2002 made between South Somerset District Council and Mr and Mrs S Hitchman, Mrs I J B Black and Mr R N Macassey.

Informatives:

01. A copy of this decision will be sent to the Councils Land Charges Department and Legal Department so that they can remove the restriction from their records. A copy of this certificate should be retained and kept with the deeds of the property.