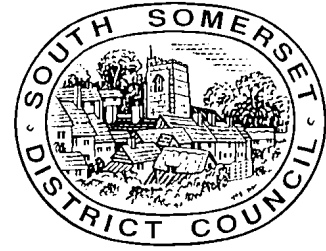


South Somerset District Council

Notice of Meeting



Area East Committee

Making a difference where it counts

Wednesday 7th December 2016

9.00 am

The first items on the agenda are confidential and will be taken in closed session. The remainder of the meeting is open to the public and will not start before 9.45am

**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 Tuesday 29 November 2016.

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



INVESTORS IN PEOPLE

Area East Committee Membership

Mike Beech
Tony Capozzoli
Nick Colbert
Sarah Dyke

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 **11am**. 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 7 December 2016

Agenda

Preliminary Items

1. **Exclusion of the Press and Public** (Page 9)
2. **Historic Buildings at Risk (Confidential)** (Pages 10 - 11)
3. **Wincanton Sports Centre Update Report (Confidential)** (Pages 12 - 40)
4. **Minutes of Previous Meeting**

To approve as a correct record the minutes of the previous meeting held on Wednesday 9th November 2016.

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

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

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

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

Planning Applications Referred to the Regulation Committee

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

Councillors 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.

7. 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.

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

9. 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 11th January 2017 at 9.00am.

10. Chairman Announcements

Items for Discussion

11. Retail Support Initiative Grant Application - Wincanton and Wincanton Top-Up (Pages 41 - 43)

12. Community Capital Grant Requests (Pages 44 - 57)

13. Highways Update Report (Pages 58 - 59)

14. **Area East Committee Forward Plan** (Pages 60 - 62)
15. **Planning Appeal (For Information Only)** (Pages 63 - 79)
16. **Schedule of Planning Applications to be Determined by Committee** (Pages 80 - 81)
17. **15/03274/FUL - Land off Cuckoo Hill, Bruton** (Pages 82 - 102)
18. **16/03158/OUT - Land OS 0069 Whitechurch Lane, Henstridge** (Pages 103 - 108)

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 items (agenda items 2 and 3) 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 3

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

Document is Restricted

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

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of the Local Government Act 1972.

Document is Restricted

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

Document is Restricted

Agenda Item 11

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.

At the November meeting Members deferred their decision on this grant request and asked Officers to check with Legal if a charge on the property would be appropriate and whether the owner (who is not the grant applicant) would be willing to accept a charge. This is a relatively low amount on which to consider a charge - a verbal update on the owner's willingness to accept this will be provided at the meeting. Since the November meeting we have also had confirmation (in writing) that the property is no longer on the market.

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' scheme.

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: a prominent unit in Wincanton Market Place in need of redecoration to improve exterior and to give the property a new identity. No business has traded from the premises since last summer. The recommended grant award of £1,840 includes £340 from the Wincanton 'top up' scheme

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

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 12

Community Capital Grant Request (Executive Decision)

Assistant Director: Helen Rutter, Communities
Service Manager: Tim Cook, Area Development Team Lead (East)
Lead Officers: Tim Cook/ Pam Williams/ James Divall, Neighbourhood Development Officers
Contact Details: tim.cook@southsomerset.gov.uk or (01963) 435088
james.divall@southsomerset.gov.uk (01935) 462261
pam.williams@southsomerset.gov.uk (01963)435020

Purpose of the Report

For members to consider requests for capital grants from Carymoor Environmental Centre, Castle Cary Moat Garden Committee, Henstridge Village Hall Management Committee and Sutton Montis Village Hall Committee.

Public Interest

Awarding grants is a key way that SSDC supports and helps to deliver community projects sponsored by parishes and voluntary community organisations in the towns and villages across Area East.

Background

Community Capital Grant applications are considered twice a year in June and December. The next opportunity to consider applications will be at the Area East Committee meeting in June 2017.

Requests from community organisations for non-capital works are restricted to small grants with the upper limit of £1,000. A minimum amount of £100 has also been agreed. Capital projects requiring grants of between £500 and £1,000 can be dealt with at any time and are subject to Ward Member agreement.

Appendices A and B show the standard grants conditions used by SSDC and the policies under which all applications are assessed.

Recommendations

- 1) Members agree to extend the allocation to Galhampton Village Hall and the Castle Cary & Ansford Fairfield project for a further 6 months.
- 2) Members agree to top up the Community Capital Budget by £17,000 from the Parish Infrastructure budget.
- 3) Members agree a contribution of up to £6904 (36% of the total project costs) from the Community Capital Budget to Sutton Montis Village Hall Committee towards the refurbishment of Sutton Montis VH, subject to the standard conditions set out in appendix A
- 4) Members agree a contribution of up to £5800 (48% of the total project costs) from the Community Capital Budget to Castle Cary Moat Garden Committee towards the purchase of the Moat Garden, subject to undertaking an access audit and the standard conditions set out in appendix A; with funding released following exchange of contracts.
- 5) Members agree a contribution of up to £5326 (15% of the total project costs) from the Community Capital budget to Carymoor Environmental Centre towards the £35156 project, subject to the standard conditions set out in appendix A

- 6) Members agree a contribution of up to £1937 (41% of the total project costs) from the Community Capital Budget to Henstridge Village Hall towards the purchases of tables and chairs.

Extension of grant period for previous awards

SSDC policy is to award grants on the basis that the money is spent within 6 months.

Members will recall that an award of £12,500 was made in June 2012 towards a new hall for Galhampton. This allocation was last reconfirmed for a further 6 months at the June meeting. The group is now working on the final stage of the of the National Lottery Reaching Communities application process and if successful, will begin work on the hall early in 2017.

Members agreed to an award of £7920 towards the Fairfield project in Castle Cary at the meeting in June of this year. A bid to Viridor for a large grant towards the scheme was unsuccessful which has led to a delay. The group has continued efforts to raise the funds and has requested an extension for a further 6 months.

2016/17 Community Capital Budget

We have received applications for contributions totalling £18,063 for the December grants round. There is currently £2967 remaining in the Community Capital Budget. The AE budget summary (appendix C), shows that there is currently £24,971 ring fenced in the Parish Infrastructure Budget and £26,930 in the Community Planning Budget.

The Parish Infrastructure budget was established in order to support infrastructure projects that improve safety. Two schemes (Barton St David speed signs and Mudford SIDs) have been supported from this budget over the last five years. Officers consider that it is appropriate to reallocate some of this capital funding in order to support the applications in the December grants round.

Sutton Montis Village Hall Committee – Refurbishment of Sutton Montis Village Hall

Sutton Montis Village Hall Committee has applied for a grant towards urgent work to refurbish the hall.

Parish Precept information

Parish	South Cadbury
Parish population	284
No. of Households	140
Precept 16/17	£4420
Band D Charge 16/17	£30.05

The Project

Members may recall that in December 2012, Area East Committee agreed an award of up to £11,550 towards urgent repairs to the hall. The hall committee, responding to local views, decided to investigate the potential to extend the hall and have been working with specialists on a feasibility study. The Area East award was withdrawn and the funds returned to balances in anticipation of an application towards a more ambitious scheme.

Feasibility work identified that there is potential to provide a modest extension on the existing site and planning permission has been approved. The estimated cost of the extension was in excess of £140,000 and after further consultation, the hall committee has reached the conclusion that the cost is disproportionate to the benefit and has instead identified priority improvements to make the hall fit for purpose.

The users groups and the wider community have been consulted at each stage of the process.

The hall has continued to be the venue for a range of activities including two archeological talk evenings, a curry night, Italian supper night, Valentine's Day supper, Treasure Hunt, South African wine tasting evening, 4th July American Independence Day Quiz and supper, Cream teas and a bi-monthly coffee morning.

The building has continued to deteriorate over the last 4 years so much so that the committee feels that the repair work has to be the priority

A number of activities are not currently possible due to the state of the hall but are planned for when the repairs have been carried out. These include yoga, indoor light sports, bridge club and film nights. The full refurbishment remains an aspiration but a safe and comfortable hall is considered necessary to continue to raise funds for other work.

Some preliminary, investigative work has been started and the costs of this have been removed from the application as SSDC cannot fund retrospectively. The proposed work includes significant repairs to the south wall, the west wall, the entrance and porch and the provision of a new floor.

The project has been assessed against the agreed criteria and the following scores apply.

Category	Maximum score	Score
A Eligibility	Y/N	Y
B Equalities Impact	7	4
C Need for Project	5	4
D Capacity of Organisation	15	11
E Financial need	7	4
F Innovation	3	1
Total	37	24

Projects scoring above 22 points are eligible for SSDC support under the current policies. The application scores quite well in terms of need but the overall score is low due to the limited sources of funding and the fact that it is mainly focused on repair.

Funding Sources	% Funding of Total Scheme Cost	Amount of Funding	Status
Parish Council	1% 11%	£200 £2000	Secured Applied for
SSDC (Area East)	36%	£6904	Applied for
Confirmed donations	4%	£800	Secured
Own Funds	48%	£9091	Secured
Total Scheme Cost	100%	£18996	

The group originally requested a little over £10,000. The lower recommended amount is due to the fact that some work has taken place, the Parish Council contribution was relatively small and the work does not significantly improve the facility beyond the necessary repairs. The group has requested a larger contribution from the Parish Council and this has improved the assessment score.

The hall committee has spent a considerable amount of hall funds on the feasibility study and planning application. The sources of funding are limited as very few funders will contribute towards this type of project.

Castle Cary Moat Garden Committee – Land Purchase

Castle Cary Moat Garden Committee has applied for a £5,800 grant towards purchasing the Moat Garden and securing the future use for the community.

Parish Precept information

Parish	Castle Cary
Parish population	3361
No. of Households	1648
Precept 16/17	117,744
Band D Charge 16/17	139.35

The Project

The Moat Garden is a small area of amenity space (under a quarter of an acre) on the edge of the historic hill fort minutes from the High Street in Castle Cary. Although the land itself is in private ownership, the area is used as a community garden/quiet space by local residents and the primary school. It has therefore benefited from a variety of grants over the years (including £500 from SSDC in 2009). The current owner acquired the site in 2007 and throughout this ownership a committed group of volunteers have improved and maintained the area. At the end of last year the owner indicated that she wished to sell and was seeking in excess of £15k.

In February 2016 an independent valuation was undertaken resulting in an assessed value of £12k. The owner has subsequently indicated a willingness to sell at this price.

A new management committee was formed and has subsequently gone on to establish a Community Interest Organisation which had its Charity Commission registration accepted in October. Subsequent to this a grant request for £5,800 has been approved by Garfield Weston Foundation to partially fund the purchase and some improvement works – total estimated cost for this and legal work is £12,900. A grant of £5,800 is sought from SSDC towards the acquisition with the residual money coming from the group's own funds which have been accrued through fundraising events and funding contributions from trusts and local businesses

The project has been assessed against the agreed criteria and the following scores apply.

Category	Maximum score	Score
A Eligibility	Y/N	Y
B Equalities Impact	7	3
C Need for Project	5	4
D Capacity of Organisation	15	10
E Financial need	7	4
F Innovation	3	2
Total	37	23

Projects scoring above 22 points are eligible for SSDC support under the current policies.

Funding Sources	% Funding of Total Scheme Cost	Amount of Funding	Status
Parish/Town Councils	1%	£100	approved
SSDC (Area East)	48%	£5,800	Applied for
Garfield Weston Foundation	48%	£5,800	Secured
Other	3%	£300	Secured
Total Scheme Cost	100%	£12000*	

* acquisition cost only

Beyond normal fundraising activities, there is limited income generation potential from this site so a grant is recommended in preference to a loan.

Even though the site is challenging, it is suggested that an access audit may be able to suggest areas where access could be improved. Although this is an established community space, the group is very recently established which meant it was difficult for them to evidence need and the value the community places on this space. It is therefore suggested that it would be useful to undertake some user feedback over the coming year. This would also be helpful if they make applications for funding to other bodies in the future.

Our grants are usually paid retrospectively on production of receipted invoices, as this grant is for land acquisition it is suggested that funds should be released following exchange of contracts on request of the acting solicitor.

Carymoor Environmental Centre – ‘Going underground’ project

Carymoor Environmental Centre has applied for a grant of £5325.97 (15.1%) towards a £35155.97 ‘Going underground’ educational tunnel facility & project.

Parish Precept information

Parish	Cary Moor
Parish population	536 (based on 2011 Census)
No. of Households	234
Precept 16/17	£3,540
Band D Charge 16/17	£56.54

The Project

Carymoor Environmental Trust’s aim is to encourage waste reduction and increase recycling which is very much in line with South Somerset District Council aims of increasing recycling and protecting and enhancing the quality of the environment (Council Plan 2016-21).

Carymoor is committed to helping its visitors to reduce the amount of waste going to landfill and to increase recycling, which benefits the environment, saves energy and reduces costs. Education is seen as the key to helping people to reduce waste and recycle more and to understand how their contribution helps.

Our nation sends a lot less waste into landfill than it used to – a triumph of government initiatives and the environmental movement. The Dimmer Landfill Site on which we are based is expected to stop operations in the near future. The waste will be entirely covered in clay and grass, and so the experience of seeing and genuinely understanding the extent of wastefulness in our society will disappear.

The project that Carymoor are seeking to develop is a tunnel that will show visitors what happens inside a landfill site and that will promote the ‘Reduce, Reuse, and Recycle’ message in a new and dynamic way.

Going underground will be a unique resource located behind the visitor centre at Carymoor and will give the impression that visitors are walking into an underground tunnel cut through the compacted waste of the landfill site.

This project will enable Carymoor to bridge the change in the land use of Dimmer Landfill Site, overcome this challenge and evolve. Establishing and promoting this new visitor attraction will mean we are to communicate the past history of the site, as well as current emerging technologies, and provide an inspirational and unique resource for our customers.

The Waste Tunnel is to be a simulation of tunnelling into the 15-metre thick landfill site, so visitors, most of whom are children, can experience the enormity of our society’s waste consumption and waste. The tunnel will give visitors a feel of what is buried inside a landfill and will show how what we throw away as a society has changed over time. The site opened in 1970 and is likely to close in 2017. The aim is to show how the attitudes to waste have changed and evolved during that period, from landfilling almost everything, through to the emergence of recycling, through to contemporary messages such as recovering energy from waste. There will be interpretation throughout the tunnel to highlight interesting facts to illustrate each decade of the site's operation and to show how reuse and recycling has gradually improved and attitudes have changed. The surfaces of the interior will be tactile and interactive and children will be asked to wear hard hats with miner’s lights so they can fully experience being underground!

Carymoor is visited by over 5000 people each year. This includes school children on visits, family groups for family activity days, community groups and their volunteer team who help with all aspects of our work. This project will provide a new resource for any visitors to experience and will help Carymoor to promote sustainability issues in an innovative way for the long term.

The Going Underground project has already been supported by a number of funders who have either pledged or given funds, including the Garfield Weston Foundation, an unnamed grant provider, Comply Direct, and SWP and Viridor. Castle Cary Parish Council have stated that they are supportive of the project but have declined to support with a local contribution. The SSDC grant would be the final piece in the funding and would enable the new bespoke project to start as soon as possible.

The project has been assessed against the agreed criteria and the following scores apply.

Category	Maximum score	Score
A Eligibility	Y/N	Y
B Equalities Impact	7	5
C Need for Project	5	3
D Capacity of Organisation	15	11
E Financial need	7	5
F Innovation	3	3
Total	37	27

Projects scoring above 22 points are eligible for SSDC support under the current policies.

Funding Sources	% Funding of Total Scheme Cost	Amount of Funding	Status
Garfield Weston Foundation	21%	£7500	Secure
Unnamed grant provider	14%	£5000	Secure
Comply Direct	36%	£12330	Secure
SSDC (Area East)	15%	£5326	In Application
Viridor Credits	14%	£5000	Secure
Total Scheme Cost	100%	£35,156	

As well as provided a grant for the project Viridor will provide assistance in preparing the site (e.g. levelling the ground and clearing vegetation). Additionally Carymoor centre volunteers will provide their time to support the projects development.

Henstridge Village Hall – Chairs and Tables

Henstridge Village Hall Committee has applied for a grant of £1937 towards replacement chairs and tables.

Parish Precept information

Parish	Henstridge
Parish population	1814 (based on 2011 Census)
No. of Households	839
Precept 16/17	£34,463
Band D Charge 16/17	£51.95

The Project

The hall is described by local residents as a huge asset for parish and a natural hub for the local community. In 2015 the parish council have completed a refreshed plan for the parish that incorporates new facilities to the recreation ground but also access to the changing rooms and village hall facilities via a new patio and access path. In recent months the village hall committee have also reviewed their current facilities and have set in place a number of actions to improve accessibility and to develop the wider facilities providing more sustainability and comfort for individuals and user groups.

These actions include improved access to toilet facilities, actions to meet improved Disability Discrimination Act compliance such as a new hearing loop, improvements towards guttering and drainage on the exterior to the building and in the case of this application new seating and tables for the hall. This has meant that the village hall committee have had to think carefully about the grants providers they need to approach for various projects they have planned. This is why in the there is a lack of other grant providers highlighted within the application of this particular grant.

The project highlighted aims to purchase 120 new chairs and 27 tables (16 large, 11 small) to replace the current plastic chairs and old tables. A number of users groups include elderly member of the local community need new fit for purpose cushioned chairs (some with arms) to replace the current inadequate uncomfortable chairs and old tables. The new resources would support a large number of activities ranging from the weekly café, youth club, film nights, Women’s Institute, art groups, bridge club, carer groups, stay & play mother and toddler group, craft fairs and hobby groups, IT training courses and family history groups to name just a few.

Once purchased, the resources will enable the village hall users have fit for purpose, comfortable furniture to not only support the activities that they participate in but also enable the hall to be more attractive for hire, to be used further as a community hub for local residents as well as support local parish social events and celebrations.

The project has been assessed against the agreed criteria and the following scores apply.

Category	Maximum score	Score
A Eligibility	Y/N	Y
B Equalities Impact	7	4
C Need for Project	5	4
D Capacity of Organisation	15	9
E Financial need	7	5
F Innovation	3	3
Total	37	25

Projects scoring above 22 points are eligible for SSDC support under the current policies.

Funding Sources	% Funding of Total Scheme Cost	Amount of Funding	Status
Parish Council	17%	£750	Applied for
SSDC (Area East)	41%	£1937	Applied for
Own Funds	42%	£2,000	Secured
Total Scheme Cost	100%	£4867	

All other funding has been secured. The project can proceed immediately if Area East funding is agreed.

Financial Implications

If members agree recommendations 1 & 2 as set out at the beginning of the report, there will be £19,967 in the Community Capital budget for allocation at this meeting. £7971 will remain ring-fenced for Parish Infrastructure projects.

If Members agree recommendations 3,4,5 & 6, the balance in the Community Grant Capital budget will be £0.

Corporate Priority Implications

All projects help to 'maintain and enhance the South Somerset network of leisure and cultural facilities, optimising opportunities for external funding to promote healthy living.'
(Focus Four: Health & Communities)

Carbon Emissions & Adapting to 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

All projects help enhance accessibility for all. In each of the projects the Neighbourhood development officers have advised the community groups to obtain an access audit for the venue, providing them with expert advice on how to make their community facility more accessible and user friendly.

Appendix A – Standard grant conditions

1	The funding has been awarded based on the information provided on the application form for your application number.
2	The enclosed Evaluation Form will need to be completed in full and returned to the appropriate Area/Central office when you return your signed acceptance of the funding offer.
3	All other funding sources are secured.
4	SSDC are given prior notice of the date when work is to commence.
5	SSDC is acknowledged on any publicity and on any permanent acknowledgement of assistance towards the project.
6	The applicant will work, in conjunction with SSDC Officers, to monitor the success of the scheme and the benefits to the community, resulting from SSDC's contribution to the project.
7	<p>All grants offered by SSDC will be based on a set of conditions. Conditions include one or more of the following:</p> <ul style="list-style-type: none"> • Monitoring arrangements. • Publicity options. • Before and after photos. • Return signed acceptance slip. • Grants can only be paid for a single year and a second application is not allowed for the same project within 3 years (unless Service Level Agreement). • Any changes to the project should be notified to SSDC. • Share good practice with other organisations if successful in securing external funding. • All other funding sources are secured. • Conditions of grant should be presented in Committee report.
8	<p>For buildings, facilities and equipment:</p> <ul style="list-style-type: none"> • Capital grants are on a one-off basis. • Capital grant applications should include a strategy for maintenance of equipment to applicable standards, and a strategy for replacement (or otherwise) if appropriate. • Subject to planning permission if necessary. • Shared use of buildings/equipment, where appropriate. • Proper signage to buildings/facilities. • The applicant must ensure that its play area is inspected and maintained in accordance with EN1176 or a successive standard. • For Village Halls, an access audit must be carried out and all projects should be improving access for people with disabilities.

Appendix B

SSDC Community Grants Policies

1	Corporate Priorities	Grants criteria and priorities will be linked to the Council's Aims & Key Targets in the Corporate Plan. These are published in the application pack and incorporated into the assessment and scoring system. Specific criteria linked to specialist work areas (eg. Sports, Arts, and Leisure and Play Provision) are published on separate sheet in grants pack.
2	Area Priorities	Area Committees set their own priorities for the year and publicise these to applicants. Area grants should reflect local priorities within the broad district-wide framework.
3	Area or District-wide?	An organisation should be considered for a District-wide grant if: 40% or more of the organisation's activity is benefiting people in 2 or more SSDC areas It is unique in the district and no equivalents exist in the areas. It may have a local base but plans to develop quickly across the district. District-wide organisations receiving core funding should apply to the areas separately for local project work. Where new local projects involving district-wide organisations crop up through the year they should be supported by the area committee on a one-off or pilot basis (say 1-3 yrs). If this project then becomes part of core activities, this should be built into a Service Level Agreement.
4	Repeat Funding & Service Level Agreements (SLA's)	<ul style="list-style-type: none"> • Grant funding is for one year only; • A second grant application for the same project will not be considered within 3 years of the first award; • All organisations requesting repeat funding should have a Service Level Agreement with SSDC; • SLAs will be based on: <ol style="list-style-type: none"> a) an agreed set of measurable targets against which performance will be monitored; b) monitoring of the continued health of the individual organisation; c) value for money being demonstrated; <p>will be:</p> <ol style="list-style-type: none"> d) for 1 year if SSDC wishes to support the organisation's core running costs on an ongoing basis, but will consider funding annually or e) for 3 years if an organisation is: <ol style="list-style-type: none"> (i) assessed to be a key or substantial partner making a significant contribution to corporate and strategic priorities and/or (ii) is delivering services on a long-term basis as delegated by the council. f) 3 year SLAs will be reviewed in the 3rd year of operation; at least one year's notice will be given if future funding levels are to change.
5	Funding/costs	Up to 50% of the total project costs is available (up to 75% for safety surfacing in play areas). Up to £12,500 is available for Area grants. Project costs will be monitored to ensure that the SSDC contribution does not exceed 50% of the total project costs. Grants will be awarded subject to other funding being secured
6	VAT	SSDC may be able to recover VAT on major schemes costing over

		£100,000. Gifts in kind may be used to avoid VAT, where appropriate.
7	Publicity	SSDC should be acknowledged on publicity material. A simple menu of 'publicity opportunities' is sent out with all grant offer letters.
8	Monitoring	Monitoring arrangements will be a condition of grant and will be included in offer letters. Monitoring will be proportionate to the size of grant and organisation Monitoring information will be fed back to the relevant Committee.
9	Non-financial support	Other forms of Council assistance will be listed in applications and committee reports. A menu of non-financial SSDC support is sent to all applicants.
10	Delegation	Requests for £750 or under are delegated to officers following consultation with Area Chair, Portfolio Holder or Ward Member as appropriate and reported to relevant committee for information only.
11	Retrospective support	Retrospective support is not eligible for funding.
12	Planning Permission	Outline planning permission/building regulation approval should be obtained before grant goes to committee. Awards will only be offered subject to planning permission (and other relevant permissions) being given (where relevant).
13	Parish/Town Council Funding	SSDC will only fund projects where a contribution is being made by the Town or Parish Council, unless there are very exceptional circumstances. This contribution should be proportionate to the size of the Parish. Applicants should approach Town/Parish Council for funding before coming to SSDC. The greater contribution received from Town/Parish Council and the less requested from SSDC the application will achieve a higher score. Parishes need to make better use of their precept to support local organisations.
14	Maintenance	Routine maintenance and replacement of equipment is not eligible.
15	Reserves	SSDC will only fund projects where a maximum of 1 year's running costs is held in free reserves. If a group has dedicated reserves for a particular project, these should be ring-fenced.
16	Leases	Capital grants can be awarded to leased facilities on the following grades: <£5k grant = minimum 10 yr lease. >£5k grant = minimum 15 year lease. Proof of ownership or evidence of an appropriate lease is required at the application stage.
17	Buildings, Facilities & Equipment	3 estimates should be submitted with buildings, facilities and equipment applications where possible. Access to buildings and sharing use of equipment should be demonstrated, where appropriate, and will be a condition of grant. Play area refurbishments will only be eligible for grant aid if the contractor is selected from the SSDC approved list. Rent/income from facilities should reflect market rates. Capital grants are on a one-off basis. Capital grant applications should include a strategy for maintenance of equipment to applicable standards, and a strategy for replacement (or otherwise) if appropriate Proper signage to buildings/facilities will be a condition of grant. Capital projects will need to have incorporated disabled access and an

		<p>access audit will be required where relevant.</p> <p>Requests for capital funding of over £12,500 are beyond the remit of the Community Grants programme. A Capital Appraisal will be required and referred to the relevant Committee for approval separately.</p>
18	Rent	<p>Organisations occupying SSDC owned property should be assessed and treated in the same way as any other organisation.</p> <p>They should all know the full rent payable.</p> <p>They should apply for a grant in the normal way and include rental costs in their budget.</p> <p>SSDC support should reflect the value placed on the work of the organisation not the cost of the accommodation.</p>
19	Rate Relief	<p>All organisations eligible to 100% Rate Relief apply directly to Business Rates. Charitable Arts and Sports organisations who are entitled to 80% Rate Relief can apply to Area Committees for a grant to meet the 20% shortfall. Assessments are made using an adopted set of criteria.</p>
20	Offer letters/grant conditions	<p>All grants offered by SSDC will be based on a set of conditions, which will be presented in Committee reports, to include the following:</p> <ul style="list-style-type: none"> Projects must start within 6 months of the grant being offered or as otherwise specified in the offer letter A project update will be provided every 3 months Other monitoring arrangements as specified Publicity options (eg photos) Return signed acceptance slip Grants can only be paid for a single year and a second application is not allowed for the same project within 3 years (unless SLA) Any changes to the project should be notified to SSDC Share good practice with other organisations All other funding sources are secured Grants only payable upon receipt of invoices or receipts which provide evidence of the costs of project/purchase Evidence of relevant permissions being obtained (eg. planning permission)
21	Loans	<p>SSDC will help applicant's access loans from other sources where possible, and consider loans only when alternative forms of borrowing are not available or at a prohibitive cost. All loans will incur interest</p> <p>Village Halls can borrow up to £5,000 through the District-wide Village Hall Loans Scheme</p> <p>Loans of up to £5,000 can be approved by Area Committees</p> <p>Loans exceeding £5,000 will require a full appraisal & business plan</p> <p>Loans are offered at the appropriate Public Works Loan Board rate for the period of the loan</p> <p>The maximum repayment period will be 10 years and repaid in instalments in accordance with the agreed payment reschedule</p> <p>The maximum amount of a loan shall be £150,000. Any requests above this are beyond the remit of the Community Grants programme and will be considered separately by Full Council.</p> <p>Other loans may be available from other suitable sources</p>

Appendix C

AE Budget Summary with Remaining Available Resources – 2016/17

1	Budget type	AE Capital Programme	AE Reserve	AE Community Grants	AE Discretionary
		<ul style="list-style-type: none"> • Rolled forward annually • £25k top up by DX each year 	<ul style="list-style-type: none"> • Revenue budget • Not replenished 	<ul style="list-style-type: none"> • Annual revenue fund • Must be spent or committed in year • Renewed annually 	<ul style="list-style-type: none"> • Annual revenue • Must be spent or committed in year • Renewed annually
2	Year start position 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: 1 st October 2016	£21,136	£3,460	£4,890	£10,200

Agenda Item 13

Highways Update Report - Area East

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

Purpose of the Report

Being the second report for the 2016/17 financial year, provided to give a brief report of the highway works carried out thus far, in Area East, and our works programme for the 2016/2017 financial year.

Recommendation

That Area East Committee notes the content of this report.

Surface Dressing

The weather this year has been reasonably kind to the surface dressing program. It commenced in June and was completed through various phases by the end of August.

Surface Dressing is the practice of applying a bitumen tack coat to the existing road surface and rolling in stone chippings. Whilst this practice is not the most PR friendly, when carried out correctly it is highly effective and can bring significant improvements to the highway infrastructure.

Grass Cutting

Verge cutting including visibility splays was substantially complete by September.

Schemes proposed for 2016/2017

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

Bratton Seymour	A371 Cary/Wincanton Road	Principle Resurfacing	Completed
Wincanton	A371 Holbrook Roundabout	Principle Resurfacing	Deferred 17/18
Ilchester	Market Place/Church Street	Resurfacing	Completed
Wincanton	Dancing Lane	Resurfacing	Completed
Marston Magna	Rimpton Road (adj Easton Farm)	Resurfacing	Qtr 4
Alford	B3153 Cary Road/Station Road	Resurfacing	Deferred 17/18
Charlton Horethorne	Stowell Hill	Resurfacing	Qtr 4
Sparkford	Green Close	Footways	Completed
Ansford	Ancastle Avenue/ Terrace	Footways	Qtr 4
Castle Cary	Millbrook Gardens (Phase 2)	Footways	Deferred
Bruton	A359 Cuckoo Hill	Drainage	Completed
North Cadbury	A359 Foxcombe Farm/Galhampton	Drainage	Qtr 4

	Hill		
Castle Cary	Coopers Ash Lane, Cockhill	Drainage	Completed
Bruton	Wyke Road, Wyke Champflower	Drainage	Qtr 4
Cucklington	Long Hill	Drainage	Completed
Yeovilton	Bridgehampton Road	Drainage	Invest
Milborne Port	East Street	Drainage	Completed
Ansford	A371, Ansford Hill	Earthworks	Complete
Penselwood	Coombe Street - landslip	Earthworks	Qtr 4

Bridgehampton Road – Soil sampling carried out on 13th June showed contamination, further investigation digs required to establish a new feasible route and design.

Alford B3153 scheme of resurfacing deferred due to pre works investigations identifying substantial drainage deformation/cracking so a drainage scheme to be implemented in 2017/18.

Winter Maintenance

The preparation for this year's winter maintenance programme has now started with effect from 31 October. Our salt supply for the upcoming season has been delivered to the depot.

Somerset County Council salts over 1400km (870 miles) of its roads in anticipation of frost, snow and ice. This is approximately 21% of the total road network in Somerset.

Parish Councils have been contacted for the re-filling of their grit bins, please note that if we are not advised then we will not attend, and are again invited to collect their allocation of ten 20kg grit bags on 3rd December.

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
11 January 17	Henstridge Airfield S106 update report	To update members on the progress of the S106 agreement for Henstridge Airfield	Adrian Noon
11 January 17	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	Environmental Health Service	Yearly update report	Alasdair Bell
8 February 17	Area East Annual Parish and Town Council Meeting	Summary of issues raised at the meeting	Tim Cook
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	Regeneration Board and Local Generation Initiatives update	Update report	Pam Williams
12 April 17	Welfare Benefits Service	Annual update report	Catherine Hansford
12 April 17	Community Health and Leisure Service	Annual update report	Lynda Pincombe
12 April 17	Licensing Service	Annual report	Nigel Marston
12 April 17	Local Housing Needs	Annual update report	Kirsty Larkins
10 May 17	Area Development Service Plan Report and overview of spending	To inform members of progress on activities and projects contained within the Area Development Plan and financial outturn for 16/17.	Tim Cook

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
10 May 17	Arts and Entertainment	Annual update report	Pauline Burr/Adam Burgan

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

None

Appeals Allowed

None

Appeals Dismissed

13/00190/USE – Land at Diacut, 192 Marsh Lane, Henstridge BA8 0TG
Breach of Planning Control

16/01015/OUT – Land West of Elliscombe Cottage, Gibbet Road, Maperton, Wincanton
Outline application for the erection for 2 bungalows with all matters reserved

Appeals - Split Decision

15/03441/REM - Land Adjoining Well Farm Lower Ansford Ansford Castle Cary
Approval of reserved matters for the erection of 40 dwellinghouses, details of layout, scale, appearance and landscaping to include levels, external materials, and enhancement of biodiversity of outline planning permission 13/03593/OUT

Background Papers: None

Appeal Decision

Inquiry held and site visit made on 10 August 2016

by V F Ammoun BSc DipTP MRTPI FRGS

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

Decision date: 27 October 2016

Appeal Ref: APP/R3325/C/15/3141521

Land at Diacut Limited, 192 Marsh Lane, Henstridge, Templecombe BA8 0TG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Hugh Hayward against an enforcement notice issued by South Somerset District Council.
- The Council's reference is 13/00190/USE.
- The notice was issued on 10 December 2015.
- The breach of planning control as alleged in the notice is *Without planning permission the change of use of Land at Diacut Limited, 192 Marsh Lane, Henstridge, Templecombe BA8 0TG (The Land) from Use Classes B1, B2 and B8 (Town and Country Planning (Use Classes) Order 1987 to use of the Land for the retention of three mobile homes for residential purposes in the approximate position marked with a cross on the attached plan.*
- The requirements of the notice are (a) *Permanently cease the use of the Land for the retention of all three caravans for residential purposes;* (b) *Permanently remove two of these caravans for residential purposes and its associated domestic paraphernalia from the Land;* (c) *To retain one caravan for the use ancillary to the lawful use of the Land for B1, B2 and B8 uses only;* and (d) *Restore the land to its condition before the breach took place.*
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the ground set out in section 174(2)[d] of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal fails and the notice is altered and upheld, as set out in the Formal Decision.

Preliminary and Background matters

1. At the Inquiry an application for a full award of costs was made by the Appellant against the Council. This is the subject of a separate decision.
2. All evidence at the Inquiry was taken on affirmation.
3. As the appeal was made on legal ground (d) only there is no appeal on ground (a) seeking planning permission and the planning merits of the appeal development are not before me for decision. It follows that the development plan and other material considerations relating to such merits, and similarly the comments of the Parish Council and a local resident, can only be taken into account to the extent that they relate to the matters of fact and law at issue in legal grounds of appeal.

4. The enforcement notice allegation refers to three mobile homes, numbered 1 to 3 in the representations. Unit 2 was removed before the Inquiry, and it was confirmed for the Appellant that no case was argued in respect of that unit.

The main issues

5. The parties helpfully agreed that what was at issue in this case was *Whether the units constitute operational development as defined in Section 55 of the Act, rather than as a use of the land as a result of: size, permanence and physical attachment to the ground* (extract from Statement of Common Ground of 4 August 2016). Their agreement reflects the undisputed evidence that the three units had not been both present and known to be used for residential purposes for ten years prior to the date of the notice, but that the two now remaining had been present and thus used for four years. It follows from S171B (2) of the Act and the four year and ten year "rules" therein that the appeal on ground (d) can only succeed if it is concluded that the said units have been buildings/operational development for that four year period. I concur and conclude that this is the main issue in this case.
6. The case for the Appellant approached this issue through a conclusion that the appeal units were no longer caravans. It does not follow, however, that because a unit is not a caravan then it must be a building/operational development. Nevertheless as this approach involves a dispute as to the accuracy of the matters alleged in the notice¹, I shall deal with it as though it had been an appeal on ground (b).

Ground (b)

7. The Appellant's claim that the units were not caravans turned upon the Court of Appeal judgement in *Carter*² that to be a caravan the units, once fully assembled must be capable, as a whole, of being towed or transported by a single vehicle. No dimension or other circumstance was put forward as contrary to their being caravans. It was claimed that in this case as a matter of fact Units 1 and 3 would have to be broken up in order to transport them, and that this was because a replacement industrial building completed in 2010 had restricted the space available for moving the units, including by crane. In the case of the twin Unit 3 use of a crane was stated to be debarred due to the new building leaving insufficient space for the necessary metal frame to be placed beneath the unit.
8. The Council argued that while *Carter* had required the units to be of such a nature that they could be moved as a whole, S29(1) of the 1960 Act³ and *Carter* did not go beyond that to take into account changes in the neighbourhood that in fact prevented such movement. *R v Schonewille* and *Pugsey v SoS*⁴ were referred to show that a caravan walled up within a building had been held to still be a caravan, and that where local lanes were too narrow to prevent the movement of a caravan this did not prevent the caravan from falling within the statutory definition. While the circumstances in these cases, and indeed in others including *Carter* that were referred to were not claimed by either party to be identical to those in this appeal, I consider them helpful. In

¹ The notice allegation refers to mobile homes, but its requirements refer to caravans, suggesting that the Council had not distinguished between the two terms.

² *Carter v Secretary of State* (1995) JPL 311.

³ The Caravan Sites and Control of Development Act 1960.

⁴ *R v Schonewille* [2011] EWCA Crim 811 and *Pugsey v SoS & North Devon District Council* [1996] JPL.

particular the two referred to by the Council which indicate a focus upon the nature of the unit in question, rather than to potentially limiting circumstances nearby. I have concluded that the Council's legal case prevails. It follows and I have concluded that on the facts in this case the units are not debarred from being caravans by the *Carter* decision. The ground (b) argument fails.

9. For completeness I record that the parties were also in dispute as to whether the units could in fact be removed from the site by manoeuvring them through the space remaining between buildings and boundaries without use of a crane. If I had concluded that the evidence supported the Appellant on that matter, however, it could not have altered the conclusion on ground (b) set out above, and so I do not state any view on this question.
10. Also for completeness I record that if the ground (b) approach had succeeded it would have been my duty to consider whether the notice could have been corrected without injustice. When I raised this possibility it was initially argued that it would be prejudicial to the Appellant to reword the notice to focus on the units being mobile dwellings/mobile homes rather than caravans. Upon further consideration, however, and after taking into account that quashing the notice for that reason only would be likely to result in a reworded replacement enforcement notice, it was agreed that such a potential correction could be made without prejudice/injustice. It follows that even if I had concluded that the units were not caravans, this would not in itself have determined the outcome of the appeal.

The appeal on ground (d)

11. The Statement of Common Ground quoted sets out the factors to be taken into account in determining whether or not the appeal units are buildings. As to size, the appeal units have the dimensions of a single unit caravan and a twin unit caravan. Their size is thus consistent with their being such, or with being small buildings. It is clear from the evidence, however, that they were not built on site nor did their presence require activities normally associated with the work of a builder. Unit No 1 was brought onto the site in much its present form, and the double Unit No 3 brought on in two parts whose coupling had been supervised by and was described at the Inquiry by Mr Nicholls. This particular factor thus supports the Council's case.
12. As to physical attachment to the ground, it was acknowledged for the Appellant that the service connections could readily be detached, and I saw that this had been done for Unit 2. Both units had skirtings which did not have a structural or supportive role. Both had U bolts which had been screwed into the surface beneath to give the units stability, but which it was acknowledged could be readily unscrewed. I conclude that this factor supports the Council's case.
13. As to permanence, both units have remained in their present locations since they were brought onto the land, Unit 1 in 2006 and Unit 3 in 2010. There was no evidence as to any intention or likelihood of their being moved voluntarily. On the other hand, they both retain their caravan style underframes, axles, and some at least of their wheels. Unit 1 had its towing bracket attached, Unit 3 had one towing bracket on site, and one missing. Both units, therefore, retain features relating directly to mobility.
14. It was argued for the Appellant that the two units had been, as it were, boxed in by the 2010 workshop. The extent and implications of the boxing in were

disputed at the Inquiry. Whatever may be the case, however, I do not consider that lawful operational development undertaken as an entirely separate construction can affect the permanency of the units. This conclusion is supported by the fact that the other two factors identified as relevant to the determination of whether something is a building or a use of land apply directly to the unit under consideration. To have the third factor of permanency potentially determined by other external actions takes the Court determined guidelines beyond the context in which they were formulated.

15. Taking the foregoing three factors referred to as a whole, I have concluded on the main issue in this case that the presence of the appeal units constitutes a use of land rather than being the result of operational development. The ten year "rule" applies, and it follows from the undisputed evidence as to the duration of the residential use of the units that the appeal on ground (d) fails.

Changes to the notice

16. The Council acknowledged that one unit had been present on the site for long enough to be lawful subject to its use, and had framed the notice to allow one unit to remain but had not specified which. The Appellant considered this produced a lack of clarity, but I consider the notice is entirely clear in requiring all but one unit to be removed. That the Appellant may choose which to retain is neither unclear nor disadvantageous.
17. The parties agreed that the notice be amended to delete an incorrect reference to the approximate position of the units being shown by a cross, to rephrase the allegation so to refer to a mixed use, and to substitute the stationing of units for their retention. It was also agreed that to require the retention of a unit and specify its use went beyond what was necessary to remedy the alleged breach of control, and that there was no need to require reinstatement of the site to its former condition having regard to that having been open land within a commercial site. I shall correct and amend the notice accordingly.
18. The notice allegation refers to mobile homes but the requirements of the notice refer to caravans, and a notice should be self-consistent. The parties favoured a correction to "caravans", but I consider that the phrase "mobile home/ caravan" better reflects the sense of the Notice as issued.
19. I have taken all the other matters raised in the representations into consideration, including those of a neighbour concerned with drainage matters, but do not find that they alter or are necessary to my conclusions on the main issue in this case.

FORMAL DECISION

20. The Notice is corrected by replacing the allegation in paragraph 3 with the following *The change of use of the Land from Use Classes B1, B2 and B8 (Town and Country Planning (Use Classes) Order 1987) to a mixed use for the foregoing and for the stationing of three mobile homes/caravans for residential purposes;* and is amended by replacing the requirements (a) to (d) of the notice in paragraph 5 with the following *(i) Permanently cease the use of the Land for the stationing of mobile homes/caravans for residential purposes, (ii) Remove two of the mobile homes/caravans and any domestic paraphernalia associated with the residential use thereof from the land.*

21. Subject to the foregoing corrections and amendments the appeal is dismissed and the notice upheld as altered.

V F Ammoun
INSPECTOR

Costs Decision

Inquiry held and site visit made on 10 August 2016

by V F Ammoun BSc DipTP MRTPI FRGS

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

Decision date: 27 October 2016

**Costs application in relation to Appeal Ref: APP/R3325/C/15/3141521
Land at Diacut Limited, 192 Marsh Lane, Henstridge, Templecombe BA8
OTG**

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Hugh Hayward for a full award of costs against South Somerset District Council.
 - The inquiry was in connection with an appeal against an enforcement notice alleging use of the land for stationing three mobile homes for residential purposes.
-

Decision

1. The application fails.

The submissions for Mr Hugh Hayward

2. As the application was made in writing, I do not summarise it here (Document C1 relates).

The response by South Somerset District Council

3. The application was astounding, it had been made at the last possible moment contrary to Planning Policy Guidance (PPG), and could have been made before the Inquiry. There was no substance to the application. It claimed the Council had refused to acknowledge the relevance of the *Carter* case, but Mr Noon had replied at length to this, and provided evidence to support its position.
4. The Council had received no notice of Mr Haywood or Mr Nicholls evidence, only a Rule 6 statement had been provided but no proofs. The Council had nevertheless refrained from seeking its own costs.
5. If the Appellant had been unclear about the terms of the notice no costs had been incurred thereby. Clarification had been provided in the morning session. There had been a failure to prove unreasonable behaviour – it was simply a case of a difference of view. No costs should be awarded.

Rejoinder for Mr Hugh Hayward

6. The PPG was only guidance. The attendance of Mr Nicholls had been made clear to the Inspectorate, and why he would be present.
7. The Appellant had made clear the reliance on *Carter* well in advance of the Inquiry, it was appreciated that this had not been accepted. It was not denied that the Council had considered the matter.

Reasons

8. The national Planning Practice Guidance (PPG) advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The application turns on whether the Council provided evidence to substantiate its position that the appeal should fail notwithstanding the *Carter* case. I shall consider this matter first, before dealing with the claim that the notice was poorly drafted.
9. The Council referred to case law to support their view that *Carter* was not determinative as to caravan status in this particular case, in particular having regard to the effect of neighbouring building works. Their argument that not being a caravan did not establish that a unit was a building was not disputed. As to whether the units were buildings, they applied the tests of a building set out in the agreed statement of common ground. Whatever the merits of the Council arguments, they were in my view sufficient to substantiate a position that the appeal should fail notwithstanding the *Carter* case. I conclude that the Council did not behave unreasonably in resisting the appeal.
10. Turning to the claim that the notice was poorly drafted, I do not consider that the failure to specify which unit should be removed was unclear, as the requirement could be met by removing either unit. The requirement to restore the land to its condition before the breach took place was also not unclear to the Appellant, who as occupier of the site from the outset would have known what that condition was. Such a requirement might have involved subsequent disagreement as to what that condition was, but would not necessarily have done so, and there was no evidence of potential disagreement in this case. In the event upon considering the previous state of the land as known to them the Council concluded that this requirement was unnecessary. Though this implies a lack of care in drafting the requirements, given the peripheral and undisputed nature of this particular matter I do not consider that it amounts to unreasonable behaviour. The Council sought to allow the Appellant to conditionally retain one unit on the land, but phrased this as a requirement of the notice thereby going beyond what was needed to remedy the breach of control. It was however clear from their representations that the intention was to protect the Appellant's interest. An error in wording is not in itself necessarily unreasonable, and in these circumstances I do not consider that it amounted to unreasonable behaviour.
11. As I have not found unreasonable behaviour by the Council, the question of consequential costs or unnecessary expense does not arise and the costs application will fail.

V F Ammoun
INSPECTOR

Appeal Decision

Site visit made on 25 October 2016

by Rory Cridland LLB (Hons)

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

Decision date: 18 November 2016

Appeal Ref: APP/R3325/W/16/3155126

Land West of Elliscombe Cottage, Gibbet Road, Elliscombe, Wincanton, Somerset BA9 8EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Patricia Gillman against the decision of South Somerset District Council.
 - The application Ref 16/01015/OUT, dated 24 February 2016, was refused by notice dated 3 May 2016.
 - The development proposed is the construction of 2 bungalows using the existing access onto the highway.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was submitted in outline, with all matters reserved. I have dealt with the appeal on that basis, treating all plans as illustrative.

Main Issues

3. The main issues are:
 - (i) the effect of the proposal on the character and appearance of the surrounding area;
 - (ii) whether the site offers an acceptable location for the proposed development; and
 - (iii) the effect of the proposal on the living conditions of future occupiers with particular regard to disturbance.

Reasons

Character and appearance

4. The application site is situated in the countryside on the south side of Gibbet Road and is located to the west of three, two storey properties. The proposal seeks outline planning permission for the erection of 2 bungalows, with all matters reserved. The site itself is situated within an area of high amenity and landscape value and forms part of a wider agricultural site which integrates well into the surrounding countryside and enhances its rural character.

5. Although there are a small number of residential properties nearby, their numbers are limited and their traditional design, for the most part, integrates well into the rural character of the surroundings. The addition of two modern bungalows into this agricultural setting would appear at odds with both the surrounding countryside and the neighbouring properties. They would be highly visible from a number of public vantage points and would fail to promote local distinctiveness. This would be harmful to the character and appearance of the surrounding area.
6. Consequently, I find the proposal would be contrary to Policy EQ2 of the South Somerset Local Plan (2006-2028)¹ (LP) which seeks to ensure that new development is of high quality design which promotes local distinctiveness and preserves or enhances the character and appearance of the district.

Acceptability of location

7. LP Policies SS1 & SS2 restrict development outside recognised settlement boundaries other than in a limited number of defined circumstances. This includes where proposals provide opportunities or employment, create or enhance community facilities and services or meet identified housing need.
8. There is no evidence to suggest that the proposed development would result in any material employment opportunities other than during its construction stage. Likewise, the provision of two open market dwellings would be unlikely to significantly contribute to the enhancement of community facilities or services. Furthermore, there is nothing to suggest that there is any particular need for housing in this location.
9. It follows that, in view of its countryside location, the proposal would represent development outside of a recognised settlement boundary for which there is no justification. As such, it would be contrary to LP Policies SS1 & SS2.

Living conditions

10. The Council has also raised concerns regarding the living conditions of future occupiers. In particular, it points to the close proximity of the neighbouring works site which it considers would be contrary to LP Policy EQ2.
11. However, the appellant has indicated within her written evidence that the site has not been worked for a considerable period of time. This accords with my on-site observations and there is little evidence to suggest that this would change in the future. Furthermore, I am satisfied that with suitable boundary treatments, any harm can be suitably guarded against at reserved matters stage. As such, I do not consider the proposal would be detrimental to the living conditions of future occupiers and accordingly, I find no conflict with Policy EQ2 in this respect.

Other matters

12. While I acknowledge that the bungalows situated nearby which form part of the residential care home might indicate that the erection of similar dwellings would be acceptable, that scheme was permitted prior to the adoption of the LP and before the introduction of the National Planning Policy Framework ("the Framework"). It would therefore have been subject to a different set of policy

¹ Adopted March 2015

considerations. As such, I do not consider that it provides a justifiable precedent for the development proposed.

Planning Balance

13. The Council accepts that it cannot currently demonstrate a five year supply of deliverable housing sites. The Framework states that if a five year supply of deliverable housing sites cannot be demonstrated, relevant policies for the supply of housing should not be considered up to date. Policies SS1 & SS2 are such policies.
14. Nevertheless, although I have found that the proposal would not be harmful to the living conditions of future occupiers, I have found that it would be located in an unsustainable location and would be harmful to the character and appearance of the surrounding area. I regard this harm to significantly and demonstrably outweigh the benefit that an additional two units of residential accommodation would provide.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR

Appeal Decision

Site visit made on 14 September 2016

by R J Marshall LLB DipTP MRTPI

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

Decision date: 14 November 2016

Appeal Ref: APP/R3325/W/16/3145768

Land off Station Road, Lower Ansford, Castle Carey, Somerset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by conditions of a planning permission.
 - The appeal is made by Mr Gareth Davies (Elan Homes Ltd.) against the decision of South Somerset District Council.
 - The application Ref 15/03441/REM, dated 24 July 2015, sought approval of details pursuant to conditions Nos. 1, 2 and 19 of planning permission Ref 13/03593/OUT, granted on 13 February 2015 for residential development with associated vehicle access arrangements.
 - The application was refused by notice dated 22 January 2016.
 - The details for which approval is sought are: Condition 1, layout, scale, appearance, and landscaping; Condition 2, levels and external materials; and condition 19, enhancement of biodiversity.
-

Decision

1. The appeal is dismissed insofar as it relates to the details submitted pursuant to conditions Nos. 1 and 2 attached to planning permission Ref 13/03593/OUT, granted on 13 February 2015 and the appeal is allowed insofar as it relates to details submitted pursuant to condition No. 19 of the aforementioned outline planning permission in accordance with the terms of the application Ref 15/03441/REM, dated 24 July 2015, subject to the conditions on the attached list.

Background

2. Under outline planning permission 13/03593/OUT permission was given for the proposed access but the reserved matters of layout, scale, appearance and landscaping were reserved for later consideration by condition No.1. Condition No. 2 says that "All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to appearance, landscaping, layout and scale to show internal ground floor levels and external materials".
3. Condition No. 19 requires "Details of measures for the enhancement of biodiversity shall be submitted to and approved in writing by the Local Planning Authority, as part of the application for reserved matters. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority".

4. The Council refused to approve the application before me on 2 grounds. The first being that the density of development, its design and detailing would be out of accord with the local character and pattern of development and second that it had not been demonstrated that the proposed layout would facilitate the most appropriate drainage strategy by maximising the on-site soakaway of surface water.
5. Two matters arise from the above. First, although the application was refused in total the reasons for refusal make no reference to biodiversity and there is no suggestion in the Council's statement and Committee report that the ecological report submitted in accordance with condition 19 has been found unsatisfactory. I take it from this that the Council is satisfied with the ecological report and that consequently condition 19 could be discharged. Nothing that I have read or seen suggests that a contrary view should be taken. I shall have regard to this in my decision and the identification of the main issues below.
6. The second matter to take into account is the appellant's contention that the Council's concerns on surface water drainage are not for consideration at this stage as other Grampian conditions cover this matter. In my view as layout is a reserved matter, and the Council's concerns on drainage arise from the proposed layout, then it is a matter for consideration now. I expand more on why this is so below.

Main Issues

7. In light of the above the main issues in this appeal are: **first**, whether the details on the layout, scale, appearance and landscaping of the site would provide a satisfactory development in terms of its effect on the character and appearance of the surrounding area; and **second**, whether the proposed scale and layout of the development would prevent the satisfactory surface water drainage of the site.

Reasons

Character and appearance

8. Castle Cary is an attractive small settlement with a tight-knit central core beyond which is more modern 20th-century estate development. The development permitted in outline will add to the later development and extend housing into the countryside. The outline permission did not specify the number of dwelling to be provided, though it seems likely that both parties had at outline stage envisaged between 38 – 40 dwellings. This reserved matters application is for 40 dwellings.
9. Turning to the layout of the proposed development in some respects I find the details submitted pursuant to condition No. 1 to be satisfactory. Sufficient space between the proposed houses and the substantial well wooded buffer on the southern boundary of the site would be retained. And sufficient space would exist to retain and reinforce landscaping on the Station Road frontage forward of a terrace of houses.
10. Moving into the site the proposed layout does have some of the good elements of design referred to by the appellant. However, it has a notably regimented appearance with straight roads and in many cases little variety in the terms of the setback of houses from them. This, along with an undue extent of hard

surfacing provided for external car parking, would result in an unduly harsh form of development in this location on the attractive rural edge of Castle Cary. This would especially be so given the substantial woodland belt to the south of site, and an extensive open area retained to the east. For this creates a degree of separation between existing development and the appeal site that gives an especially pleasing rural context to the appeal site. This would not be reflected by the development of the site in the manner proposed. And having seen the plans of a subsequent planning application I have no reason to suppose that a more acceptable layout could not be devised whilst providing a not dissimilar number of houses.

11. Turning to the detailed design of the proposed houses it has been said that they are bland and unimaginative. However, in the absence of a more detailed critique of their design, and given that the evidence submitted shows that in practice they may look better than shown on the application drawings, I consider that on balance they are of an acceptable design. There are clearly valid concerns on the choice of materials though. Around half of the proposed houses would have walls of stone render the other half would have walls of red brick. I accept that in some cases locally such materials are used quite extensively. However, in those cases, especially when red brick was used, this detracts from the character of Castle Cary where many of the buildings in the centre are of attractive stone. Where the 20th century housing elsewhere around the town has used materials more in keeping with those found in the town's historic core, a more satisfactory form of development has been achieved. Given its fairly prominent location on one of the roads into Castle Cary it is important that the proposed development builds upon this rather than, as would be the case with the use of the proposed materials, appear discordant and out of keeping.
12. It is concluded that the details on the layout, scale, and appearance of the site would not provide a satisfactory development in terms of its effect on the character and appearance of the surrounding area. As such approval of the details under conditions 1 and 2 would be contrary to Policy EQ2 of the South Somerset Local Plan (LP) 2006-2018 which seeks to ensure a high quality of design that preserves or enhances the character of appearance of the District.

Drainage

13. The Council would prefer to see surface water drainage of the site to be by ground infiltration by soakaways. In this it is supported by Planning Practice Guidance–Flood Risk and Coastal Change. This says that generally the aim should be to discharge surface water run-off as high up the hierarchy of drainage options as is reasonably practicable. And this would be by infiltration into the ground if that was achievable. The Council is concerned that the proposed layout and density of development would make this impossible and that attenuation measures, further down the drainage hierarchy, would be required instead.
14. In my view this is a legitimate potential concern. Site layouts and densities could have an effect on the type of surface water drainage adopted. Thus, even with the presence of Grampian style drainage conditions it is wise, before allowing such matters to be approved, to look at whether the characteristics of the proposed development allow for the preferred form of surface water drainage.

15. The appellant is not suggesting that surface water drainage should be by infiltration. Rather it is his contention, supported by technical evidence, that the soil conditions would not allow satisfactory infiltration rates. No contrary technical evidence has been provided by the Council. The detail of the system to be used should, says the appellant, be left to being dealt with under the drainage conditions.
16. Given the above the weight of evidence strongly supports the appellant. With soil conditions not supporting soakaway drainage the layout and density of the proposed development would seem to have no bearing on whether or not the Council's preferred means of drainage could be adopted.
17. It is concluded that the proposed scale and layout of the development would not prevent the satisfactory surface water drainage of the site. Thus there would be no conflict with LP Policy EQ1 on flood risk.

Other matters

18. Concerns over the proposed access were made by many locally. However, the access was approved at outline stage and thus is not before me. There is also some concern that having undeveloped land to the east of the site could lead to pressure for further development. However, that was a matter for consideration at outline stage.

Conditions

19. As I am minded to allow the appeal in relation to the details submitted pursuant to condition No. 19 I have considered what conditions, if any, should be imposed. In light of the evidence to the Council's ecology officer I shall, in the interests of safeguarding legally protected species and enhancing biodiversity, impose the Council's suggested conditions on the protection of badgers and the provision of bat and bird boxes. I shall amend these conditions where necessary for greater clarity and to reflect Government Guidance.

Conclusion

20. For the reasons given above I shall dismiss the appeal insofar as it relates to the details submitted pursuant to conditions Nos. 1 and 2 attached to planning permission Ref 13/03593/OUT and allow the appeal insofar as it relates to details submitted pursuant to condition No. 19 attached to the aforementioned outline planning permission.

R J Marshall

INSPECTOR

Conditions

- 1) The development permitted under planning permission Ref 13/03593/OUT shall not commence until there has been submitted to and approved in writing by the Local Planning Authority an updated survey for badger setts, and a scheme for the protection of the badger setts and the ecological supervision of works. Development shall be undertaken in accordance with the approved updated survey and scheme.
- 2) The development permitted under planning permission Ref 13/03593/OUT shall not commence until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the installation of bird and bat boxes. Development shall be undertaken in accordance with the approved scheme.

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	BRUTON	15/03274/FUL	Development of 68 homes and associated car parking, public open space and infrastructure	Land off Cuckoo Hill, Bruton	Acorn Property Group and Landhouse Bruton
18	BLACKMOOR VALE	16/03158/OUT	Erection of affordable dwelling for elderly persons	Land OS 0069 Whitechurch Lane, Henstridge	Mr and Mrs Raymond

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: 15/03274/FUL

Proposal :	Development of 68 homes and associated car parking, public open space and infrastructure (GR:368732/135838)
Site Address:	Land Off Cuckoo Hill Bruton
Parish:	Bruton
BRUTON Ward (SSDC Member)	Cllr Anna Groskop
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	23 October 2015
Applicant :	Acorn Property Group And Landhouse Bruton
Agent: (no agent if blank)	Mr Colin Danks Tyndall House Origin3 17 Whiteladies Road Clifton Bristol BS8 1PB
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

BACKGROUND

This application was originally considered by the Committee in December 2015 when members resolved to approve the development subject to a section 106 agreement to deliver:-

- (i) Contributions towards offsite recreational infrastructure:
 - £9,167 towards enhancing the youth facility provision at Jubilee Park, Bruton.
 - £24,695 towards enhancing the playing pitch provision at Jubilee Park, Bruton.
 - £50,139 towards enhancing the changing room provision at Jubilee Park, Bruton.
 - £25,044 as a commuted sum towards the above local facilities
 - £32,355 towards enhancing the community hall provision in Bruton;
 - Monitoring fee of 1% - £1,414
- (ii) The provision of an on-site LEAP.
- (iii) At least 35% of the dwellings as affordable dwellings.
- (iv) the safeguarding of a footpath route to the southern boundary of the site, provision of up to £30,000 towards the cost of provision of such footpath
- (v) Travel Planning measures
- (vi) Off-site highways and footpath improvements, including a pelican crossing on the A359 any contribution necessarily to the full cost of applying for any Traffic Regulation Orders

Subsequently as the scheme was costed up by the applicant its viability came into question

and the applicant sought to renegotiate the detailed design of the houses, the specification of the LEAP and the package of planning obligations. Difficulties with the provision of the off-site footpath to the south have come up and this has been withdrawn from the scheme. The applicant now suggests that the existing footpath on the east side of Frome Road could be supplemented by an additional crossing to the south which would enable future residents to take advantage of any footpath provide across county council land to the south at a later stage.

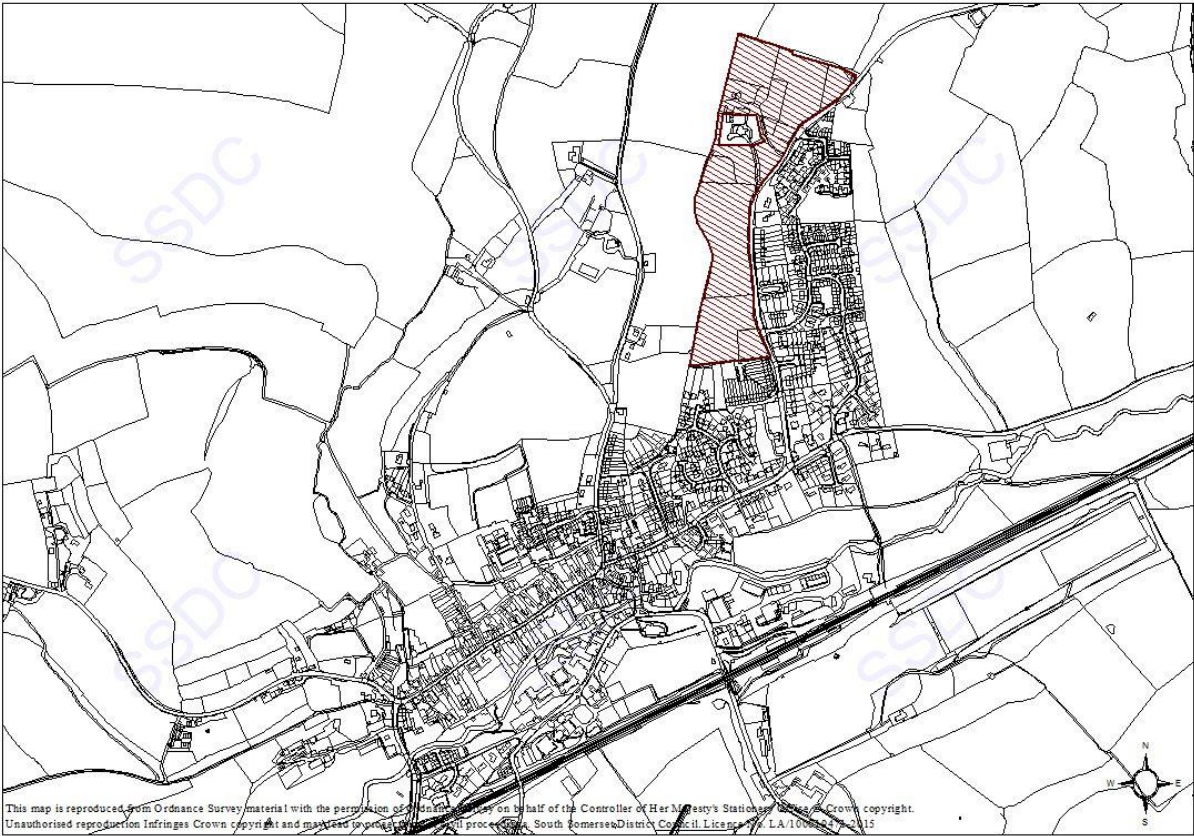
Amended plans have been provided and re-consultations carried out. The advice of the District Valuer has been sought following which the applicant has offered:

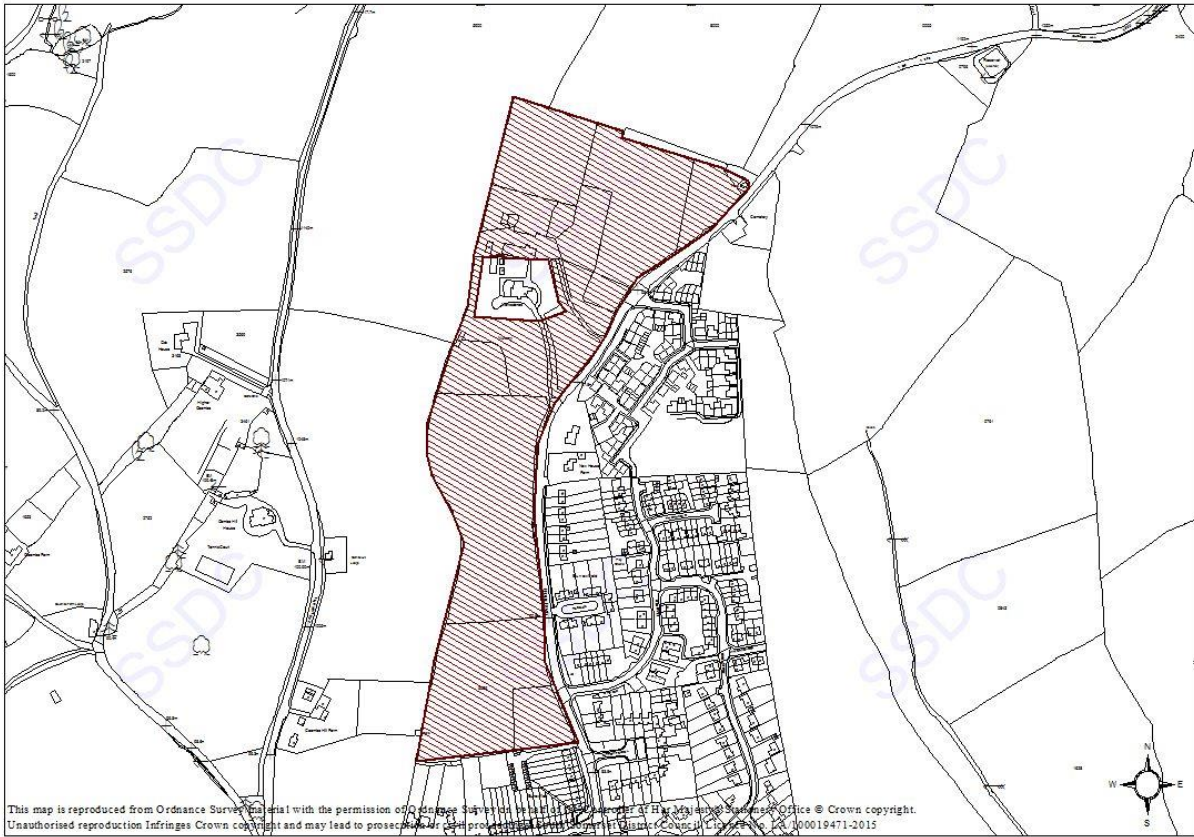
- 18% affordable housing comprising 12 units at social rent;
- Off-site leisure contributions as previously agreed;
- An on-site LEAP of a specification to be agreed;
- Travel Planning measures as previously agreed;
- Off-site highways and footpath improvements as previously agreed plus an additional crossing point over Frome Road to the south in lieu of the previously agreed footpath.

No changes are proposed to the access, layout or number of houses; the previous report, updated as necessary is presented below.

The District Valuer has confirmed that this offer reflects a viable scheme.

SITE DESCRIPTION AND PROPOSAL





This 6.41 hectare site is located at the head of a small valet in the north side of Bruton. It is bounded by the A359, Frome Road and the new Cuckoo Hill development to the east; agricultural land to the north, west and south. The site is generally level with the slight dip running north/south in the middle at the head of the valley. There is a ditch flowing from west to east along the northern boundary and hedgerows to the other boundaries. Rights of way run along the northern and southern boundaries.

The site comprises 2 distinct parts; the northern part includes the dwelling known as Frome House (the converted stables of Marksdanes) and its garden, part of the garden of Marksdanes and a small Christmas tree plantation. The southern part comprises two agricultural fields. The dwelling known as Marksdanes sits between these parts and is excluded from the development site.

Whilst the red line is extensive, the proposal is for the clearance of all structures and existing trees from the northern part of the site and the erection of 68 dwellings comprising:-

- 33 x four-bedroom houses
- 16 x three-bedroom houses
- 5 x two-bedroom houses
- 12 x one-bedroom flats
- 2 x two-bedroom flats
- 191 parking spaces
- An area of public open space to include play facilities
- A new access from Frome Road including a right turn lane into the site and new crossing points.

Marksdanes would be retained along with the two fields to the south.

The application is supported by:-

- Design and Access Statement
- Planning Statement
- Transport Assessment
- Draft Travel Plan
- Statement of Community Involvement
- Affordable Housing Statement
- Ecological Assessment
- Landscape Visual Assessment
- Flood Risk and Drainage Assessment
- Archaeological Assessment
- Land Contamination Assessment
- Tree Survey/Arboricultural Assessment
- Draft Heads of Terms for S106 Agreement

Additional information regarding the access arrangements, archaeology, bat mitigation measures, drainage and landscape has been provided to address concerns raised by consultees. At the applicant has also agreed to provide a crossing point on Frome Road to the south of the site should the opportunity arise in the future to create links to the town centre via Coombe Street.

RELEVANT PLANNING HISTORY:

14/05412/EIASS Screening opinion given – EIA not needed.

15/03363/OUT Outline permission granted on the land to the south for a doctor's surgery.

POLICY

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

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)

SS1 – Settlement Strategy – identifies Bruton as a Rural Centre

SS4 – District Wide Housing Provision – sets the overall target for the delivery of at least 15,950 houses over the plan period

SS5 – Delivering New Housing Growth – sets out a need for at least 203 houses in Bruton over the plan period. As at August 2016 103 dwellings had been completed in the first 10 years of the plan period, with a further 14 committed (i.e. under construction or with extant permission), meaning that around 116 are already being 'delivered' at Bruton. Policy SS5 states that prior to the adoption of the Site Allocations Development Plan Document a permission approach will be adopted in the Rural Centres

SD1 – Sustainable Development
SS6 – Infrastructure Delivery
SS7 – Phasing of Previously Developed Land
HG2 – The Use of Previously Developed Land for New Housing Development
HG3 – Provision of affordable Housing
HG5 – Achieving a Mix of Market Housing
TA1 – Low carbon travel
TA4 – Travel Plans
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
EQ7 – Pollution Control

National Planning Policy Framework

Part 1 - Building a strong, competitive economy
Part 4 - Promoting sustainable transport
Part 6 - Delivering a wide choice of high quality homes
Part 7 - Requiring good design
Part 8 - Promoting Healthy Communities
Part 10 - Meeting the challenge of climate change, flooding and coastal change
Part 11 - Conserving and enhancing the natural environment

Other Material Considerations

On 7 July 2016 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 47 of the NPF. In such circumstances paragraph 49 is engaged, this states:-

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

Somerset County Council Parking Strategy (March 2012)

ORIGINAL CONSULTATIONS

Bruton Town Council – support on the proviso:-

- 1) *There is an adequate road traffic management plan for the A359 including the provision of a pelican crossing.*
- 2) *That money from the developers be used to upgrade, but not increase the size, of the play area at Cuckoo Hill and that the developer upgrade its own green space on the Landhouse project.*

Bruton Trust – broadly support. Would like to see photovoltaics/thermal energy incorporated, play equipment provided on site; footpath links to the town and allotments.

SCC Highways Officer – no objection subject to modelling of the proposed access and safeguarding conditions. Subsequently it has been confirmed that:-

“The Highway Authority is satisfied that the additional modelling information has addressed the points raised in terms of the proposed junction. Regarding the off-site highway works the Highway Authority is satisfied that these are now acceptable in ‘General in Accordance’ terms.”

SSDC Policy Officer – No objection subject to consideration of site specific impacts.

Area Development – No comments received.

SCC Drainage (as LLFA): initially objected as it was not demonstrated that the proposed drainage system had adequately taken account of off-site surface water that might get into the system. Objection withdrawn in light of additional details provided.

Wessex Water – no objection to proposed foul drainage but shared LLFA’s original concerns

SSDC Engineer – accepts strategy and proposals set out in FRA, subject to agreeing technical detail and future management by condition. Requested clarification of outfall from attenuation pond.

Wales & West Utilities – no objection subject to no building over their apparatus.

SSDC Landscape Architect – notes that the site is at some distance from, and higher than, the town centre. Accepts the submitted assessment and the context provided by the development on the opposite side of the road, however initially suggested either revision to master plan to address specific concerns regarding long views to the site over St Mary’s Church, for further clarification of the mitigation strategies.

SSDC Conservation Officer – commends the interesting approach that has been taken to the design and the carefully considered and refreshing attempt at housing in a contemporary style. Conditions recommended to ensure the details are appropriate.

SCC Archaeologist – initially requested further details on any archaeological remains prior to determination of the application. Subsequently recommends safeguarding condition in light of additional details.

SSDC Tree Officer – no objection subject to safeguarding condition

SSDC Open Spaces Officer – initially concerns that insufficient informal open space would be provided as the strategic landscaping/peripheral green corridors would not normally be counted as providing this.

SSDC Ecologist – initially concerned about the loss of bat roosts in Frome House and recommended the agreement of bat roost compensation measures prior to any approval. In light of additional details raises no objection subject to the proposal satisfying the Habitats regulations and safeguarding conditions.

Somerset Wildlife Trust – no objection subject to safeguarding as per recommendation of ecology report.

SSDC Climate Change Officer – recommends the inclusion of photovoltaic panels, otherwise no objection.

SSDC Environmental Protect Officer – no objection subject to conditions to cover possible contaminated land and construction management

SCC Rights of Way – no objection subject to works not encroaching the footpaths.

Police Architectural Liaison Officer – no objection subject to revisions to address concerns about footpaths widths, natural surveillance of public areas, position of bollards and fencing.

SCC Education Officer – no contribution sought as there is capacity within the local schools.

SSDC Housing Officer – requests 23 affordable houses with the tenure split 67/33 between social rent and intermediate options:-

- 1 bed (2 person) flat – 8 (social rent) 2 (intermediate) – 47 sq.m
- 2 bed flat (4 person) – 2 (social rent) 2 (intermediate) – 66 sq.m
- 2 bed house (4 person) - 4 (social rent) 1 (intermediate) - 76 sq.m
- 3 bed house (6 person)– 1 (social rent) 2 (intermediate) - 86 sq.m
- 4 bed house (8 person) - 1(social rent) - 106 sq.m

SSDC Leisure Policy - requests a total contribution of £142,814 (£2,132 per dwelling) as follows:-

- Provision of a LEAP on site to be provided and maintained by the developer.
- £9,167 towards enhancing the youth facility provision at Jubilee Park, Bruton.
- £24,695 towards enhancing the playing pitch provision at Jubilee Park, Bruton.
- £50,139 towards enhancing the changing room provision at Jubilee Park, Bruton.
- £25,044 as a commuted sum towards the above local facilities
- £32,355 towards enhancing the community hall provision in Bruton;
- Monitoring fee of 1% - £1,414

REPRESENTATIONS

20 objection letters and 7 letters commenting on the application have been received raising the following concerns:-

- Footpaths and cycleways (multi-use path) should be provided to services and facilities in town;
- A pavement should be provided across the site frontage;
- Some of the smaller units should be available on the open market;
- Additional traffic and congestion on Cuckoo Hill and in narrow streets of Bruton;
- It is not viable to expect people to cross the road to walk into town;
- Proposed crossing not safe;
- Destruction of the fir tree site;
- Design not in keeping with traditional houses of Bruton;
- Outside development area;
- Loss of agricultural land
- Additional noise, light and litter
- School must be already oversubscribed

- Profit is being put before common sense;
- Most houses would be unaffordable
- Impact on wildlife;
- S106 money should be spent on road improvements;
- Eco-credentials are not high enough, no solar thermals, no rainwater harvesting etc.
- Increase risk of flooding
- Camber of A359 needs to be sort out as it directs surface water towards the houses to the east.
- Impact of more dog walkers on livestock;

An e- petition seeking the inclusion of the footpath has been signed on line by 'over 100 people' according to the organiser, the Bruton Area Street Improvement Initiative.

17 letters of support have been received in support of the application:-

- Well sited proposal that makes excellent use of the site;
- Bruton has to have its quota of housing and this will bring much needed homes, including affordable homes to the town;
- Will enable local, people to stay in the town;
- Environmentally friendly approach
- No harm to wildlife;
- Imaginative and attractive approach will improve public space;
- This is an ethical and responsible approach;
- There has been a failure to build for the 21st century, our forefathers embraced change and this site allows this scheme to do so without jostling with buildings of older, incompatible styles.
- New housing should be allowed to break the strait jacket of "in keeping" pastiche, using archaic building practices and materials.

Consultations in Relation to Amended Scheme

Bruton Town Council – no objection to the revision of the design

Leisure Policy Co-ordinator – previous comments apply.

Housing Development Officer – accepts the proposal to provide 12 units for social rent based on 6 one-bedroom flats, 6 two-bedroom flats and 2 two-bedroom houses.

Landscape Architect – no further landscape issues raised.

SSDC Ecologist – No further comments.

Natural England – considers that the amendments relate largely to design and are unlikely to have significantly different impacts on any statutorily protected species than the original proposal.

Police Crime Prevention Design Advisor – previous comments apply. In relation to detail to amended plans:-

- *Probable conflict between the residents of plots 42 & 43 with the public open space – please consider a more robust perimeter to prevent conflict with POS users*

- *The narrow footpath for the public right of way between plots 21 & 20 would benefit from being widened by at least .5mtr to 2metres to allow users to pass freely. I would also ask for bollards to prevent cyclists/mopeds to conflict with pedestrians*

Representations – no further comments received.

CONSIDERATIONS

This amended proposal invites the Council to consider the previously approved scheme in light of revisions to the design and the reduced affordable housing offer. It is not considered that these changes affect other aspects of the proposal previously found to be acceptable i.e. the principle of the development of this site, landscape impact, residential amenity, highways issues and accessibility, ecology and drainage.

Whilst the key issues at this stage are the merits of the redesigned houses and the reduction in affordable housing, the previous sections of the original report are updated below so that members can consider whether or not there have been any changes in circumstance that might justify reconsiderations.

Principle

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

However, the lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development fall to be determined in light of Paragraph 14 which states that where development plan policies are out-of-date planning permission should be granted unless:-

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

According to the recent High Court decision (Woodcock Holdings Ltd) in reaching a conclusion on an application, the appropriate weight to be attached to ‘out-of-date’ housing supply policies needs to be considered in the ‘planning balance’ of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. In this instance, the site is adjacent to a Rural Centre where policy SS5 advises that a permissive approach should be taken to housing proposals.

It falls to the local planning authority to strike the appropriate balance between the very clear benefits stemming from the delivery of houses to meet the Council’s shortfall and any harmful impacts arising from this proposal. The NPPF is very clear that, without a 5 year housing land supply, housing application should be considered “*in the context of the presumption in favour of sustainable development*” (para. 49) and that any adverse impacts would need to “*significantly and demonstrably outweigh the benefits*” (para.14).

It flows from this that the proposal cannot simply be rejected because it is outside the existing built up area. Such an approach could not be justified under either paragraph 14 of the NPPF or policy SS5 of the local plan, the permissive approach of the latter being very similar to the former.

The proposal for 68 dwellings, a net increase of 67, is within the overall minimum figure of 203 set out in the local plan, and in any event the mere exceedance of this figure, or meeting the target early in the plan period, could not justify withhold permission

Instead it is necessary to consider whether or not the proposal would be 'sustainable' in light of any harmful impacts, whilst giving significant weight in the planning balance to the benefits of delivering much needed housing.

Notwithstanding local concerns it is accepted that no technical consultee has raised an objection to this proposal, in terms of highways impact, drainage, ecology or archaeology. Furthermore no infrastructure provider has objected to the scheme, subject to appropriate contributions towards affordable housing and leisure facilities.

Accordingly subject to appropriate conditions and a S106 agreement to secure planning obligations in relation to education, affordable housing and leisure it is considered that no significant harm would arise in respect to these areas of concern.

Impact on Local landscape and Visual Amenities

Whilst the site's development would introduce a significant new built form to this site of the road it is considered that the modern design of the proposed houses is such that they would benefit from a degree of visual separation from the established built form. It is accepted that the site is at a distance from the town centre and is on the opposite side of the road from the main built form of this part of Bruton. However it is at a similar distance from the town centre as the new development at Cuckoo Hill and the site already has a modest build form.

Visually the site is screened from the north and west by rising land and from the east by the houses at Cuckoo Hill. Whilst the Landscape Officer originally expressed some concern about the landscape and visual impact of the development, when viewed from the south over the town, he considers the supplementary supporting case provided by the applicants demonstrates that the proposal would not have an undue landscape or visual impact.

On this basis it is considered that, in landscaping terms, the proposal complies with policies EQ2 and EQ5 of the local plan.

Design and Layout of Development

It is considered that proposed mix of house sizes, in would meet the requirements of policy HG5. The layout of the houses, with properties along the A359 to create a frontage, and a central area of public open space is an appropriate response to the topography and context and would respect the privacy of the retained dwelling at Marksdanes.

The retained hedges and hedgerow trees would be afforded sufficient space to provide supplementary planting and the wildlife corridors as required by the ecological mitigation measures. Whilst the comments of the police architectural liaison officer are noted it is considered that sufficient care has gone into the layout of the scheme to prevent his concerns manifesting themselves. The agreement of boundary details by condition would also address these concerns.

It is accepted that the unashamedly modern design proposed may not be everyone's liking, however it is considered to be high quality in its inception and has been well executed. The Council's conservation manager has been supportive and there is strongly local support for a 21st century approach to housing in the comments received.

With regard to the revisions to the design it is considered that these reasonably reflect the realities of the construction of such houses and are not considered to unacceptably water down the design vision that was previously found to be acceptable.

It is considered that the 'standalone' context, at the edge of the town is such that the proposal would not constitute an awkward juxtaposition of the modern and history and would be seen as it is intended, simply a next phase of the town's growth, not something that would detract from the historic qualities of the town centre.

On this basis it is considered that the proposal complies with policies EQ2 and EQ3.

Residential Amenity

It is not considered that the layout or design/window arrangement of the proposed houses would have any undue impacts on the amenities of existing residents. The layout and design of the proposed houses is considered sufficient to ensure an adequate standard of amenity for future occupiers. In this respect therefore it is considered that the proposal complies with policy EQ2.

Highway Issues and Accessibility

Clearly there is local concern that traffic from this development may have an adverse impact on the local road network. The applicant has provided a full transport statement, which has been updated by an audit to address issues raised by the highway authority who now accept its findings and raise no objection to the proposal subject to safeguarding conditions and travel planning measures, including the provision of new crossing point to the south of the entrance.

It is accepted that the site is at some distance from the services and facilities available in the town centre, however it is not considered that the distances involved, between 1-2km are such that the site could reasonably be considered 'inaccessible' given the availability of existing pavement link. The previously suggested new footpath across the land to the south of the application site to link to a possible new path across the County owned land Coombe Street is now omitted.

Whilst this is regrettable the applicant has offered to provide a second new crossing point on Frome Road that would enable future residents of the development to access any new link to Coombe Street that may be created. This is considered reasonable as there is justification to assume that the link across publically owned land to Coombe Street is unachievable. Until this is achieved the existing routes to the town centre, including the footpath across the southern boundary of the site to a more northerly point on Coombe Hill would be available for residents.

The applicant also offers travel planning measures to encourage future residents to rely less on the private motor car. These measures would be agreed with the County Council through the s106 agreement.

It is accepted that, given the topography, distance and nature of the pavement, which are in places narrow and require crossing the road to maintain continuity, not all future residents would choose to walk. However subject to creating the option to walk, it is considered that this will be a viable choice for some.

Accordingly subject to agreeing travel planning measures and the off-site improvements it is not considered that this proposal could be regarded as contrary to policies TA4 and TA5 in terms of the accessibility of the site.

Ecology

The Council's ecologist accepts that the development will result in the destruction of a bat roost as therefore an assessment against the three derogation tests of the Habitats Regulations 2010 is a legal requirement in the determination of this application. Permission can only be granted if all three derogation tests are satisfied. Such assessment should be included in the relevant committee or officer report. The tests are:

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

It is considered that the provision of much needed housing to address the council's shortfall constitutes a clear benefit in the wider public interest. Given the nature of the Bruton and the immediately surrounding land it is accepted that the options for the delivery of new housing to enable the town to grow are limited. This site is considered to be in the right location and could deliver the right housing at the right time. No other available alternative sites in Bruton have been identified.

In respect of test 3, the Council's ecologist concludes that the proposed mitigation, which includes timing constraints, ecological supervision of demolition, and provision of replacement bat roosting opportunities built in to a couple of the new properties, is appropriate to the species and type of bat roosts recorded. As such it is considered that the favourable conservation status would be maintained by the mitigation measures proposed which can be secured by condition.

On this basis, and subject to safeguarding conditions as recommended by the council's ecologist it is not considered that the proposal would have any undue impact on biodiversity, as such the proposal complies with policy EQ4.

Drainage

It is accepted that there has been a history of surface water flooding in Cuckoo Hill in the recent past (2011). This was as a result of torrential rain falling onto an unploughed field from which a maize crop had recently been taken. The resultant run-off overwhelmed the poorly maintained ditch on the northern side of the site and culvert under the A359. The upshot was heavy flows on water on the Frome Road which resulted in a number of homes in the new Cuckoo Hill development and existing houses in Eastfields being flooded.

Since then the ditch has been maintained and a new culvert under the A359 provided to ensure that flows from the agricultural land to the north are diverted away from this site and the houses in Cuckoo Hill/Eastfields.

There remains an overflow from the western end of this ditch which is piped under the site discharging to a water course to the south of Marksdanes. This has historically given rise to flooding issues at Frome House and Marksdanes. Whilst the re-engineering/maintenance of the east flowing ditch and culvert has rendered this less likely, the application proposes the replacement of the pipe under the site with a larger pipe. Thus in the event that the ditch backs up there would be a culvert under the site to prevent water from the land to the north causing problems for either properties along Frome Road/Cuckoo Hill or the dwellings proposed in this

site.

In terms of the on-site drainage proposals, these would also discharge to the south, but via an attenuated system. This would ensure that the existing rate of discharge from the site is not increased. Subject to securing the detail of this by condition, this aspect of the proposal is accepted by the relevant drainage consultees and complies with policy EQ2.

Planning Obligations

The proposed development will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with policies HW1 an off-site contribution towards the provision and maintenance of these facilities is requested along with an on-site LEAP equating to an overall total of £142,814 (£2,132 per dwelling). Notwithstanding local comments the County education accepts that the local schools are not oversubscribed and no education contribution is sought.

The applicant has raised no objection to making these contributions. However since member's last considered this applicant the applicant has identified viability issues with the scheme reflecting the cost of construction, market conditions and the price that affordable housing providers are able to offer. A full viability appraisal has been provided in support of the applicant's contentions; this has been assessed by the District Valuer.

It is accepted that the scheme as approved would not be viable in current market conditions. The applicant has offered to provide 12 units for 'social' rent made up of 6 one-bedroom flats, 6 two-bedroom flats and 2 two-bedroom houses. These would be provided in 2 clusters of six. The DV agrees that this would be viable and is acceptable to the housing officer.

Provided these requirements are secured through the prior completion of a Section 106 agreement the application is considered to comply with policies SS6, HW1 and HG3 and the aims of the NPPF.

Other Issues

It is accepted that the proposal would result in a modest loss of some of the best and most valuable agricultural land (grades 2 and 3a), however this land is currently in a mix of domestic and forestry use. As such it would be difficult to argue that its development should be resisted because it might at some point in the future revert to agriculture.

It is not considered that it could reasonably be argued that the proposed houses would unduly increase light, noise and litter to the point that permission should be withheld. Whilst there are those who would like to see photovoltaic and solar thermal installations added to the housing it is considered that these could not easily be added to these houses without compromising the well thought out design.

The Design and Access Statement sets out that these houses are intended to be an "exemplar for sustainable residential community development". It is considered that this is evidenced in the design of the houses and the supporting information and as such it is not considered reasonable to insist that these technologies be added retrospectively.

Finally the fears that dog walkers might not properly control their animal when close to livestock and the developer might be in it for profit are not material planning considerations and should be disregarded in his instance.

Conclusion

Whilst local concerns, including highways, ecological impact and drainage, are acknowledged, they are either not supported by the relevant technical consultees or could be adequately mitigated. As such little weight in the planning balance should be given to these issues.

It is accepted that there would be some minor landscape harm simply as a result of building on this site however it is considered that any such harm could be mitigated through the landscaping proposals. Although the modern design of the proposed houses divides opinion, it is considered that it is well conceived and executed. The site's location would set this new development aside from the historic core of Bruton, and the site's immediately surrounding are not considered so sensitive that the proposal would sit uncomfortably in its context.

The development is considered to meet the requirements of sustainable development in that it would deliver a quality scheme that would sustain the environment, socially it would provide housing and economically it would support the house building industry in the short term and the economic activity of future residents would be beneficial locally.

Given the current lack of a 5-year housing land supply it is considered that benefits in terms of the sustainable delivery of much needed housing significantly outweighs the any harm that might rise.

RECOMMENDATION

That, application reference 15/03274/FUL be approved subject to the prior completion of a section 106 planning agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure:-

- (i) Contributions towards offsite recreational infrastructure, to the satisfaction of the Assistant Director (Wellbeing) broken down as:
 - £9,167 towards enhancing the youth facility provision at Jubilee Park, Bruton.
 - £24,695 towards enhancing the playing pitch provision at Jubilee Park, Bruton.
 - £50,139 towards enhancing the changing room provision at Jubilee Park, Bruton.
 - £25,044 as a commuted sum towards the above local facilities
 - £32,355 towards enhancing the community hall provision in Bruton;
 - Monitoring fee of 1% - £1,414
- (ii) The provision of an on-site LEAP to the satisfaction of the Assistant Director (Wellbeing).
- (iii) 12 dwellings as affordable dwellings (6 one-bedroom flats, 6 two-bedroom flats and 2 two-bedroom houses for social rent) to the satisfaction of the Development Manager in consultation acceptable to the Corporate Strategic Housing Manager.
- (iv) Travel Planning measures to the satisfaction of the Development Manager in consultation with the County Highways Authority
- (v) Off-site highways and footpath improvements, including two crossing points on the A359 any contribution necessarily to the full cost of applying for any Traffic Regulation Orders to the satisfaction of the Development Manager in

consultation with the County Highways Authority

and the following conditions.

Justification:

Notwithstanding the local concerns the provision of 68 dwellings, which would contribute to the district Council's housing shortfall and make provision for enhancements to drainage, highways safety and community facilities and without undue impacts in terms of landscape, residential amenity, ecology, drainage or highway safety. As such the proposal accords with the policies of the South Somerset Local Plan 2006 - 2028 and the provisions of the National Planning Policy Framework.

Subject to the following conditions:

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

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

02. Unless required otherwise by conditions attached to this permission the development hereby permitted shall be carried out in accordance with the plans set out below.

DRAWING	NUMBER
Site Location Plan	13-063-203
Site Layout Plan	A212_S2 P8 A205_S2 P1
Housetype Plans	Housetype A: A101_S2P3; A102_S2P3 Housetype B: A104_S2P3; A105_S2P3; Housetype C: A107_S2P2; A108_S2P2; Housetype E: A114_S2P2; A115_S2P2; Housetype F: A117_S2P2; A118_S2P2; Housetype H: A123_S2P2; A124_S2P2 Housetype I: A129_S2P1; A130_S2P1; A153_S2P1; Housetype K: A132_S2P2; A133_S2P2; Housetype L: A135_S2P2; A136_S2P2; Housetype M: A154_S2P3; A155_S2P1; A156_S2P1; Housetype S1-1B: A138_S2P1; A139_S2P1; Housetype S2-2B: A150_S2P2; A151_S2P2; Housetype S2: A141_S2P1; A142_S2P1; Housetype S3: A133_S2P1; A145_S2P1; Housetype S4: A147_S2P1; A148_S2P1;
Cross Section of Culvert	12258-CD06
Proposed Culvert	12258-CD07
Arrangement	12258-CH05
Proposed Street Furniture	12258-CH06

Existing Foliage to be Removed	12258-CH07
White Lines and Signage for Junction	12258-CH08
Access Cross-Sections and Contours	12258-CH09 12258-CH10
Vehicle Tracking for New Junction	FMW1192T-SK17
Proposed Junction Surface Finishes	12258-CH-31
Proposed Puffin Crossing	
Proposed Pedestrian Crossing	
Drainage Layout	FMW1192T-SK01_G
Drainage Route Sketch	12258/SK18A
Hardworks Layout 1/3	13-21-PL-33
Hardworks Layout 2/3	13-21-PL-34
Hardworks Layout 3/3	13-21-PL-35
Tree Removal & Retention Plan	13-21-40_A 12258-CH-31
Tree Removal Drainage Sketch	CAPCO_BL_DD_PL02 CAPCO_BL_DD_PL03
Capco Playspace Plan 1/2	
Capco Playspace Plan 2/2	

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

03. Notwithstanding the details should in the submitted plans, no dwellings hereby approved shall be commenced until particulars of following have been submitted to and approved in writing by the Local Planning Authority;
- a) details of materials and positioning where appropriate (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b) details of the recessing, cills and lintels, 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 verge treatments.
 - e) Details of meter boxes, any external aerials/satellite dishes, vents, flues and extracts

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 policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

04. No development hereby approved shall be commenced until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. Such scheme shall include measures to prevent the run-off of

surface water from private plots onto the highways. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework

05. No dwelling approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

06. The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. Such strategy scheme shall include appropriate arrangements for the agreed points of connection and provision for capacity improvements as required to serve the development. Once approved drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: In the interests of residential amenity and to ensure that proper provision is made for sewerage of the site in accordance with policies EQ1 and EQ2 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

07. 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.

08. The works shall be implemented in accordance with details of the proposed bat compensation/mitigation measures (as outlined in 'Bat Addendum', Sep 2015, Clarkson and Woods Associates), and as modified to meet the requirements of the 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Plots 28 and 29 shall not be sold or occupied until inspection and written confirmation, by a Natural England licenced bat consultant, that compensatory bat roosting features have been provided in accordance with the bat compensation proposals and/or the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, has been submitted to and approved in writing by the Local Planning Authority.

If the demolition of Frome House or its outbuildings hasn't been completed by 31st March 2017, then a further survey shall be undertaken to ascertain any changes in bat presence or activity before demolition work commences. Such surveys shall be submitted to the local planning authority and approved in writing before work commences along with any further mitigation or compensation proposals that may be necessary as a result of any significant changes in bat presence or activity. Any amended compensation/mitigation measures shall thereafter be implemented as agreed.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

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

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

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

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

11. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed in accordance with a design and specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highways safety and the amenities of the locality in accordance with Policies TA5 and EQ2 of the South Somerset Local Plan 2006-2028.

12. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access from Frome Road (A359) and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

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

13. The development hereby permitted shall not commence unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning

Authority. The plan shall include construction operation hours, construction vehicular routes to and from site, measures to prevent mud/debris being deposited on the highways by vehicles leaving the site, construction delivery hours, car parking for contractors and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice. Once approved the development shall be carried out in accordance with the approved Construction Management Plan.

Reason: To safeguard the amenities of the locality in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

14. Prior to implementation of this planning permission, site vegetative clearance, demolition of existing structures, ground works, heavy machinery entering site or the on-site storage of materials, a scheme of tree planting, a Tree Protection Plan and an Arboricultural Method Statement relating to all retained trees on or adjoining the site shall be drafted so as to conform to British Standard 5837: 2005. Such Tree Protection Plan and the Arboricultural Method Statement details shall be submitted to and agreed in writing with the Council and it shall include:
- a) details of any required tree works so as to conform to BS 3998:2010 - Tree Works;
 - b) plans detailing root protection areas, construction exclusion zones and the installation of tree protection fencing;
 - c) layout plans showing the locations of required below-ground services
 - d) special tree protection and engineering measures for any approved installation of built structures, below-ground services and hard surfacing within the root protection areas of retained trees;
 - e) a scheme of arboricultural on-site supervision, monitoring and certificates of compliance relating to the tree protection measures.

Upon implementation of this planning permission, the measures as specified within the agreed scheme of tree planting, the Tree Protection Plan and the Arboricultural Method Statement shall be implemented in their entirety for the duration of construction, inclusive of any landscaping measures.

Reason : To safeguard existing trees in accordance with Policies EQ2 and EQ4 of the South Somerset Local Plan 2006-2028.

15. All planting, seeding or turfing comprised in the Landscaping Proposals as shown on drawing 13-31-30 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.

16. No dwelling hereby approved shall be occupied out until a scheme of maintenance and management of the structural and open space planting has been submitted to and approved in writing by the local planning authority. Once approved such regime shall be adhered to at all times thereafter unless agreed otherwise in writing by the local planning authority.

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

17. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or remains of past industrial use, are found at any time when carrying out the approved development al work shall cease, unless agreed otherwise in writing by the LPA and the findings must be reported in writing to the local planning authority within 14 days. If the LPA considers it necessary, an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary, a remediation scheme must be submitted to and approved in writing by the LPA and thereafter all works on site shall be carried out in accordance with the agreed scheme.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Policy EQ7 of the South Somerset Local Plan 2006-2028.

Informatives

1. You are reminded that development, insofar as it affects a right of way should not be started and the right of way should be kept open for public use until the necessary diversion/stopping up order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
2. You are reminded that there should be no removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.
3. Before this development can commence, a European Protected Species Mitigation Licence (under The Conservation (Natural Habitats, &c.) Regulations 2010) may be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.
4. It is suggested that a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
5. You are reminded that no work should commence on the development site until the appropriate rights of discharge for surface water have been obtained.
6. It should be noted that given the nature and scale of the works required to create the proposed new access, it is likely that these works will need to be secured via a suitable legal agreement rather than a standard 184 Licence. Please contact the Highway

Authority to progress this agreement well in advance of commencement of development.

7. The developer delivering the necessary highway works associated with the development hereby permitted is required to consult with all frontagers affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the grant of planning permission and prior to the commencement of said highway works, especially if the design has evolved through the technical approval process. This is not the responsibility of the Highway Authority.
8. Section 59 of the Highways Act 1980 allows the Highway Authority to recover certain expenses incurred in maintaining highways, where the average cost of maintenance has increased by excessive use. The condition survey will be used as evidence should damage to the highway network occur during the construction phase of the development.
9. The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC).

Agenda Item 18

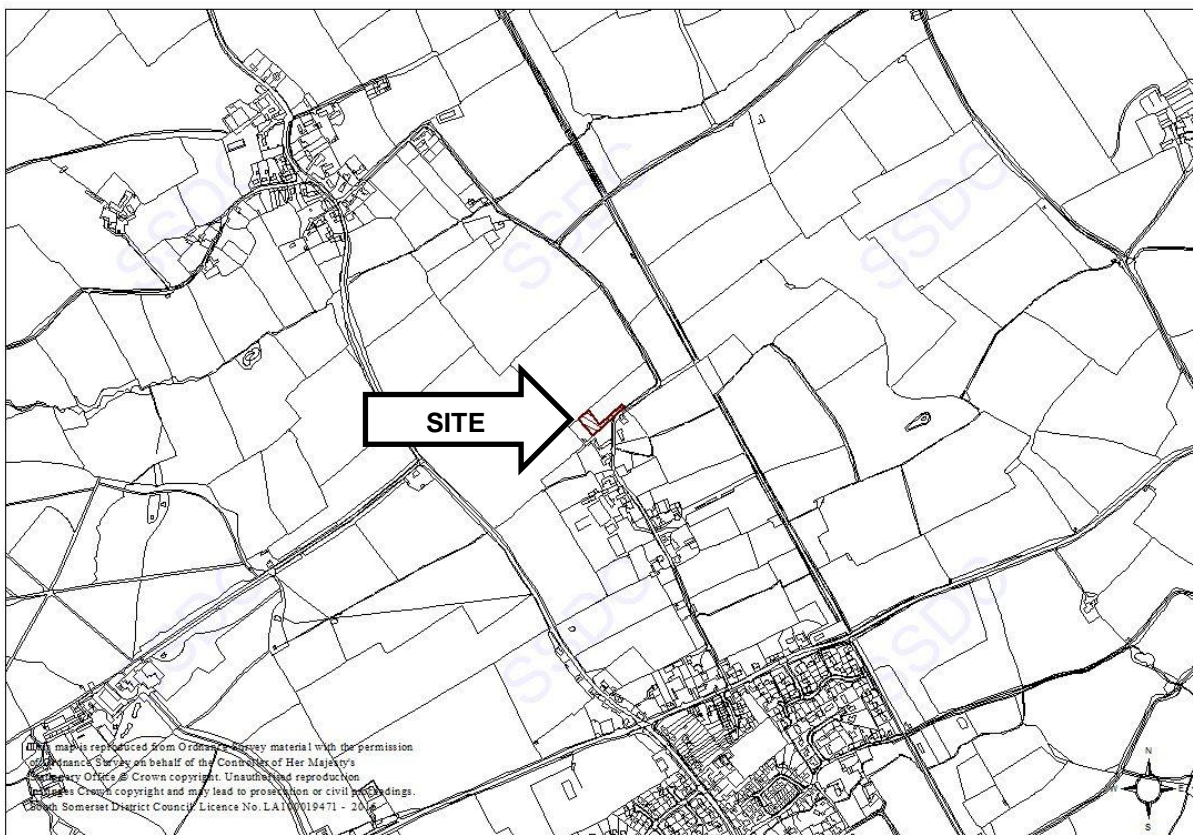
Officer Report On Planning Application: 16/03158/OUT

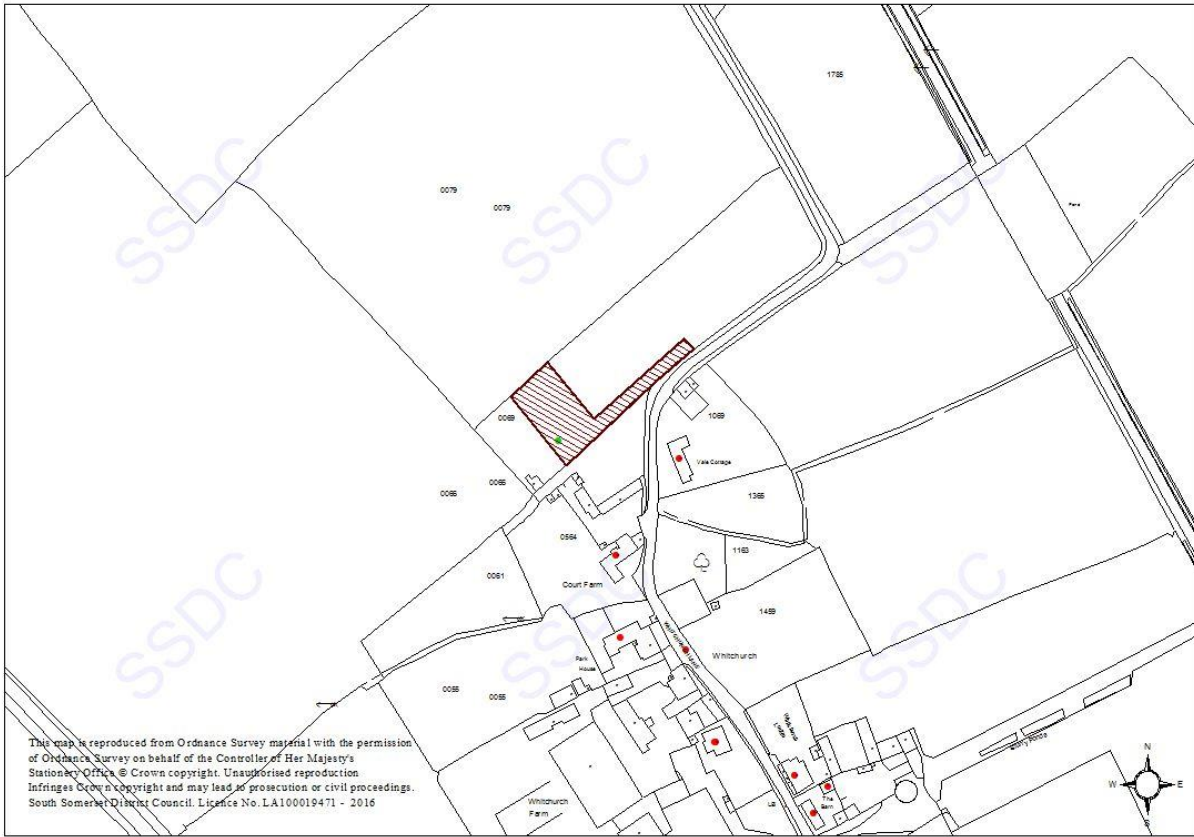
Proposal :	Erection of affordable dwelling for elderly persons
Site Address:	Land OS 0069 Whitechurch Lane Henstridge
Parish:	Henstridge
BLACKMOOR VALE Ward (SSDC Member)	Cllr Tim Inglefield Cllr William Wallace
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	15th September 2016
Applicant :	Mr & Mrs Alan and Julia Raymond
Agent: (no agent if blank)	Michael Williams Sanderley Studio Kennel Lane Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL

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 Parish Council and local support to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The application site is in countryside at the northern edge of the hamlet of Whitechurch that is located north of the A30. The site is on elevated land within the western portion of a long rectangular agricultural field with views out over the countryside to the north and west. The County Council's definitive map identifies a public right of way (footpath) that passes on the eastern side of the application site where there is also a loose box associated with the agricultural notification ref: 16/00559/AGN determined 07/03/2016.

The proposal seeks the erection of an affordable dwelling for elderly persons that includes the widening of an existing field access.

The application is supported by a Planning Statement.

RELEVANT HISTORY

16/00559/AGN - The creation of convenient access up a slope to an existing agricultural building and an associated hardstanding, Permission not required 07/03/2016.

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
SS5 - Delivering New Housing Growth
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 4 - Promoting sustainable transport
Chapter 6 - Delivering a choice of high quality homes
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

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 Public Rights of Way - As of the 26 September 2016 a response was not received.

County Archaeologist - No objections

SSDC Ecologist - I don't have any comments or recommendations to make.

County Highway Authority - standing advice applies to consider visibility, parking and turning.

SSDC Highway Consultant - Consider sustainability issues (transport). The traffic impact on the approach road is unlikely to be significant. I would support the widening of the existing access to 6.0m. The south-westerly visibility splay needs to be drawn to a tangential point to avoid any blind spots. The first 6.0m of access should be properly consolidated and surfaced (not loose stone/gravel) and measures should be implemented to ensure surface water does not discharge onto the public highway. If permitted, on-site parking provision should accord with SPS standards.

SSDC Landscape Architect - The proposal site lies within a small field at the edge of the hamlet of Whitechurch, which lies 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 paddock at the north edge of the hamlet, marginally outside the settlement's built form, that this proposal for a dwelling 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 is bounded by an established hedgerow to the south, which currently demarcates the hamlet's built extent, and its pasture directly links with the wider landscape of the Blackmore Vale. I view the introduction of a house form into this paddock to adversely impact upon local character, in that it erodes the open setting of the hamlet as experienced from the north; it introduces a locally uncharacteristic house form to the hamlet; it extends beyond the hamlet's historic bounds; and will necessitate the hedge being further breached to create an enlarged site access. As such, I consider the site to fail to conserve and enhance local character & distinctiveness, and thus do not see this application as meeting the objectives of LP policy EQ2.

SSDC Tree Officer - The group of young Sycamores adjoining the lane and access drive are far enough away not to be affected by the proposal, so I have no arboricultural objections. The location is quite elevated, exposed and rural, so if a consent were to be granted, it might be considered appropriate to ensure the establishment of, through a condition, new trees and shrubs to help soften the appearance of built-form.

REPRESENTATIONS

There have been four householder notification letters received of which three support the proposal and one objects.

The letters of support argue:

- Mr Raymond has lived and worked in Henstridge all of his life
- They wish to retire and build a retirement bungalow for themselves
- Farming is constantly changing and economically it can be a dicey business
- The Raymonds want to continue to farm for the foreseeable future
- There is no negative impact on any neighbours or the environment

The objection is concerned that:

- The road is a quiet narrow country lane
- Poor access from Whitechurch Lane onto the busy A30
- Gradual erosion of this countryside would be a great loss to the wellbeing of everyone

CONSIDERATIONS

The principle of development is sought with all matters reserved at this stage. Contrary to the applicant's Planning Statement the hamlet of Whitechurch is considered not part of a sustainable location, being located north of the A30 and detached from Henstridge the nearest Policy SS2 settlement considered to support sustainable development. No justification or exceptional circumstance is offered in support of the proposal and given the location the role of the council's lack of a five year housing land supply attracts limited weight. The proposal is considered contrary to paragraph 55 of the NPPF and accordingly it is considered that there is no 'in principle' support. There is the need to consider any material considerations.

Character and Appearance (Appearance, Landscaping, Layout and Scale):

The application site is located on north-westerly sloping ground with views across the adjacent landscape. The adjacent built form is considered largely screened from the north by the change in land levels so that the application site is much more conspicuously located. Despite the 'illustrative' detail that identifies a single storey dwelling this would introduce urban built form to the locality whose presence, what with the enlarged access point and associated drive

would visually engage with the viewer off-site. The Landscape Architect's response is not supportive of the proposal that fails to conserve and enhance local character and distinctiveness contrary to Policy EQ2.

Highway Safety (Access):

Notwithstanding that access is a reserved matter it is evident that an acceptable access arrangement can come forward and that sufficient space is available on site to provide for parking and turning. The proposal is considered generally accords with the highways' standing advice.

Neighbour Amenity:

While a reserved matter 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.

Other Matters:

The Parish Council's support is conditional and dependent on age restricted occupancy although the applicant goes further to suggest the property when put up for sale is offered first to people with clear connections to Henstridge parish before being put on the open market, accepting a legal agreement to secure the objective. The problem with the approach is necessarily the lack of third party interest at the time of sale to monitor and secure the arrangement in the long term. There is also a concern that with regard to an age related occupancy condition that given the location, as one grows older and more dependent, remote from the services and facilities that are increasingly relied on, there is still greater pressures on the provider of such services, to the detriment of wider society.

The applicant refers to Henstridge as a 'short distance' (para.3.12) to the south although there is a minimum distance of 600 metres to the Henstridge development boundary that is without benefit of footpaths or street lighting, while pedestrians would need to negotiate the narrowed shared entry from the A30 prior to arriving at Henstridge's outer edge. The overall distance to the centre of Henstridge is a minimum of 1.2km. The proposed dwelling with its age restricted occupancy condition either makes occupants increasingly reliant on the private car or else makes for increasingly isolated occupancy.

The proposal seeks to support a local agricultural worker although no attempt is made to provide an essential need justification, while it also hints at retirement for which policy does not and never has supported dwellings for retired farmers. The proposal therefore is considered in terms of an additional new build dwelling in the countryside.

Concluding Remarks:

The application site is well away from the nearest policy SS2 settlement that suggests the proposal involves an unsustainable location. The Council's lack of a five year housing land supply, noted above, results in there being less weight attached to restrictive housing policy, but in considering the site's countryside location its lack of sustainable location attracts great weight in the decision making process.

There is also the visual harm to character and appearance in locating a new dwelling within the site that is on elevated land and clearly separated visually from the adjacent built form that otherwise is largely screened by the adjacent changes in land level. In considering the unsustainable location and the adverse harm that arises in terms of character and appearance the proposal is considered contrary to paragraph 55 of the NPPF and local plan policy EQ2.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASONS:

01. The proposal involves new residential development in the countryside, for which an overriding essential need has not been justified. The application site is too much removed from the village edge of the nearest settlement considered a sustainable settlement location. By virtue of distance and lack of safe means of pedestrian access, the application site is poorly related to local services and as such will increase the need for journeys to be made by private vehicles. This identified harm is not outweighed by the contribution of the proposal towards the supply of housing in the district or by any other benefit arising from the scheme. The proposed development therefore constitutes unsustainable development that is contrary to policies SD1, SS1 and SS2 of the South Somerset Local Plan 2006- 2028 and to the aims and objectives of the National Planning Policy Framework, in particular paragraph 55.
02. The proposal by reason of its siting would erode the open setting of the hamlet as experienced from the north; it extends beyond the hamlet's historic bounds; and necessitates the roadside hedge being further breached to support an enlarged access to the detriment of local character and distinctiveness 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.