

South Somerset District Council

Notice of Meeting



Area East Committee

Making a difference where it counts

Wednesday 11th January 2017

9.00 am

**Council Offices, Churchfield,
Wincanton BA9 9AG**

(Disabled access and a hearing loop are available at this meeting venue)



The following members are requested to attend this meeting:

Mike Beech
Tony Capozzoli
Nick Colbert
Sarah Dyke

Anna Groskop
Henry Hobhouse
Tim Inglefield
Mike Lewis

David Norris
William Wallace
Nick Weeks
Colin Winder

Consideration of planning applications will commence no earlier than **10.45am**.

For further information on the items to be discussed, please contact the Democratic Services Officer on 01935 462038 or democracy@southsomerset.gov.uk

This Agenda was issued on Tuesday 3 January 2017.

Ian Clarke, Assistant Director (Legal & Corporate Services)

This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app



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”. The council’s Executive Forward Plan can be viewed online for details of executive/key decisions which are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

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

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

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

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

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for ‘mod.gov’ in the app store for your device, install, and select ‘South Somerset’ from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

Public participation at committees

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

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and 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.

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

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

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

The order of speaking on planning items will be:

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

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

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

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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Area East Committee

Wednesday 11 January 2017

Agenda

Preliminary Items

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the previous meeting held on Wednesday 7th December 2016.

2. Apologies for absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), 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.

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. 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.

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

4. Public Participation at Committees

- a) **Questions/comments from members of the public**
- b) **Questions/comments from representatives of parish/town councils**

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

6. 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 8th February 2017 at 9.00am.

7. Chairman Announcements

Items for Discussion

- 8. Affordable Housing Development Programme** (Pages 6 - 12)
- 9. Update Report from the Countryside Service** (Pages 13 - 18)
- 10. Citizens Advice South Somerset (CASS)** (Page 19)
- 11. Area East Committee Forward Plan** (Pages 20 - 21)
- 12. Planning Appeals (For Information Only)** (Pages 22 - 33)
- 13. Schedule of Planning Applications to be Determined by Committee** (Pages 34 - 35)
- 14. Planning Application 16/01832/REM - Land at Lake View Quarry, Chistles Lane, Keinton Mandeville.** (Pages 36 - 51)

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.

Agenda Item 8

Affordable Housing Development Programme

Head of Service: Colin McDonald, Corporate Strategic Housing Manager
Lead Officer: Colin McDonald, Corporate Strategic Housing Manager
Contact Details: colin.mcdonald@southsomerset.gov.uk
or (01935) 462331

Purpose of the Report

The purpose of this report is to update members on the outturn position of the Affordable Housing Development Programme for 2015/16 in relation to Area East, the position for the current financial year and future prospects.

Recommendation

The Committee are asked to note the outturn position of the Affordable Housing Development Programme for 2015/16, the position for the current financial year and the prospects for the future.

Public Interest

This report covers the provision of affordable housing in Area East over the past year and anticipates the likely delivery of more affordable homes being constructed in the future. It will be of interest to members of the public concerned about the provision of social housing for those in need in their local area and of particular interest to any member of the public who is seeking to be rehoused themselves or has a friend or relative registered for housing with the Council and its Housing Association partners.

“Affordable” housing in this report broadly refers to homes that meet the formal definition that appears in national planning policy guidance (the ‘National Planning Policy Framework’). In plain English terms it means housing made available to people who cannot otherwise afford housing (owner occupied/mortgage or rented) available on the open market. Typically this includes rented housing (where the rent is below the prevailing market rate for a private sector rented property of similar size and quality) and shared ownership (where the household purchases a share of the property that they can afford and pays rent, also at a below market rate, on the remainder). The Housing & Planning Act 2016 formally defines the new Starter Homes as also being a form of ‘affordable housing’.

This report covers the level of public subsidy secured (which is necessary in order to keep rents at below market rates), sets out where affordable housing has been completed and describes schemes that are either already underway or are expected to be built in the near future. Other than the reference to the rural lettings policy, it does not cover the letting of the rented housing or the sale of the shared ownership and discounted market homes; in short, it is concerned with the commissioning and delivery stages only.

Background

The overall programme is usually achieved through mixed funding (Social Housing Grant [administered by the Homes and Communities Agency - HCA], Local Authority Land, Local Authority Capital, Housing Association reserves and planning obligations obtained under s106 of the Town and Country Planning Act 1990) and the careful balancing of several factors. This includes the level of need in an area; the potential for other opportunities in the

same settlement; the overall geographical spread; the spread of capacity and risk among our preferred Housing Association partners and the subsidy cost per unit.

A previous report was made to the Area East Committee on 13th January 2016 which considered the outturn for the previous financial year (2014/15) and the prospects for the then current financial year (2015/16). Since then an annual update report on the programme has been provided to the District Executive on 1st September 2016. The report to the District Executive gives more detail in terms of the longer term perspective and the provision of affordable housing across the entire district.

In recent years a significant element of the affordable housing delivery programme has been produced through planning obligations within larger sites being brought forward by private sector developers. However the delivery of these is tied to wider economics, not least the developer's view of prevailing market conditions and the speed at which they estimate completed properties will sell at acceptable prices. Typically the required affordable housing is agreed at the outset of larger sites, but delivered as the site progresses over a number of years.

The Housing and Planning Act 2016 has placed a new duty on local authorities to promote Starter Homes. As currently framed a Starter Home is effectively a discounted market product where the discount is at least 20% off the market price, repayable if resold within an unspecified time period and only available to first time buyers under the age of 40. There is also an overall price cap of £250,000 outside London. Other detail, such as the length of time that must pass before a purchaser is obliged to repay the discount in full, or in part, is to be set by regulations which the Secretary of State is yet to lay before Parliament.

Rural Housing

In November 2010 the Portfolio Holder approved the first Rural Housing Action Plan, which set out the mechanisms available to the Council in providing more affordable housing in rural locations. A revised Rural Housing Action Plan was approved by the Portfolio Holder in June 2013. During 2016 a new draft plan was produced and consulted on. This most recent revision takes into account revised policies in the new Local Plan and the imposition by central Government of a higher threshold below which affordable housing obligations cannot be imposed. The new plan was adopted in October 2016 and includes an initial action plan setting out a range of tasks specific to a number of parishes, including many in Area East, where affordable housing is being considered. In September 2016 the District Executive replenished the rural contingency fund, allocating £500,000 to enable the bringing forward of new schemes.

The Committee may recall the adoption of a rural lettings policy, which can be found on the Councils public website on the following link:

https://www.southsomerset.gov.uk/media/724294/rural_lettings_policy_-_south_somerset.pdf

Effectively every parish in the Area is covered by this policy except for Wincanton, Castle Cary & Ansford, either directly or indirectly (by falling into the 'doughnut ring' of a neighbouring parish) so that very local connections can be taken into account in the allocation of homes when they become vacant.

2015/16 outturn

Appendix A shows the two schemes that completed in 2015/16, both of which were previously reported to the Committee as they completed during the calendar year 2015.

The Hastoe scheme at Queen Camel, in conjunction with the Queen Camel CLT, delivered the final seven properties in April 2015, more details on this scheme are contained in the previous report to the Committee (13th January 2016). No funding is shown against this scheme as the total site grant of £ 868,000 had been previously reported when the first thirteen properties were delivered during 2014/15.

Seven homes were acquired by Yarlington at Milborne Port under a s106 Agreement so no public subsidy was required. These homes are adjacent to existing Yarlington stock inherited from the Council.

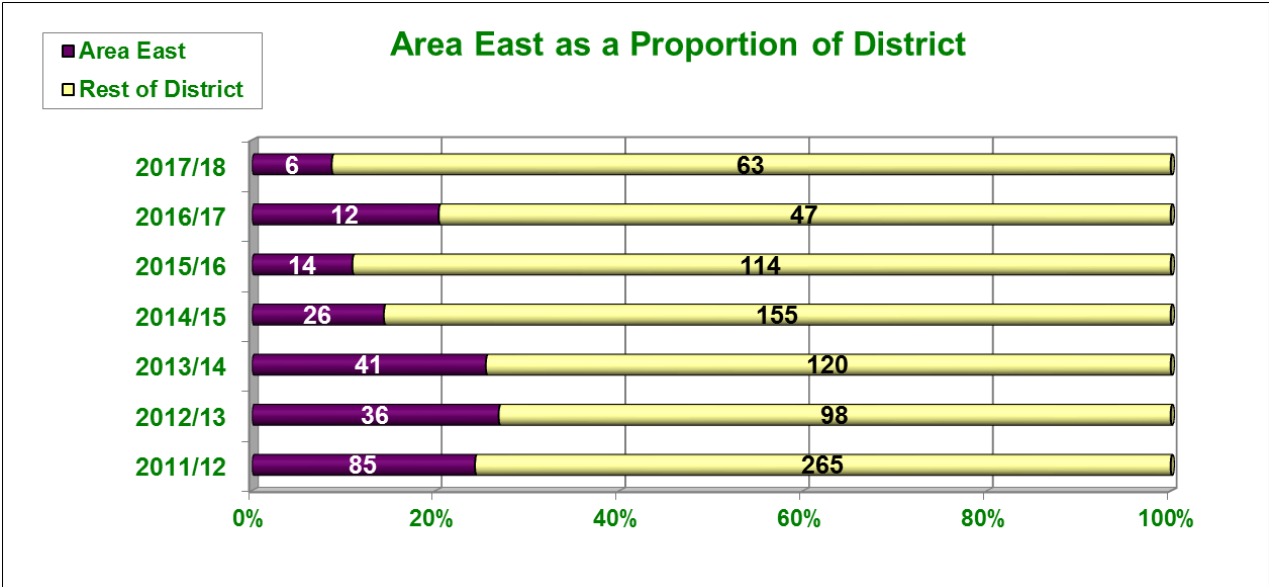
2016/17 + programme

Appendix B shows the sites that were underway in Area East during 2016/17 although one of these is not expected to complete until next financial year (2017/18). The Aster scheme at Milborne Port completed at the end of 2016, producing twelve homes without any public subsidy but deriving these from the planning obligations under a s106 Agreement. It is remarkably close to the previous, Yarlington, scheme. This site included a bespoke five bedroomed property designed with the very specific needs of a particular household in mind.

The Yarlington scheme at South Cadbury is the only scheme currently under construction and has previously been reported to the Committee and utilises a cocktail of funding including £108,000 in new grant from the HCA and some recycled funds. It has been the subject of a number of delays and is now expected to complete in October 2017.

Longer term view

As previously mentioned, the report made to the District Executive on 1st September 2016 gave more detail in terms of the longer term perspective and the provision of affordable housing across the entire district. The graph below shows the proportion of affordable housing delivered in Area East over the past five years together with the projected proportion for the current and forthcoming financial years.



Future prospects

In addition to the Aster scheme at Milborne Port, there are prospects of other schemes coming forward where affordable housing will be produced under a planning obligation (policy HG3 in the Local Plan). Members of the Committee will be aware of several planning applications where such obligations are to be imposed, including the possibility of being imposed by an Inspector when overturning a refusal at appeal. However none of these have been included in this report as, at the time of writing, no Housing Association is under contract on any of these emerging sites and there is no timescale yet in place to be reported.

The strategic housing team are also aware of at least two other sites in Area East where Housing Associations are contemplating being the sole developer. Both of these putative sites are subject to bids being made to the HCA and grant funding secured, thus neither is identified in this report.

Yarlington disposals

When considering disposals as part of their current funding agreement with the HCA, typically Housing Associations have identified isolated properties or those with a relatively high call on future maintenance costs as potential for meeting their disposal obligations. This increases the chances of an individual property being considered for disposal being in a rural area, especially where the 'SAP' (energy efficiency) rating is further reduced by a lack of access to mains gas.

For Yarlington there is a greater chance that such properties will be in South Somerset as the majority of their stock was 'inherited' from the Council at the time of the Large Scale Voluntary transfer (LSVT) with most of the remainder being built or acquired over the past sixteen years to contemporary standards.

It follows that such disposals are more likely to be affected by the October 2012 decision by District Executive to delegate consent to the Portfolio Holder in consultation with the relevant ward member/s. Of the Yarlington disposals to have taken place to date, only one property was HCA funded (gained through mortgage rescue). The majority (90%) have been in rural locations and during the previous financial year (2015/16) disproportionately so in Area East. The table below provides a more detailed breakdown.

Period	Total number of dwellings proposed for disposal by Yarlington	Of which, in Area East
June 2012 – December 2016 <i>[entire period]</i>	50	14
April 2015 – March 2016 <i>[last financial year]</i>	8	5
April 2016 – December 2016 <i>[this year to date]</i>	29	6

New needs assessment (SHMA)

As a first phase of the new strategic housing market assessment (SHMA) the five Somerset housing & planning authorities commissioned consultants to undertake a comprehensive update of the extent of functional housing and economic market areas in Somerset. In November 2015 consultants ORS Ltd reported back. Although there were changes to the position of Mendip and Sedgemoor, the report confirmed that there is a functioning South Somerset sub-regional housing market which remains influential on segments of West

Dorset, but otherwise for all practical purposes can be treated as co-terminus with the district.

Four of the five districts commissioned the full assessment of the reviewed and reconfirmed sub-regional areas in the light of revised national guidance. This assessment has been undertaken by Justin Gardiner Consulting and was procured through Sedgemoor District Council who required an earlier, interim, Sedgemoor specific report in order to meet deadlines for the cycle of their own Local Plan review. The final full report, covering all four districts, was endorsed by our Local Development Scheme Board on 17th November 2016 and can be found on our website:

https://www.southsomerset.gov.uk/media/862544/somerset_final_shma_oct2016_revised.pdf

Assuming an annual net relet supply (i.e. after taking transfers into account) of 659 homes a year arising from within the existing social housing stock, the SHMA projects a need to create, on average, a supply of 206 new housing association homes per annum across the district between 2014 and 2039. Assuming that all the new homes created are of the right size and in the right location, that would eradicate the backlog of need, as currently expressed by the higher bands on the Homefinder register, and address the expected arising need over the remainder of the assessment period.

Overall, the analysis identifies that around 24% of households have an income that would be insufficient to afford social rent without some form of subsidy such as Housing Benefit or Universal Credit. Around 10% of affordable housing sought should be of an intermediate tenure (e.g. shared ownership) and the remainder being social or affordable rented housing. The analysis identified a particular need (around 80%) for social rented housing; although it is recognised that with the inclusion of uncapped housing benefit, many of these households would potentially be able to access an affordable rented product.

The SHMA identifies a role for starter homes, as currently defined in the 2016 Act, but largely as an alternative (presumably preferred) tenure for a cohort of people currently able to afford private rented accommodation (and therefore not in the group in need of affordable housing). The 2016 Act redefines 'affordable housing' to include starter homes but the SHMA suggests that they will not contribute towards meeting the affordable housing need. For South Somerset, based on prevailing earnings, the SHMA shows that to meet the needs otherwise met by traditional of affordable housing, starter homes need to have a 47% discount.

Whilst it would not be reasonable to attempt to renegotiate the type and level of affordable housing secured through existing s106 Agreements (except when triggered by some other material change), we are now able to draw on the SHMA analysis to seek a greater proportion of rented property, particularly for social rent, as part of the planning obligations to be secured on new permissions, subject, as always, to viability.

Financial Implications

The level of SSDC capital funding is shown in the appendices. However this does not indicate the size of the unallocated programme. The main contingency funding has traditionally been held back to meet operational requirements, such as "Bought not Builts" for larger families, mortgage rescue and disabled adaptations specifically designed for clients where opportunities do not exist in the current stock.

Carbon Emissions & Climate Change Implications

Previously all affordable housing in receipt of public subsidy, whether through the HCA or from the Council, had to achieve the minimum code three rating within the Code for Sustainable Homes. The HCA has since dropped this requirement and work has been undertaken to understand the precise differences between code three and current building regulations (which have improved). Whilst the Council may be able to seek slightly higher standards than those achieved through building regulations where it is the sole funder of schemes, this is rarely the case as usually there is some HCA grant sought at some stage.

Equality and Diversity Implications

All affordable housing let by Housing Association partners in South Somerset is allocated through Homefinder Somerset, the county-wide Choice Based Lettings system. Homefinder Somerset has been adopted by all five local housing authorities in the County and is fully compliant with the relevant legislation, chiefly the Housing Act 1996, which sets out the prescribed groups to whom 'reasonable preference' must be shown.

Implications for Corporate Priorities

The Affordable Housing development programme clearly provides a major plank under "Homes" and in particular meets the stated aim:

"To work with partners to enable the provision of housing that meets the future and existing needs of residents and employers."

Privacy Impact Assessment

This report does not directly impact on any data held of a personal nature.

Background Papers: Adoption of a Balanced Rural Lettings Policy
District Executive – 1st April 2015
Area East Affordable Housing Development Programme
Area East Committee – 13th January 2016
Affordable Housing Development Programme
District Executive – 1st September 2016
Approval of the Rural Housing Action Plan 2016/18 (Portfolio Holder report)
Executive Bulletins no.s 690 & 691, 7th & 14th October 2016
Strategic Housing Market Assessment for Mendip, Sedgemoor, South Somerset and Taunton Deane
Final Report - October 2016

Appendix A: Combined HCA & SSDC Programme 2015/16 - Outturn

Housing Association	Scheme Name	Rent	Shared Ownership/	Net Gain New Homes	Total Homes for NI 155 purposes	Total Grant	Level of grant from SSDC	SSDC land allocation value	SCC Funding	Level of grant from HCA	Completion
Yarlington	Wheathill Way, Milborne Port	5	2	7	7	£0	£0	£0	£0	£0	October 2015
Hastoe	West Camel Road, Queen Camel (CLT)	3	4	7	7	£0	£0	£0	£0	£0	June 2015
TOTAL		8	6	14	14	£0	£0	£0	£0	£0	

Appendix B: Combined HCA & SSDC Programme 2016/17+

Housing Association	Scheme Name	Rent	Shared Ownership/	Net Gain New Homes	Total Homes for NI 155 purposes	Total Grant	Level of grant from SSDC	SSDC land allocation value	SCC Funding	Level of grant from HCA	Anticipated Completion
Yarlington	South Cadbury	4	2	6	6	£108.000	£0	£0	£0	£108.000	October 2017
Aster	Wheathill Nursery, Milborne Port	7	5	12	12	£0	£0	£0	£0	£0	December 2016
TOTAL		11	7	18	18	£108.000	£0	£0	£0	£108.000	

Agenda Item 9

Update Report from the Countryside Service

Assistant Director: Steve Joel, *Health and Well Being*
Service Manager: Katy Menday, *Countryside Manager*
Lead Officer: Katy Menday, *Countryside Manager*
Contact Details: Katy.menday@southsomerset.gov.uk or (01935) 462522

Purpose of the Report

To update members on the work of the Countryside Service across the District over the past year and on key projects for the next 6 months.

Public Interest

This report aims to provide the highlights of the Countryside Team at South Somerset over the past year, with particular reference to the rangers based at the countryside sites. It will summarise what has been completed in terms of land management and also event delivery for the public. The countryside team manage sites, buildings & a café at Ham Hill Country Park, Yeovil Country Park, Chard Reservoir Local Nature Reserve, Sampson's Wood, Langport cycleway, Moldrams Ground Local Nature Reserve and Eastfield Local Nature Reserve.

Recommendation(s)

That members note & comment on the report.

Across the South Somerset Countryside Sites

- It has been a challenging year for the Countryside service, as a reduction in staffing cover across the sites (with the absence of the apprenticeship scheme) and other staffing absences has seen the service working at full stretch this summer. Despite this the delivery had been astonishing and there has been increased and enhanced delivery particularly across the areas of volunteering and events.
- Ham Hill, Yeovil Country Park and Chard Reservoir all again secured their Green Flag Awards in the top 2 highest scoring brackets. Ham Hill also retained its Green Heritage accreditation.
- In the last year we have delivered 110 events. This was on a range of scales (large fairs and trail events, to small play schemes and storytelling) and subjects (Halloween, medieval fairs, bat walks, sapling pre-school sessions, military style missions and popular spring and Easter events) to appeal to many residents and visitors. We estimate that 11,162 people (children and adults) attended these events, having direct ranger contact, and feedback is always positive. We organise events that are free, or low cost to attend, to ensure as many people and families as possible experience and enjoy the countryside and all it has to offer. The event delivery this last year is massively enhanced due to the appointment and delivery of the Community Ranger in Yeovil Country park; Becky Russell.

	2015	2016
Events	45	111
Events participants	5,071	11,281
Educational visits	24	72
Pupil participants	971	1,310
Volunteer days	2,387	2,711

- The Rangers at Ham Hill and Yeovil Country Park have hosted 52 formal school visits seeing 1640 pupils from mainly key stage 2, but with new interest from key stage 1 seeing pre-schoolers having their first forest school experiences. Further schools and groups access the sites to lead their own sessions, making use of our online educational & orienteering packs and Ranger Rik Nature Trail. The first Schools Day was hosted at Chard Reservoir to generate an interest in fields study sessions available on site.
- Volunteering continues to be the back bone of the countryside operation. In the past three years volunteer days donated have steadily increased from 1601 to 2387 and in the last year 2706. The diversification of volunteering opportunities is responsible for this gradual and steady increase with a popular Monday afternoon lighter duties session at Yeovil, multiple weekdays at Chard and full time project volunteering and specialist volunteering at Ham Hill linked to event development and centre improvements. Volunteers across the sites help with all aspects of practical site management, they open and close public facilities 7 days a week, monitor wildlife, litter pick and assist at events.
- In addition to the practical volunteering the Friends Groups at Ham Hill and Yeovil have donated many hundreds of hours of grant funding work, event support and research for the ranger teams. Meeting monthly the groups provide advice, support, ideas and a forum for the users of the parks. In the last year a new Chard Group has been established. The drive of the groups is fabulous, and ensures that we make best use of all opportunities presented.
- The Countryside Team continue to manage the overseeing South Somerset Countryside Steering Group; a forum where stakeholders and experts can come together to ensure success against the team's overarching delivery plan. In addition to this the specialist Park Watch group (Avon and Somerset Police, plus Rangers, enforcement team and local residents) meet for Yeovil when necessary.
- Last winter 954 native trees were planted across Ham Hill and Yeovil Country Parks. All native species, expanding the woodland size, quality and connectivity in South Somerset. The Friends Groups continue to ensure we receive the free tree packs from the Woodland Trust.
- Practical land management is delivered by the rangers and volunteers across the sites, all inline with their 5 year land management plans and the archaeological management plan for Ham Hill. Conservation targets are monitored in a range of ways including via the annual species surveys conducted for us by the Yeovil Branch of Somerset Wildlife Trust. The rangers continue to use a range of traditional countryside management techniques wherever possible including hedge laying, dry stone walling and coppicing.
- Our web and online presence continue to be well received. Bookings for events are now via www.southsomersetcountryside.com and most events were fully booked in the last year. All site literature is now available online and many visitors choose to access leaflets and guides before they visit.
- Our presence on social media continues to be well received with very successful Facebook feeds for Ham Hill, Yeovil Country Park, Ninesprings Cafe and Chard Reservoir LNR. The Friends groups and volunteers carry out most of the management of these pages, regularly posting pictures and site updates. The Twitter feed for the ranger team is @SSDCCountryside.
- Regular annual funding income from Agri Environment schemes, Yeovil Town Council, wood sales, events, grazing tenants and other licensees continues to be secured. The Rangers and Friends group continue to research and apply for a variety small grant funds for distinct and smaller enhancement projects at the sites, but as both country parks are both in the midst of delivery of larger lottery funded projects we do not currently have any larger bids submitted.

Moldram's Ground Local Nature Reserve, Pen Selwood

- Great crested newts and dormice are the priority species on site that management is directed for. The secondary pond created by the Rangers is now populated with newts and the populations are stable. A further member of the ranger team is currently undertaking their dormice handling certificate so we are able to monitor the dormouse population on site. Somerset Wildlife Trust have identified some of the priority species listed in the September State of Nature report: on SSDC Countryside Sites this means a continued focus on habitat management for dormice, great crested newts, bitterns and an array of butterflies across all sites.
- A small team of local residents continue to visit the site regularly to report any issues to the ranger team so we can ensure that the site is well managed despite working so remotely from it.
- The 5 year management plan has been updated in 2016 and the work programme will be delivered by the ranger team and volunteers for the site. The management aims for the site remain around maintaining the public facility with wildlife protection and enhancement.

Ham Hill Country Park

- The ranger team are working with the Friends group to continue delivery towards the reinstatement of a historic stream in the bottom of Witcombe Valley. All the permissions are in place but work has been delayed until Spring 2017 to allow for drier ground conditions in the valley for the main excavation works. The project is funded by the Heritage Lottery Fund and a Medieval Fair was held on Saturday 3 Somerset to celebrate its launch with information on the medieval village that used to exist in the valley. The fair was well received with over 1000 visitors in the morning, but high winds and heavy rain from 1pm sadly ended the event early.
- This coming winter the rangers will be actively working with the Farming and Wildlife Advisory Group on their "Slow the Flow" project to address local flooding issues in the hamstone villages by implementation of brushwood dams and silt traps as designed this summer with their project officer.
- Project income for the year through the Friends Group included:

Curry Fund of the Geologists Association	£1,000	Geology Trail
Anonymous Funder	£1,000	Geology Trail
Stoke sub Hamdon Sports and Recreational Trust	£850	Large range of new educational equipment for visiting school groups

- Events this last year included the second annual dog show organised by volunteers, a popular range of summer holiday play schemes with the rangers and a variety of sporting events that are becoming established at the Hill including the Full Monty Race and the Ham and Lyme distance run. We took the decision to cancel the wood fair for capacity reasons in 2016 after the serious accident of our colleague Jon, we will consider our position for 2017 later this year.
- The rangers and Friends have worked together to create a new self-guided Ham Hill Geology Trail in memory of local geologist and past Ham Hill Friends Chairman Hugh Prudden. Hugh's input to Ham Hill, and Somerset geology generally, was huge and the trail seeks to take people around some of the key elements on site. Funding was secured from 2 external funders and the trail will be launched in earth sciences week this October.

Eastfield Local Nature Reserve, High Ham

- The rangers and volunteers organise practical working party days to manage the grassland habitats on site. Contact is maintained between the ranger team and Butterfly Conservation with reference habitat quality as a prospective large blue butterfly release site. Local volunteers now help to monitor site and assist with management activities.

Sampson's Wood

- The Yeovil rangers continue to monitor the tree stock and manage any issues as they arise.

Yeovil Country Park

- We have enjoyed an exceptional year at Yeovil Country Park as the Heritage Lottery delivery of the V3 InVolve, Visit, Volunteer project is fully underway. Community Ranger Becky Russell has made significant inroads to the busy delivery plan. This summer alone Becky has led school visits from 17 groups, meeting 556 pupils. The response from primary and preschool providers in Yeovil has been fantastic and as the figures show many hundreds of children are benefiting from exploring the greenspace on their doorstep, learning about the wildlife and history and getting to grips with forest school activities. Becky has made positive links with the secondary schools and run specialist pupil development weeks across a variety of curriculum areas. Additionally teacher training sessions have been delivered in science and Forest school sessions, giving teachers, and teaching assistants the confidence to use the country park resources.
- Many groups have benefited from the sessions and activities offered by the community ranger and attended across a range of developmental activities including Somerset MIND, Somerset Team for Early Psychosis (STEP) and many uniformed groups.
- The built heritage restoration work in Ninesprings has struck a chord with many people over the winter months when a great deal of clearance work and repairs were carried out by a ranger and a team of volunteers. We had an astonishing response, particularly on social media, to the work, illustrating what an important place Ninesprings is in many people's lives, and how much they are enjoying seeing it being restored. This new volunteer project is diversifying and increasing volunteering opportunities on site, it is providing skills training for the participants in woodland management, and also building techniques, as they point brickwork and replace missing masonry. Winter work will commence again in a month's time on the structures of Ninesprings including vegetation clearance and stone restoration.
- The ranger team delivered a mix of well received events, increasing their popular trail events in the last year to include a fairytale trail at May half term. Links with performing arts students at Yeovil College saw real life mermaids and costumed characters delighting the hundreds of children that came through the park that week. Additionally the V3 project has developed 36 new events that were delivered this summer, with 1,122 people benefitting from targeted and specialist activities including wood carving, printing workshops, photography, toddlers session and a whole range of other activities.
- A series of Yeovil Yaffle missions events were delivered in August for 8-12 year olds funded by the Armed Forces Community Covenant Fund. The day long events offered a variety of activities for the age group including tree climbing, fire lighting, army drill, den building and nighttime bat walks and storytelling.
- The Ninesprings Café has continued to flourish and also benefited from the array of activities and events on offer in the country park.

Chard Reservoir Local Nature Reserve

- The stone causeways have been completed leaving the site with sustainable access across the wetter areas of the reed beds. An updated site leaflet was printed reflecting the changes to the site and the 5 year land management plan revised for the coming years.
- Practical site works have included further ongoing repairs to the reservoir structures, winter woodland and reed bed management and summer shoreline works and angling pitch improvements.
- The practical volunteer team has formed a small constituted group to enable them to branch out into other projects for the site. They plan to fundraise to install a woodland play trail / learning zone near to the bird hide for school groups and visiting families. They also plan to create and erect a series of small interpretation panels throughout the site that explain the various heritage features of interest. The group has featured in the Waitrose green token Community Matters funding programme, and looks forward to using this money to start work on the site improvement schemes.
- The practical volunteers have moved onto the project of exposing and restoring the old boat house on site and have visited Chard museum to gather information for a new interpretation panel.
- Partnering with Magdalen Farm a schools day was delivered in July, when local primary aged children from the 5 closest schools were invited to site to experience a range of habitat linked field studies with educational staff from Magdalen Farm. 80 pupils attended from 2 schools and feedback from the teachers and pupils alike was very positive. It is hoped that the developing woodland learning and play zone should help encourage and support future visits from local schools.
- Volunteers are heavily involved in the management of the site for around 3 days per week. They assist on a huge range of tasks and accompany the ranger to avoid lone working. Lufton Cambian College are regular attendees and have helped across a range of practical projects.
- Chard countryside day was well received in July, and was our busiest site event yet, with an estimated 600 people through the free activity based event. The site ranger planned 4 play schemes for the various school holidays, but sadly we could not generate the interest to fill places on them, and so they didn't run. For 2017 we propose delivering a second drop in activity day in August, as this seems to be the type of event favoured by families in the area.

Headlines for the next 6 months

- The V3 Heritage Lottery project in Yeovil will continue with its winter programme of works whilst events and school visits are quieter.
- Events for 2017 will be developed taking on board feedback from this year.
- A range of small grants will be pursued with our Friends groups to help enable a variety of site improvement projects to go forward in 2017.
- The Ham Hill Witcombe stream projects contractor details will be finalised and works commence in the Spring of 2017.
- The play zone and interpretation panels will be progressed at Chard Reservoir.
- The Countryside Service maintains contact with the Somerset Local Nature Partnership and Cranborne Chase AONB on relevant items.
- We will work with Carymoor Environmental Centre to support them in their work and revision of their 5 year plan.
- We will support Yeovilton's Welfare Officer in a possible bid to the Armed Forces Community Covenant Scheme for enhanced facilities for the families at the Deansley Way development in Wincanton.

Financial Implications

In 2016/17 the Countryside Service manages 650 acres of public access land comprising land designated mainly as Country Parks and Local Nature Reserves, with two Country Park Centre's and the Ninesprings Cafe. A team of 5.8 Full Time Equivalent countryside staff and 1 Full Time Café manager plus a casual café workforce manage the service to a net expenditure budget of £237,560. The overall budget includes target annual income generation of £241,970.

Corporate Priority Implications

The work of the countryside service delivers for the following targets.

Council Plan –Environment

- Maintain Country Parks and open spaces to promote good mental and physical health.

Council Plan –Health and Communities

- Help people to live well by enabling quality cultural, leisure, play, sport & healthy lifestyle facilities & activities.

Carbon Emissions & Adapting to Climate Change Implications

The Countryside Team are aware of the challenges faced in mitigating climate change and as a team work hard to ensure that their operations have a minimal carbon footprint. We ensure that by approaching the management of the countryside sites in a traditional manner they offer the largest carbon sink for other operations.

Annually the team plants around 500 trees and these are always native, ensuring they are best suited to our current climate; providing habitats with the best chance of adaptation to future climate change.

By having site based rangers travel is kept to a minimum and carbon emissions kept low. Instead of heavy power tool use the nature of the work means that a significant volunteer work force is mobilised keeping fuel consumption low.

Annually thousands of members of the public of all ages have contact with the ranger team through organised educational events; promoting wildlife, green spaces, green living, traditional countryside management and minimising your carbon footprint.

Equality and Diversity Implications

The countryside team work hard to ensure that the countryside sites are as accessible as possible. Stiles are removed in favour of gates. An audio trail and free mobility vehicle are for hire at Ham Hill Country Park and will shortly be available in Yeovil. Easy access trails are promoted at the largest sites. The website contains relevant information and assistance for planning visits.

Agenda Item 10

Citizens Advice South Somerset (CASS)

Assistant Director: Helen Rutter
Service Manager: Helen Rutter
Lead Officer: David Crisfield; Third Sector & Partnerships Co-ordinator
Contact Details: david.crisfield@southsomerset.gov.uk (01935 462240)

Kim Watts, Client Services Manager, of Citizens Advice South Somerset, will be attending Area East Committee to deliver the annual presentation to members on the work of CASS during 2016 along with their future plans.

Agenda Item 11

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
8 February 17	Environmental Health Service	Annual 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	Annual update report including pre-school at Tolbury Mill Hall	Steve Barnes James Divall
8 March 17	Streetscene Service	6 monthly review	Chris Cooper
8 March 17	Regeneration Board and Local regeneration Initiatives	Update report and allocation of funds to project work	Pam Williams
8 March 17	Welfare Benefits Service	Annual update report	Catherine Hansford
8 March 17	Local Housing Needs	Annual update report	Kirsty Larkins
12 April 17	Area Development Plan	End of year report. To give an overview of progress on activities and projects contained within the Area Development Plan	Tim Cook
12 April 17	Licensing Service	Annual report	Nigel Marston
10 May 17	Community Health and Leisure	Annual Report	Lynda Pincombe
10 May 17	Arts and Entertainment	Annual update report	Pauline Burr/Adam Burgan

Agenda Item 12

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

16/02268/FUL – 73 High Street, Wincanton BA9 9JZ

Replace existing timber sash windows with new uPVC white woodgrain finish slim section double glazed sash windows of very similar type, appearance and style.

16/02370/OUT – Land off Higher Kingsbury, Milborne Port DT9 5HF

Outline planning application for residential development consisting of 3 dwellings, with all matters reserved, except for means of access and scale.

Appeals Allowed

None

Appeals Dismissed

16/00929/PAMB – Land OS 9090 part Charlton Horethorne, Sherborne

Prior approval for the change of use of agricultural stock buildings to two dwellings.

16/02268/FUL – 73 High Street, Wincanton BA9 9JZ

Replace existing timber sash windows with new uPVC white woodgrain finish slim section double glazed sash windows of very similar type, appearance and style.

Background Papers: None

Appeal Decision

Site visit made on 5 December 2016

by Thomas Bristow BA MSc MRTPI

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

Decision date: 19 December 2016

Appeal Ref: APP/R3325/W/16/3154499

Gunville Farm, Harvest Lane, Milborne Port DT9 4PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Hopkins Developments Ltd against the decision of South Somerset District Council.
 - The application Ref 16/00929/PAMB, dated 16 February 2016, was refused by notice dated 18 April 2016.
 - The development proposed is the conversion of two agricultural buildings into two dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of development in the banner heading above in preference to that given in the application form, which simply refers to a supporting statement related to the proposal. This description is also more accurate than that given within the Council's decision notice which refers to change of use alone, given that the proposal also involves building operations.
3. As such the proposal relates to the types of development set out under Schedule 2, Part 3, Classes Q(a) and (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the 'GPDO'). As the proposal relates to two barns I have drawn distinctions between issues common to both and specific to one or the other where necessary.
4. This appeal also follows unsuccessful application Ref 14/05403/PAMB, which was for similar development. Although there is reference within the information before me comparing application Ref 16/00929/PAMB with its predecessor, I have determined the proposal before me with reference to its particular merits.

Main Issues

5. There is no dispute that the current proposal meets the requirements of Schedule 2, Part 3, paragraphs Q.1(a) to (h) or (j) to (m) of the GPDO. There is similarly no dispute that the majority of the works proposed, including the

- installation of windows and doors and alterations to the roof and exterior walls are compliant with the provisions of paragraph Q.1(i).
6. However the first matter in dispute, and therefore the first main issue, is whether the building operations proposed would effectively amount to the creation of new structural elements to the building beyond that which is permitted by paragraph Q.1(i), and hence whether or not the development proposed is permitted development.
 7. Schedule 2, Part 3, Paragraph Q.2 of the GPDO sets out that where the development proposed is 'under Class Q(a) together with development Class Q(b)', development is permitted subject to an application to the local planning authority for a determination as to whether their prior approval is required in relation to the matters set out in paragraphs Q.2(1)(a) to (f).
 8. Subject to relevant conditions the Council do not appear object to the proposal with reference to the provisions of paragraphs Q.2(a) to (d). However the Council's second reason for refusal within their decision notice is that residential development here would fail to respect the character and appearance of the locality, and thus the development proposed would be 'undesirable' with reference to paragraphs Q.2(e) and (f).
 9. Consequently the second main issue in this appeal is whether or not the location or siting of the building renders the proposal undesirable, with particular reference to the effect of the proposal on the character and appearance of the area.

Reasons

Whether or not permitted development

10. Gunville Farm is a complex of buildings and structures which was formerly in operation as a dairy farm. Various buildings and structures are proposed for demolition as part of the scheme. Aside from a single storey dwelling ostensibly associated with the former use of Gunville Farm, and notwithstanding that the settlement of Charlton Horethorne falls approximately half a kilometre distant, the appeal site is within the open countryside outside of any defined development boundary. The site is accessed via Green Lane, which connects nearby with Harvest Lane.
11. Barn 1, a utilitarian steel-framed building, is the smaller of the two barns proposed for conversion. With a concrete floor, at the time of my visit it hosted deteriorating feed stalls. Walls are blockwork courses at a low-level with spaced timber cladding above, aside from three large metal barn doors which comprise the majority of one elevation. The roof is profiled fibre sheeting with several translucent panels. At the time of my site visit certain steel uprights showed visible signs of corrosion resulting from the passage of time and various timber planks were missing or damaged.
12. Barn 2 is a larger building of similar utilitarian appearance and steel-framed construction which was empty at the time of my site visit. It appeared to me that the floor was not a consolidated surface, being instead compacted earth. Most walls of barn 2 are blockwork at a low level, aside from the southern elevation which is substantially blockwork aside from at a high level where the

barn is open to the eaves. Otherwise walls are corrugated metal sheeting. Two large metal doors are present within one elevation and two within another. The roof is again profiled fibre sheeting with translucent panels. In certain places the walls and frames of the building showed visible signs of rust.

13. Schedule 2, Part 3, paragraph Q.1(i)(i) of the GPDO enables the installation of replacement (aa) windows, doors, roofs or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out such building operations.
14. Relatedly the Planning Practice Guidance (the 'Guidance') sets out that 'it is not the intention of the permitted development right to include the construction of new structural elements of the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right'.¹
15. In this context the judgement handed down on 9 November 2016 in *Hibbitt & Anor v Secretary of State for Communities & Local Government & Ors* (referred to hereafter as the 'Hibbitt judgement') has been brought to my attention by the Council, upon which the appellant has had the opportunity to comment.² Whilst it is axiomatic that the circumstances relevant to the development to which that judgement relates are different from those relevant here, the Hibbitt judgement nevertheless concerns matters regarding the extent of building operations permissible via Class Q of the GPDO.
16. The Hibbitt judgement addresses the extent to which building operations to facilitate residential use may be considered to amount to 'conversion' of the relevant agricultural building. Briefly summarised, it explains that where the nature of works proposed would be so fundamental as to effectively result in a rebuilding of the relevant building based on planning judgement, this is not permissible.³ It further clarifies, however, that the extent of works proposed is not in itself dispositive but rather a factor in determining whether the works proposed are part of a conversion.
17. The appellant has provided a structural report in support of the proposal (the 'report').⁴ This acknowledges the presence of a small amount of corrosion but sets out that the barns are generally in good condition. However it explains at paragraph 3.8 that '...when the frames were analysed to current standards they were not capable of sustaining the existing loading pattern. Hence further loading from the proposed development could not be accommodated'.
18. Paragraph 4.6 of the structural report recommends works to be undertaken as part of the proposed conversion. These include redistributing roof loads, the introduction of further framing and the replacement or renewal of certain bolts. Some additional works are also suggested including additional internal propping and bracing. Whilst the structural report sets out that there will not be a need

¹ Reference ID 13-105-20150305.

² EWHC 2853 (Admin).

³ In particular as set out in paragraph 27 thereof.

⁴ Prepared by Euro-Tel Design Ltd, dated February 2016.

for 'ground improvements or piled foundations' barn 2 will require some form of consolidated floor.

19. The report, however, further recommends 'improving the foundations', apparently of both barns. This recommendation follows the results of trial pit investigations. Paragraph 3.5 of the report thereof identifies that the stanchions of the barns were not fixed by bolts and had 'plain end plates' rather than ones with a projection to brace the load of the barn.
20. The report further sets out that water was apparent in two of the trial pits at barn 1 and running water at one of the trial pits at barn 2. Collectively these findings indicate that work to the foundations will be required, which is not permissible with reference to paragraph Q.1(i)(i).
21. I appreciate that development which does not materially affect the exterior of a building is not development.⁵ As such I accept that the barns may be capable of being structurally reinforced to a degree that would render them suitable for conversion to residences, potentially without the need for consent from the Council.
22. However this is where the Hibbitt Judgement becomes relevant. As set out above, the structural soundness of both barns will need augmenting. Certain elements of walls which are not present through design or neglect will also need to be introduced, and barn doors blocked up. A new floor will be required in respect of barn 2. The foundations of both will require shoring up.
23. I am therefore not satisfied on the basis of the information before me that considered cumulatively, with regard to their extent and significance to the existing structure of the property, that such fundamental changes could reasonably be described as 'conversion' as opposed to being more akin to 'rebuilding'. Whilst I accept that the existing structures may be capable of being retained during such works, the Hibbitt Judgement affirms that the distinction between conversion and rebuilding is a matter of judgement.
24. Although not determinative, my view here is reinforced by the way in which the role played by the current structure has been phrased in information provided by the appellant. At paragraph 4.1 of the report reference is made to the existing structures forming an 'integral part of the proposed structure'. Used in this context 'integral' clearly indicates that other structural elements are necessary.
25. For the above reasons and on the basis of the information before me I am not satisfied that the proposal would accord with the limitations set out in Schedule 2, Part 3, paragraph Q.1(i) of the GPDO, considered with reference to the Guidance and taking account of the Hibbitt judgement. Accordingly I conclude that the proposal is not permitted development.

Whether or not undesirable, with reference to character and appearance

26. The appeal site falls within a rural landscape characterised by irregular open fields demarcated by traditional hedgerows and mature trees. The gently rolling

⁵ With reference to Section 55(2)(a)(ii) of the Town and Country Planning Act 1990 as amended.

- topography of the wider area in this location slopes downwards from the appeal site in the direction of Charlton Horethorne.
27. It appeared to me, however, that there are comparatively few public vantage points from which the barns proposed for conversion are readily apparent. The topography is such that in my view Gunville Farm is not particularly prominent in the landscape, particularly from the south and west. Moreover there are substantial hedgerows and trees bounding Green Lane, and others also present at a greater distance from the appeal site, which serve to obscure clear views of Gunville Farm.
 28. Schedule 2, Part 3, paragraph W(10)(b) of the GPDO sets out that in determining an application for prior approval under Class Q, regard must be had to the National Planning Policy Framework (the 'Framework') 'so far as relevant to the subject matter of the prior approval'.
 29. In this context the Framework sets out that planning should recognise the intrinsic character and beauty of the countryside, that it is proper to seek to promote local distinctiveness, and that decisions should address the integration of new development into the surrounding environment.
 30. The Guidance sets out that undesirable should be accorded its ordinary meaning of 'harmful or objectionable'. However it also sets out that applications for prior approval should be approached 'from the premise that the permitted development right grants planning permission...', thus 'that an agricultural building is in a location where the local planning would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval'.
 31. The example given of a situation where such a conversion may be undesirable is if it is 'adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals'. Whilst this is clearly only one example, it indicates that a proposal should only be considered undesirable where clearly demonstrable harm would arise.
 32. I appreciate that the surrounding environment is characterised primarily by a rolling farming landscape with few dwellings, and that the proposal by virtue of the design of the barns and associated residential curtilages would lead to some degree of domestication thereof.
 33. However, as set out above, visibility of the proposal from public vantage points would be limited on account of the topography of the land and screening afforded by hedgerows and trees (boundary features within the appellant's control could indeed be protected or augmented via condition). The surroundings landscape is moreover subject to no protective designations relevant to this appeal related to its character.
 34. The proposal would not enlarge the scale of the barns, which would consequently confine the visual effects of the proposal essentially to matters of design rather than form. The proposal would also entail the demolition of a number of buildings and structures, and thereby significantly reduce the density of built development in this location. This which would reduce the

impact of Gunville Farm on the surrounding landscape, notwithstanding that the farm complex has been a feature of the area for some time.

35. I am not of the view that light that would be emitted by the dwelling or disturbance that would result from vehicles associated with the domestic use of the barns, whether visually or audible, would be demonstrably different from that which would arise from a working farm (being the established use of the appeal site). In any event such effects of the proposal would, for the above reasons, be confined to a localised area.
36. Whilst there would clearly be some effect resulting from the proposal on the character and appearance of the area this would be qualified on account of the circumstances particular to this proposal and its surrounding context. For the above reasons I therefore conclude, with reference to the approach in the Guidance, that the proposal cannot in my view be said to be undesirable in the terms of paragraphs Q.2(e) and (f) with particular reference to its effects in respect of the character and appearance of the area.
37. Nevertheless I have reached a finding on the second main issue only as it was a disputed matter between the parties, it does not alter my finding in respect of the first main issue that the proposal is not permitted development in the first instance.
38. In concluding on this main issue I have taken into account appeal Ref APP/R3325/W/15/3129002 which the Council has brought to my attention. However the proposal in that case is described by the inspector as standing 'alone in a field' and 'prominently located' with reference to a main road and nearby footpaths. As such the circumstances relevant to that appeal are not directly comparable with the situation here.

Conclusion

39. For the above reasons, and having taken account of all other matters raised, I conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

Appeal Decision

Site visit made on 5 December 2016

by Thomas Bristow BA MSc MRTPI

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

Decision date: 19 December 2016

Appeal Ref: APP/R3325/D/16/3160968 73 High Street, Wincanton BA9 9JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Stephen Taylor against the decision of South Somerset District Council.
 - The application Ref 16/02268/FUL, dated 21 May 2016, was refused by notice dated 23 September 2016.
 - The development proposed is described on the application form as 'to replace existing timber sash windows with new upvc white woodgrain finish slim section double glazed sash windows of very similar type, appearance and style'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Wincanton Conservation Area.

Reasons

3. No 73 is a classical formally proportioned property set hard-up against the pavement running alongside the High Street. The Council identify, and the appellant appears not to dispute, that the property including its three gabled dormers, likely dates from the late nineteenth century.
4. The principal elevation of No 73 is rubble stone at a low level, ashlar above, and features accentuated keystones above traditional timber-framed windows. The overall form, materials and detailing of the property mean that it has a strong historic integrity.
5. The windows of the property have fine jambs, narrow meeting rails and stiles, and ornate horns consistent with their classical design. The glazing similarly has imperfections commensurate with its age. The historic appearance of the property is consequently maintained, in part, by the materials and design of the ten ostensible original windows which are proposed for replacement.

6. At an easterly reach of the High Street where commercial frontages peter out and residential properties become increasingly commonplace, No 73 is nevertheless squarely within the Wincanton Conservation Area and clearly visible from various public vantage points nearby. Whilst there are some modern additions and alterations to properties within the Conservation Area, in this location the surroundings of the appeal property strongly reflect the historic origins of Wincanton.
7. Many nearby buildings retain a clear historic character despite the design of individual properties being pleasantly varied as a result of the piecemeal evolution of the area. As with No 73 in part this character results from the traditional timber framed windows of dwellings and indeed of commercial frontages (such as at nearby Nos 71, 69, 67 and facing Nos 56, 58 and 60).
8. There are some uPVC windows nearby, including at nearby Nos 61, 64 and 75, and indeed within modern properties No 66 and 'Balsam Green' opposite. Nevertheless modern properties are atypical, and certain uPVC windows installed elsewhere clearly detract from the character of the area not only by their incongruous materials but also simplistic design which is inconsistent with finer historic features.
9. I understand that the presence of modern alterations to windows of properties played a role in motivating the Council to withdraw permitted development rights relating to certain window alterations in the Conservation Area.¹ I would further note that the presence of modern windows elsewhere does not justify development that would be detrimental in the present, but rather accords some importance to preserving that historic integrity which remains.
10. Policy EQ2 'General Development' of the South Somerset Local Plan (2006-2028) (the 'Local Plan') sets out that development must respect the local context in which it is proposed and promote local distinctiveness. Similarly, Local Plan policy EQ3 'Historic Environment' requires that development at least safeguards the historic environment. Likewise Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
11. The proposal is to replace the 10 existing windows within the principal elevation of No 73 with uPVC double-glazed units. The site plan supporting the application, which includes an annotated photograph of the property, contains no more detailed information as to the design of the proposed units than the description of development given within the banner heading above.
12. There is an untitled document quoting for the development proposed before me (the quote).² I would note that the quote also contains reference to the

¹ By direction made via article 4 of The Town and Country Planning (General Permitted Development) Order 1995, which has since been superseded by subsequently legislation, though this has not affected the currency of the direction.

² Prepared by Valecraft, Ref JN/9186/SW, dated 26 April 2016.

- installation of a new external door, however this does not apparently form part of the proposal before me. The quote contains several diagrams related to the replacement units proposed. However these are insufficiently detailed to demonstrate that the fine features currently present would be replicated, particularly the narrow meeting rails and ornate horns, or that the wood grain effect would be consistent with the texture of window frames currently present.
13. There is also an untitled photograph before me of a window which the appellant has submitted as an example of the design of the units proposed. Whilst I appreciate that this window has clearly been sensitively designed, it does not appear to me to be consistent with the proportions of some of the windows currently present at No 73.
 14. I appreciate that this photograph has been offered by way of illustration. However it also appears to show that the example window is installed closer to the plane of the elevation of the property in which it is set than is the case of the windows currently present at ground and first floor level of No 73. There is, moreover, no detailed comparison before me between the proposed units and existing windows or of how the proposed units would be installed and appear as part of the principal elevation of the property.
 15. The introduction of uPVC and double glazing would introduce modern and relatively incongruous materials in what is presently a largely historically intact property and area. I accept that the effect of such may be reduced by the use of sensitive design. However on the basis of the limited information before me, I am not satisfied that the design of the proposed units would be acceptable in respect of proportions, detailing, or installation.
 16. The design of the replacement units proposed is fundamental to the appropriateness of the development proposed rather than a secondary issue. As such I cannot reasonably grant permission subject to the condition that the proposed windows are of a design agreed with the Council.³
 17. For the above reasons the proposal would be detrimental to the historic integrity of the host property and by extension harmful to the character and appearance of the Conservation Area. However the proposal would leave the majority of the traditional fabric of No 73 unaffected and represent a modest change to the Conservation Area as a whole. Consequently the harm arising is likely to be less than substantial.
 18. The National Planning Policy Framework (the 'Framework') sets out that great weight should be given to the conservation of designated heritage assets, including Conservation Areas, and that any harm that would result from proposed development should be balanced against the public benefits that would arise. I turn to these benefits now.
 19. I appreciate that the installation of uPVC units may have some benefits to the occupants of No 73, including in respect of thermal efficiency and in reducing

³ Having taken account of the approach in paragraph 206 of the Framework and Planning Practice Guidance Ref ID: 21a-004-20140306.

on-going upkeep. However there is no evidence before me quantifying these benefits or indicating that the development proposed is the only means of achieving them. Given that many properties in the area do not incorporate uPVC double-glazed windows there is furthermore nothing before me to suggest that the continued domestic use of the property would inherently be compromised by the absence of such development. As such, and as the benefits of the proposal are chiefly private to the occupants of the property rather public, they cannot carry significant weight in favour of the proposal.

20. Although the proposal would likely result in less than substantial harm to the Conservation Area, this harm is not outweighed by the benefits of the proposal which cannot be accorded significant weight for the reasons given above. Accordingly I conclude that the proposal would fail to preserve or enhance the character or appearance of the Conservation Area and that it would thereby conflict with the relevant provisions of policies EQ2 and EQ3 of the Local Plan and with relevant elements of the Framework.

Other Matters

21. I have taken account of the points made by the appellant in respect of pre-application discussions with the Council regarding the appropriateness of the proposal, and the associated correspondence which has been put before me. However the Planning Practice Guidance (the 'Guidance') sets out that pre-application advice is not binding,⁴ and the appellant has explained that the Council's advice prior to their decision was given without prejudice to the outcome of a planning application. Therefore whilst I note this background it relates essentially to procedural matters rather than to the planning merits of the proposal which are the substantive matters relevant in this appeal.
22. In reaching a decision I have considered what could be achieved via permitted development rights.⁵ However there is no explicit reference in relevant legislation or definitive position set in associated guidance to indicate that uPVC units are appropriate replacements for existing windows.⁶ In any event permitted development rights relating to the alteration of windows which front a highway are withdrawn within the Conservation Area as set out above.
23. There are a number of Listed Buildings nearby, notably No 71. However in the light of my finding above it is unnecessary to consider whether the proposal would also preserve the setting of such properties in line with relevant statutory requirements; if the proposal were neutral in this respect, and no argument has been made that the proposal would actively enhance the setting of these buildings, it would not outweigh the harm that would result. Consequently neither this, nor any other matter, is sufficient to outweigh my findings in respect of the main issue in this case.

⁴ Reference ID: 20-011-20140306.

⁵ With reference to Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the '2015 GPDO').

⁶ Page 31 of the Government's Permitted development rights for householders, Technical Guidance, dated April 2016 states that 'it may be appropriate to replace existing windows with new uPVC double-glazed windows', rather than that it is appropriate, given that this is essentially a matter of judgement based on the nature of the development proposed and its particular context.

Conclusion

24. For the above reasons, and taking all other matters raised into account, I therefore conclude that the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. Accordingly I dismiss the appeal.

Thomas Bristow

INSPECTOR

Agenda Item 13

Schedule of Planning Applications to be Determined by Committee

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

Purpose of the Report

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

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 10.45am.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 10.30am.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
13	NORTHSTONE	16/01832/REM	Approval of reserved matters (appearance, landscaping, layout and design) following the approval of 14/01333/OUT (redevelopment and restoration of Lake View Quarry to provide 42 dwellings, 1,000 sq metres workspace for B1 use and associated community and recreation facilities)	Land at Lake View Quarry Chistles Lane Keinton Mandeville	Galion Homes (Lakeview) Ltd

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 14

Officer Report On Planning Application: 16/01832/REM

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

BACKGROUND

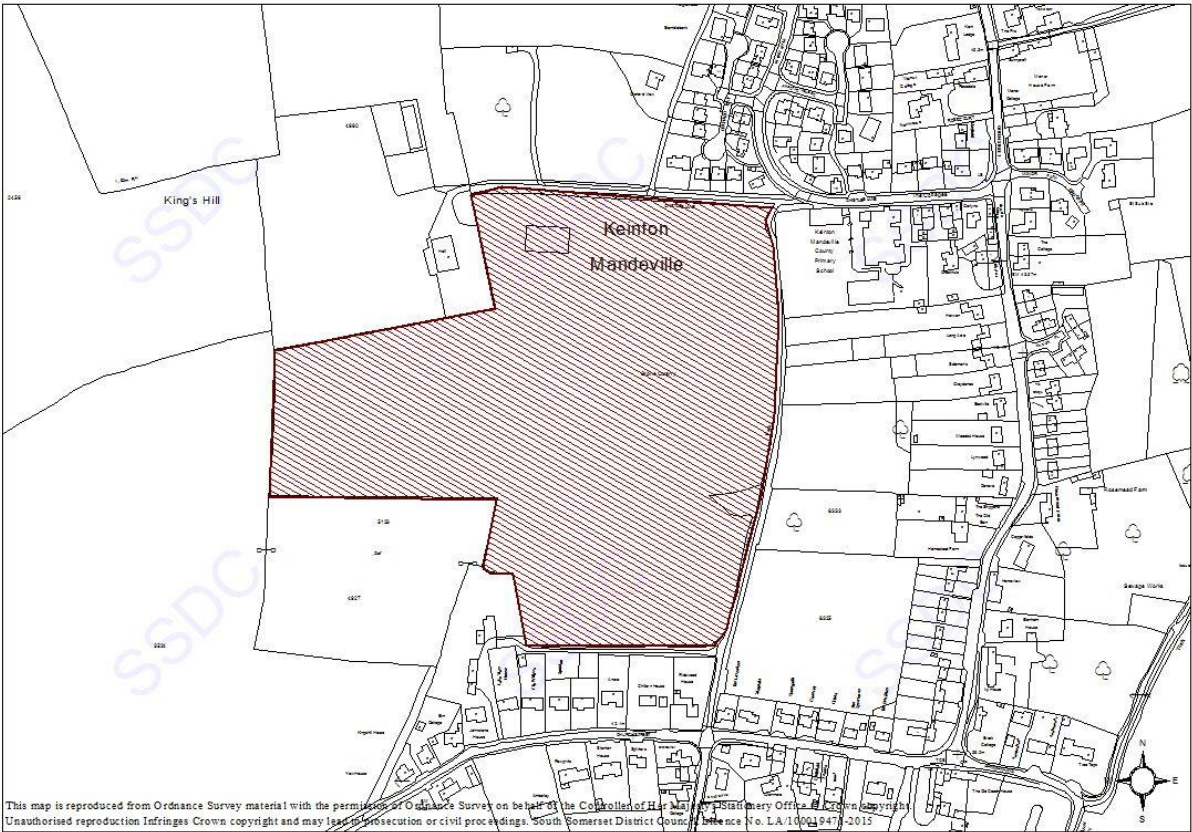
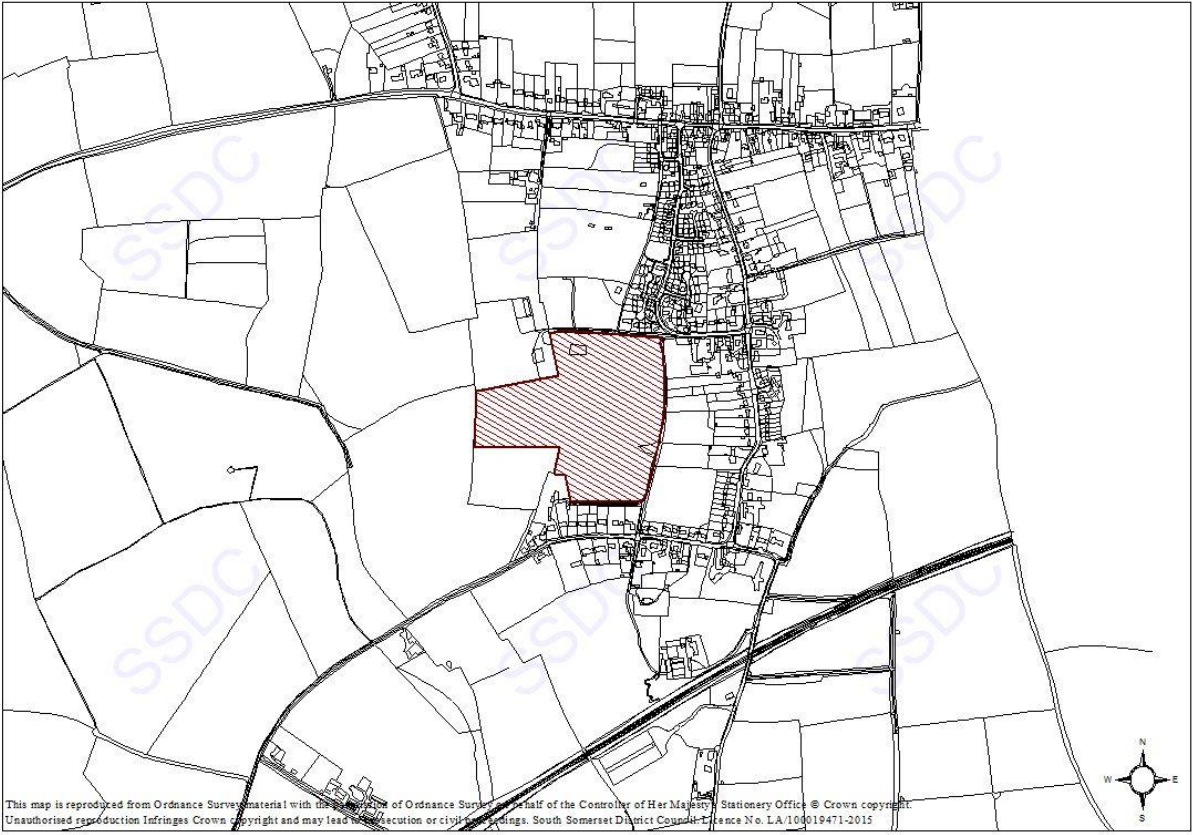
This application was referred to committee in November when it was deferred to enable the surface water drainage scheme to be resolved. The proposal provides for a new piped discharge from the south east corner of the site via a new pipe under Church Street to a new point of discharge on the bend on Common Lane to the east.

This strategy has now been agreed in principle subject to an assessment to demonstrate that it is technically feasible to put a new pipe under Church Street with the appropriate fall and an assessment of the capacity of the receiving water course to accommodate the additional flow. The applicant has provided additional information as requested by the Lead Local Flood Authority including:-

- a full photographic and CCTV survey of the various sections of the open and piped ditch both upstream and downstream of the proposed point of discharge.
- An updated drainage report
- An updated off site drainage drawing
- a full CCTV survey of the existing highway's storm water drain including the stone culvert at the junction of Queen Street and Church street

The previous report, updated where necessary is presented below.

SITE DESCRIPTION AND PROPOSAL



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

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

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

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

The application is supported by:-

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

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

RELEVANT HISTORY

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

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

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

Somerset Minerals Local Plan and Policy 24 of the adopted Somerset and Exmoor Joint Structure Plan Review 2001 - 2011.

03. The site is located outside of the development area and is poorly related in terms of layout to the existing settlement form, detrimental to the appearance of the area. As such the proposal is contrary to Policies VIS1, VIS2 of the Regional Spatial Strategy and Policy ST5 of the adopted South Somerset Local Plan 2006.

97/02308/CPO	Application permitted under Section 96 for determination of conditions on permission 2784/A and 25092 for quarrying of stone.
940152	Outline permission refused for erection of 5 dwellings
2784/A	Extension of existing quarry approved 24/8/51
2784	Extension of an existing quarry approved 3/5/49

POLICY

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

South Somerset Local Plan 2006 - 2023

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

SD1- Sustainable Development
HG5 – Achieving a Mix of Market Housing
TA5 – Transport Impact of New development
TA6 – Parking Standards
HW1 – Provision of open space, outdoor playing space, cultural and community facilities in new development
EQ1 – Addressing Climate Change in South Somerset
EQ2 – General development
EQ4 – Biodiversity
EQ5 – Green Infrastructure

National Planning Policy Framework

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

Keinton Mandeville Local Community Plan (2005)

- Housing Objectives 1 (production of Village Design Statement), 2 (local infrastructure – housing developments over 10 will be resisted) and 3 (affordable housing).

- Transport Objectives 1 (reduction in traffic volumes and speeds, and removal of HGV rat-running). 2 (resolution of parking problems particularly at the cross roads, village store and school) and 3 (maintain and improve public transport).
- Youth Provision Objective 2 (additional sports facilities)
- Economy Objective 3 (resist loss of business premises)
- Environment Objective 1 (improve quality of footpaths)
- Leisure and Cultural Activities Objective 2 (encourage leisure and cultural activities), 3 (provision of community facilities, open spaces and play areas)

CONSULTATIONS

Keinton Mandeville Council – initial comments as follows:

- *Positive aspect: This is a spacious housing development.*
- *Houses are too large to be a benefit to the school. A turning place for school coach which was promised in earlier application does not exist*
- *Infill of the site. This represents a fundamental change to the plan. It is scurrilous that infill seems to have slipped under the radar, the likely number of lorry movements required to import material for infilling the site is huge. In practice the movements will be doubled with lorries having to enter and leave the site. Initial (outline) plan did not require the site to be infilled, this represents a substantial change to plans and makes it impossible for the PC to support the application.*
- *There are changes to the drainage system and the new drainage proposals are unclear*
- *This is a large site with large homes - need to question the future use of triple garages with studios above.*
- *The development would be better served (in both the construction stage and finished state) by a road from the High Street. Many years ago, an application for development of the Quarry was refused, opinion at that time was that an additional access road from the High Street would be required, the same access issues remain, and more so with likely volume of infill traffic.*
- *The affordable homes are not integrated into the whole development. Social Housing accounts for 15 out of 42 houses - over a third of the total housing, but only a tiny proportion of the site. This will not contribute to community cohesion. This housing could be expanded onto the village green.*
- *Parking is required for the allotments.*
- *The school bus stop is on the wrong side of the road requiring school children to cross and then re cross the road, and as such would be dangerous.*
- *The traffic management plan for the top of Queen Street – bollard outside Bay Tree Cottage - is impractical. The line of sight indicated on the drawing does not exist. Local knowledge and experience suggests that this would cause more confusion and congestion*

RESOLVED: *It was proposed and unanimously agreed to recommend refusal*

Note:

The infilling required represents a substantial change to the approved outline application. It is not clear how many vehicle movements over what time period would be

generated by the applicant's decision to raise the levels of the site. It is anticipated that this would be substantial and as such would affect the entire village. There has been no construction traffic management plan submitted as required by condition nine of the outline permission. Without this information the Parish Council is unable to make an informed recommendation, a traffic management plan MUST be submitted to the Parish Council for consideration.

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

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

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

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

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

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

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

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

A further comment states:-

“Flooding is a common occurrence on Queen St / Common Lane corner. The PC shares the Planning Officer’s concerns about the capacity of existing drains, as well as concerns that additional drainage from Lakeview estate would exacerbate existing regular flooding problems on the corner of Queen St / Common Lane and further down by the poultry house. This could be overcome by increasing the bore of the drainage pipe (including under the driveway and from the final pond at Keinton Rearing) and by ensuring the ditches are cleared and repaired.”

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

- 1. As the surface water management strategy now differs from that originally proposed in the Site Specific Flood Risk Assessment submitted in support of the Outline Planning Application (consented) then I believe the Flood Risk Assessment needs to be revisited to ensure that the effects of the new drainage strategy are assessed. As the proposal now is to discharge surface water from site into downstream systems and watercourses, then the potential resultant flood risk will need to be assessed. It is important to note that whilst the Somerset Drainage Boards Consortium didn’t object to the original surface water management strategy at outline, they did advise that any additional surface water run-off from the development would drain to the watercourses in their area. This being the case, they requested that planning consent be granted conditional upon the need to control any additional surface water run-off generated by the development in a manner that would not increase flood risk elsewhere. Whilst no such planning condition was applied, condition 16 of the outline planning consent does require the Local Planning Authority to approve the surface water management strategy. As the proposal is now to discharge surface water to offsite systems, and in turn watercourses, then I believe that the Somerset Drainage Boards Consortium should be consulted.*
- 2. Further, as this is classed as a major development for surface water management purposes, then Somerset County Council (Ann-Marie Wood), as Lead Local Flood Authority LLFA), have been consulted on the Reserved Matters application but the Outline Planning Application pre-dated the LLFA’s involvement. The LLFA have commented that this application doesn’t refer to the surface water drainage element of the proposed development, however, by virtue of the submission of the Design and Access Statement, the surface water management strategy has changed. I believe it important to advise Ann-Marie that this is the case as she may decide to review the proposals further.*
- 3. It is noted that the decision to move away from soakaways serving as a means to discharge highway run-off has been made due to the high levels of groundwater present thereby not satisfying highway authority design requirement. Whilst this is correct, it may be beneficial to explore other infiltration drainage options to serve the site overall, such as infiltration basins etc. which won’t need to be adopted by the highway authority provided that appropriate measures are put in place to secure the long-term maintenance of the asset.*
- 4. The drainage strategy refers to discharging surface water run-off into an existing highway culvert at the junction of Church Street and Queen Street but as no such culvert appears on our records, we are unable to confirm whether this is actually a highway authority asset. However, if it is proven to be a highway asset then it is important to note that there is no automatic right of discharge into it. Highway authority drains are considered to be suitable for their current purpose, within the constraints of our current maintenance budgets and regimes, and unless the designer can prove that*

this drain serves to collect run-off from the development land, then the proposal will increase the burden on our system. In this case the highway authority will require the existing system to be upgraded such that it is hydraulically and structurally capable of accommodating the additional flow without placing an increased liability upon the authority.

- 5. The routing of the highway drainage system on-site is a cause of concern as it extends beyond the limit of proposed highway adoption to pass through private land. Whilst easements can be secured to protect the highway authority's interests, such easements in effect sterilise land, are routinely abused and are difficult to enforce. It can be extremely onerous and costly undertaking highway works in private land and designs should avoid the need to route highway drains through private land wherever possible. Preference should be given to providing maintenance corridors or routing drains under paths if drains need to extend beyond carriageways.*
- 6. The 'off-highway' route of the drain out onto Church Street via the narrow lane is a cause of concern as it is unsuitable to provide access, egress and turning for a fully laden tanker/jetter vehicle, which will need to gain access to the flow control and storage tank. Further, the visibility from this track westwards onto Church Street is insufficient and presents a safety concern for maintenance operations.*
- 7. The location of the storage tank, i.e. remote from the public highway, would place an undue liability on the highway authority in terms of maintenance and eventual replacement at the end the life of the asset.*
- 8. Commuted sums would need to be secured to reflect the future cost of maintaining and replacing the storage tank and the additional costs of maintaining an attenuated drainage system.*

In detail concern was raised that:-

The offsite highway drainage proposals are not acceptable as they entail piping through a culvert and the introduction of high level overflows. Further to this there are no assessments to determine whether the existing highway drainage system can accommodate the additional flow. This is a fundamental issue as unless a suitable means to transfer run-off to the point of out approved by then the proposed surface water management strategy is not viable.

It is accepted that the design of the on-site highways drainage system is technically acceptable. Following the submission of further details it is accepted that the proposed new pipe under Church Street to the point of discharge on Common Lane is technically feasible. The highway authority accepts that they have assumed the riparian rights and responsibilities for the piped water course under Common Lane down stream of the proposed point of discharge.

They accept that it has been demonstrated that the system has the capacity to accommodate the additional flow, subject to consideration of the structural condition of the pipes. Upon consideration of the condition report it is concluded that:-

"As riparian owner [the County is] unable to object to this proposal and consider that the developer has undertaken as much as would be reasonably expected to prove the system downstream."

SSC as Lead Local Flood Authority – initially commented:-

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

In light of the additional information it is confirmed that they are happy with what has been undertaken by the applicant to prove the additional flows into this system and no objection is maintained to the proposal or the technical details that have been provided in relation to the drainage scheme.

SDDC Engineer – has stressed the need for the applicant to demonstrate that the originally proposed infiltration scheme is not possible if this is accepted the technical feasibilities of the proposed attenuated system will need to be demonstrated. Defers final comment to SCC as highways and flood authority as any issues will fall to them to deal with.

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

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

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

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

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

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

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

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

Police Crime Prevention Design Advisor – no comment.

REPRESENTATIONS

21 representations were received to the first notifications:-

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

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

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

withdrawn and resubmitted. Further comments included:-

- Concern about the proposed drainage strategy and the position taken by the highway authority
- The figures need verification;
- Presumably and unspecified amount of topsoil to finish the scheme will have to be imported
- An unspecified plot was stated as overlooking an existing garden.

Finally in response to technical concerns about the drainage strategy clarification of the strategy has been provided and a fourth round of consultation was been carried out in relation to drainage matters. 3 further letters have been received pointing out that there is an existing flooding problem on the corner of Common Lane. The capacity of the ditch to accommodate additional water is queried. One writer has little faith that the proposed system would be adequate, it was supposed to be an infiltration system but has changed to an attenuated system. Concern is raised that flooding on Common Lane could flow into the pond on the grounds of The Old Rectory and cause more flooding. Reference is made to a telephone duct along Church Street where the proposed new drainage system if to run.

CONSIDERATIONS

Principle of Development

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

Layout

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

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

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

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

Scale of Development

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

Appearance

The properties are of an appropriate design and detailing, which, subject to agreement of the detailed materials by condition, are considered to be compliant with policy EQ2.

Landscaping

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

Other Issues

Highways safety

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

Ecology

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

Residential Amenity

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

Drainage

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

The LLFA and highway authority agree that the detail of the site-on system is satisfactory. It has now been confirmed that neither body wishes to maintain an objection to the off-site

elements, i.e. the off-site piped system under the road and the capacity of the roadside ditch to accommodate the ditch. Accordingly this aspect of the proposal can now be dealt with by the discharge of the drainage condition of outline permission without prejudicing the determination of this reserved matters application.

Levels

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

Heritage Assets

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

Local Concerns

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

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

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

RECOMMENDATION

That these reserved matters be approved subject to the following conditions.

Justification

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

CONDITIONS

01. Except as required by other conditions attached to this approval, the development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans:-

- 1250 001 Location Plan
- 1250 004 D Site Block Plan
- 1250 010 D Site Plan Boundary Treatments
- 1250 011 A Part Site Plan Roofs
- 1250 012 B Part Site Plan 1 of 8
- 1250 013 B Part Site Plan 2 of 8

- 1250 014 B Part Site Plan 3 of 8
- 1250 015 B Part Site Plan 4 of 8
- 1250 016 E Part Site Plan 5 of 8
- 1250 017 E Part Site Plan 6 of 8
- 1250 018 C Part Site Plan 7 of 8
- 1250 019 F Part Site Plan 8 of 8
- 1250 035 B Plot 1 Plans Sections & Elevations
- 1250 036 B Plot 2 Plans Sections & Elevations
- 1250 037 B Plot 3 Plans Sections & Elevations
- 1250 038 B Plot 4 Plans Sections & Elevations
- 1250 039 B Plot 5 Plans Sections & Elevations
- 1250 040 B Plot 6 Plans Sections & Elevations
- 1250 041 B Plot 7 Plans Sections & Elevations
- 1250 042 B Plot 8 Plans Sections & Elevations
- 1250 043 B Plot 9 Plans Sections & Elevations
- 1250 044 B Plot 10 Plans Sections & Elevations
- 1250 045 B Plot 10 Plans Sections & Elevations
- 1250 046 B Plot 12 Plans Sections & Elevations
- 1250 047 B Plot 13 Plans Sections & Elevations
- 1250 048 B Plot 14 Plans Sections & Elevations
- 1250 049 B Plot 15 Plans Sections & Elevations
- 1250 050 B Plot 16 Plans Sections & Elevations
- 1250 051 B Plot 17 Plans Sections & Elevations
- 1250 052 B Plot 18 Plans Sections & Elevations
- 1250 053 B Plot 19 Plans Sections & Elevations
- 1250 054 B Plot 20 Plans Sections & Elevations
- 1250 055 B Plot 21 Plans Sections & Elevations
- 1250 056 B Plot 22 Plans Sections & Elevations
- 1250 057 B Plot 23 Plans Sections & Elevations
- 1250 058 B Plot 24 Plans Sections & Elevations
- 1250 059 B Plot 25 Plans Sections & Elevations
- 1250 060 B Plot 26 Plans Sections & Elevations
- 1250 061 B Plot 27 Plans Sections & Elevations
- 1250 062 A Garage Type G1
- 1250 063 A Garage Type G2
- 1250 064 A Garage Type G3
- 1250 065 A Plot 28-30 Plans Sections & Elevations
- 1250 066 A Plot 31-32 Plans Sections & Elevations
- 1250 067 A Plot 33-34 Plans Sections & Elevations
- 1250 068 A Plot 35-37 Plans Sections & Elevations
- 1250 069 B Plot 38-39 Plans Sections & Elevations
- 1250 070 A Plot 40-42 Plans Sections & Elevations
- 1250 071 A Office 1 Plans Sections & Elevations
- 1250 072 A Office 2 Plans Sections & Elevations
- 1250 075 C Road 1 & 8 Site Sections as Proposed
- 1250 076 C Road 1 & 8 Site Sections as Proposed
- 1250 077 C Road 4,5 & 7 Site Sections as Proposed
- 1250 078 C Road 4,5 & 7 Site Sections as Proposed
- 1250 079 Site Block Plan with Levels
- 1250 SK-002 Site Survey
- Landscape and Ecological Management Plan

- Landscape and Visual Impact Appraisal
- Addendum to the Landscape and Visual Impact Assessment (LVIA) and Landscape and Ecological Management Plan (LEMP) submitted 15/07/16
- Amended LVIA Figure 24 – Landscape Masterplan submitted 20/09/16
- Amended LEMP Figure 2 – Landscape Mitigation Proposals submitted 20/09/16
- Amended LEMP Figure 3 – Planting Plan submitted 20/09/16

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

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

Such details shall be generally in accordance with the material schedule submitted in support of the application. Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

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

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

04. Prior to the commencement of the dwellings hereby approved details of measures for the enhancement of biodiversity, which shall include the provision of bat, swallow and swift boxes and a time scale for delivery of all such measures, shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

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

05. Prior to the occupation of any dwelling a scheme of external lighting shall be submitted to and approved in writing by the local planning authority. Once approved such scheme

shall be fully implemented in accordance with the submitted details and not altered without the prior written agreement of the local planning authority.

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

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

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

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

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

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

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