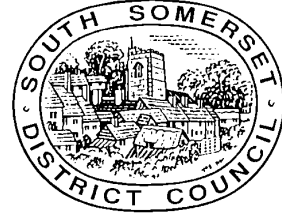


**South Somerset District Council**

*Notice of Meeting*



# Area East Committee

*Making a difference where it counts*

**Wednesday 12th July 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  
Hayward Burt  
Tony Capozzoli  
Nick Colbert

Sarah Dyke  
Anna Groskop  
Henry Hobhouse  
Mike Lewis

David Norris  
William Wallace  
Nick Weeks  
Colin Winder

Consideration of planning applications will commence no earlier than **10.15am**.

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

This Agenda was issued on Tuesday 4 July 2017.

**Ian Clarke, Director (Support Services)**

This information is also available on our website  
[www.southsomerset.gov.uk](http://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](http://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 12 July 2017**

### **Agenda**

#### ***Preliminary Items***

#### **1. Minutes of Previous Meeting**

To approve as a correct record the minutes of the previous meeting held on X date.

#### **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 Sarah Dyke, Tony Capozzoli, Nick Weeks and Colin Winder.

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. 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 9<sup>th</sup> August at 9.00 am.

#### **5. Public Question Time**

#### **6. Chairman Announcements**

## **7. Reports from Members**

### *Items for Discussion*

- 8. The Balsam Centre - Allocation of Healthy Living Centre Funding for 2017/18 (Executive Decision)** (Pages 6 - 9)
- 9. Retail Sector in Area East** (Pages 10 - 19)
- 10. Community Offices Update 2016/17** (Pages 20 - 23)
- 11. Planning Appeals (For information only)** (Pages 24 - 33)
- 12. Area East Committee Forward Plan** (Pages 34 - 35)
- 13. Schedule of Planning Applications to be Determined by Committee** (Pages 36 - 38)
- 14. 17/01636/OUT - Land adj The Old Mill House, Lower Kingsbury, Milborne Port** (Pages 39 - 45)
- 15. 17/01659/FUL - Plot 1 Alma Field, Castle Cary** (Pages 46 - 51)
- 16. 17/01646/FUL - Plot 2 Alma Field, Castle Cary** (Pages 52 - 57)
- 17. 17/01064/FUL - Land at Camp Road, Dimmer Lane, Dimmer** (Pages 58 - 65)
- 18. 17/01471/DPO - New Spittles Farm, Ilchester Mead, Ilchester** (Pages 66 - 69)

**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

## **The Balsam Centre – Allocation of Healthy Living Centre Funding for 2017/18 (Executive Decision)**

*Assistant Director:* Helen Rutter, Communities  
*Service Manager:* Tim Cook, Area Development Lead (East)  
*Lead Officer:* Tim Cook, Area Development Lead (East)  
Sue Place, The Balsam Centre Project Manager  
*Contact Details:* tim.cook@southsomerset.gov.uk or (01963) 435023

### **Purpose of the Report**

To update members on the position at the Balsam Centre and to consider the allocation of funding ring-fenced for Healthy Living Centres.

### **Public Interest**

Supporting and helping the Balsam Centre to improve the work of voluntary community organisations in the towns and villages across Area East.

### **Recommendations**

It is recommended that members:

- 1) Note the report
- 2) Award the £10,000 ring fenced for Healthy Living Centres to the Balsam Centre for the delivery of the work programme

### **Background**

The Balsam Centre was established in 1998, with the purchase of the former memorial hospital in the centre of Wincanton. The project was established to specifically meet the needs of Wincanton and the surrounding area (this includes some 40 settlements with a population of 30,000) due to an identified gap in services in the area, particularly in mental health services. Extensive refurbishment of the building and the setting up of services was enabled through a Lottery grant and support from a range of funders, including SSSC.

The Balsam Centre delivers a range of integrated health and wellbeing projects and initiatives, most of which directly link with physical activity, healthy eating and mental health support alongside participation in community based activities, supported social engagement and learning.

SSSC has supported the Balsam Centre through both core funding and project grants, since it began. In the past, core funding has been allocated through the Healthy Living Pooled Fund; a budget set up jointly by SSSC, NHS Somerset and SCC and reported annually to the South Somerset Health and Wellbeing Partnership (SSH&WP).

Members will recall that this budget was originally established to support Healthy Living Centres across the whole of the District but, as the only eligible organisation is based in Area East, the budget was transferred and subject to local monitoring by AEC.

### **The Balsam Centre – Hub for Service Delivery**

The Balsam Centre's strong partnership approach has been built up over many years with Health & Social Care, Schools, Children's Centres and local charities, local authorities, housing associations as

well as their own projects, such as the Growing Space (on site social and therapeutic horticulture) and the 'Men's Shed' initiative.

The presence of other key services helps to provide integrated, seamless services that make people using the Centre feel safe, welcome and supported. The CAB runs a weekly outreach session on a drop-in basis, to offer help with a range of issues including welfare benefits and debt management advice. The Centre has exceptionally strong links with the local health visitors' team and works closely with Children's Social Care, local schools, pre-schools and other partners supporting families. The Centre is also the operational base for South Somerset Community Accessible Transport, which helps to ensure that transport solutions are built in to all service delivery.

The Balsam Centre continues to focus on reducing health and social inequalities, in particular working with individuals and families who are disadvantaged, vulnerable and have little other support. The project is particularly successful at working closely with people to improve their own and their families' life chances. This work has been particularly effective in developing a strong relationship between the new Health Coaches, based at Wincanton Health Centre and staff at the Balsam Centre.

### **Like Minds**

There has always been a strong focus on mental health and this has been reinforced through securing the 'Like Minds' project, a successful Big Lottery application (Reaching Communities). The SSDC contribution is used as match funding to help secure the Lottery funding for Like Minds.

The Like Minds project started on 1st October 2015. Like Minds works with people experiencing mild to moderate mental health conditions, whether diagnosed or not. To date the project has worked with around 320 people.

The project provides one-to-one counselling as well as facilitated and peer support groups. It is available to anyone living within the area of benefit, for whom there is currently limited, or no other support. Within this broad spectrum of potential beneficiaries there are 2 target groups: young people, especially those who are self-harming and older people, who are isolated or lonely.

To date 3607 contact sessions have been provided, of these around 940 have been one-to-one counselling.

A second counsellor (one counsellor already being in place from the previous Wellbeing programme) was appointed in November 2015 on a 2-day a week contract. The two project workers recruited in April 2016, together now with a third part time counsellor, are working with young people and older people to meet specific identified needs.

The current situation is that all three counsellors have full take up and between them are providing up to 45 counselling sessions a week. The project workers are running 9 groups between them, including a Youth Drop-In and a Dementia support group.

The project has continued to develop relevant partnerships, with Yarlinton committing 25% of the required match funding for Year 2. There are improved relationships with the secondary schools, the NHS locally, including the Health Centre and Health Coaches, Verrington Hospital and the Alzheimer's Society.

### **Deanesly Way**

The Balsam Centre has been awarded £20,000 from the Armed Forces Community Covenant to employ a part-time Community Development worker to support the integration of military families living on the Kingwell Rise estate with the wider community. One successful outcome already is the setting up of 2 new 'Women's Shed' groups.

### **Friends of The Balsam Centre – Local Giving**

Concerns about reliance on short-term funding for the work at the Centre led to the development of a 'Friends of' group, which has evolved to attract significant funds from local benefactors. The income generated by this group is underpinning a lot of the mental health work being done, which helps to reduce the pressure on grant aid, which is becoming harder to secure. Since November 2016 a Patrons group has also been set up and is growing.

### **The Balsam Centre – Community Building**

The Centre continues to generate income from use of the building and marketing the building is an ongoing priority. The weekly 'Loose Ends' café continues to make a big difference and has increased footfall and increases local understanding of the Centre and the services available. Total weekly 'uses' of the Centre exceed 1,000 with a range of community groups meeting and running classes/activities, which include Painting and Drawing, Health Walks, Pilates, Textiles, Job Club, Beginners' IT and Patchwork & Quilting. There is a strong Volunteering project with around 80 active volunteers.

### **Conkers Nursery**

Conkers Nursery was established by The Balsam Centre to continue to deliver some of the high quality services developed by the staff of the Children's Centre. The original business plan showed that the nursery could be self-funding within 3 years however, a number of factors have had a negative impact on the plan, which has led to changes to the delivery model. A restructuring is currently taking place, which will address the deficit and provide a stable basis for the future.

### **Financial Implications**

There is £10,000 transferred to Area East from what was the Healthy Living Pooled fund for allocation in 2017/18. If Members agree the above recommendation this will all be allocated for this year. If the recommendation is not agreed, the money is likely to be returned to corporate balances.

### **Council Plan Implications**

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

Supporting the development of Balsam Centre services in response to local needs is a key priority in the Area Development Plan 17/18.

### **Carbon Emissions & Climate Change Implications**

None as a direct result of the report.

### **Equality and Diversity Implications**

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



## Background Papers

N/a

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# Agenda Item 9

## **Retail Sector in Area East**

*Assistant Director:* Helen Rutter, Communities  
*Service Manager:* Tim Cook, Area Development Team Lead (East)  
*Lead Officer:* Pam Williams, Neighbourhood Development Officer, East  
Terena Isaacs, Community Support Assistant, East  
*Contact Details:* [pam.williams@southsomerset.gov.uk](mailto:pam.williams@southsomerset.gov.uk) or 01963 435020  
[terena.isaacs@southsomerset.gov.uk](mailto:terena.isaacs@southsomerset.gov.uk) or 01935 462268

## **Purpose of the Report**

To provide a brief overview of the retail sector in the three principal towns in Area East whilst reporting on the operation of the Retail Support Initiative (RSI) during 2016/17 and approving the operating criteria of this scheme in 2017/18.

## **Public Interest**

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

## **Recommendations:**

- (1) To note the report
- (2) To approve the revised RSI scheme for 2017/18

## **Retail Support Initiative**

The RSI was originally set up in 2006. For many years it has proved to be an effective way of supporting and engaging with a wide range of retail and service outlets across the Area. Throughout this period annual performance reports have been brought back to this Committee.

The scheme has evolved over the years; in 2009 consideration was given to expanding the eligibility to provide cross sector support for small businesses. At the time, it was felt that this could not be achieved (within the limited budget) without diluting the benefit to the retail sector because of the large number of other small businesses which would be eligible.

As a result, the RSI has continued to focus on supporting retail/service sector businesses operating in town centres/villages including farm shops.

Revisions made to the scheme in 2012/13 included:

- 'exceptional' support for projects, which add to the viability of town/village centres (loyalty schemes or similar)
- Inclusion of grant assistance towards half the actual payment due for business rates for new businesses (which do not compete with another business) in their first 2 years of trading

In Autumn 2014, a 'top-up' scheme for Wincanton was implemented - this had been approved at the Area East Committee in July 2014.

The proposed eligibility criteria for 2017/18 is attached at Appendix 1. This contains a suggested revision to the current scheme of a full repayment clause for any unit which converts to residential within 5 years of a grant award to a property owner.

## Retail Support Initiative overview from 2016-17

Appendix 2 shows a breakdown of the 5 grants awarded during 2016/17 by type and location.

Since April 2016 19 RSI information packs have been sent out, these may well convert to funding applications in the future.

The scheme of delegation limit is £1,000, in line with other grants and the Council's scheme of delegation, which should remain in place. Grant requests can be considered at any time in consultation with the Chairman and Ward Member(s). Applications for amounts over £1000 would continue to be considered by Area East Committee.

A combination of face to face visits and email are used to remind businesses about the scheme annually and a leaflet drop will be undertaken during the Summer.

### Trends and Issues

The role of the High Street has, and continues to change. The growth in 'e' business and the loss of critical services such as banks poses a live and growing threat to future viability of the market towns. Flourishing businesses often have a digital offer which supplements their High Street presence. In recognition of this the Market Town Investment Group has worked with volunteers from each of the towns to undertake a digital (peer) audit over the last few months – including digital presence for businesses. The results of this are being collated and will be fed back to participating towns. In parallel with this a couple of towns are starting to look at a new town apps' (as an alternative to the South Somerset app which now has reduced functionality)

Below is a summary of Permitted Development (PD) to residential, as it affects the principal retail centres in Area East, this is intended as a quick summary, our Planning Department should be contacted for more information and to discuss specific issues.

Class G - PD is only to a mixed use (including up to 2 flats) is allowed from retail, betting office or pay day loan unit unless a display window is at ground floor level in which case the ground floor or part of the ground floor cannot be used as part of the flat. Also dwellings that are completely functionally and physically separate from the shop use below would not be allowed under this class.

Class M – PD to use as a dwelling is allowed from retail, betting office, financial /professional services or pay day loan unit unless the building is listed or where the cumulative area changing use exceeds 150 sq metres. This does not apply in conservation areas, which cover much of our town centres. Any conversion under this class is subject to a prior approval application.

Class O – PD from an office to a dwelling unless the building is listed or within the curtilage . This class does not apply in conservation areas (up until 30<sup>th</sup> May 2019). Any conversion under this class is also subject to a prior approval application

There may also be some circumstances where Class P and Class PA are relevant in town centres. Class P allows a change from B8 (storage) to dwelling and Class PA allows a change from B1(c) (light industrial) to dwelling. Both Class P and PA are restricted to 500 square metres and are subject to similar prior approval applications as Class M.

Additional restrictions/conditions apply to each of the above

Our more general monitoring of the principal retail centres includes shop occupancy surveys. The table below shows the most recent shop surveys conducted in Wincanton, Castle Cary and Bruton, with details of the number of shops open and empty units within the towns.

<b>Town</b>	<b>Date</b>	<b>Number of open retail units</b>	<b>Number of closed retail units</b>
Wincanton	May 2017	72	12
Castle Cary	May 2017	55	5
Bruton	May 2017	28	3

The graph at Appendix 3 shows occupancy trends since January 2014 in the 3 market towns.

Although car park monitoring is a cruder indicator of the state of the High Street we regularly monitor space availability. This simply provides a 'snap shot' of car park use on the day of the count.

### **Financial Implications**

The current budget is shown in the table below, this takes account of grants awarded since April 2017:

	<b>Revenue element</b>	<b>Capital</b>	<b>Wincanton 'top-up'</b>
Unallocated budget 2017/18 as at June 2017	£8525	£1212	£9000

### **Implications for Corporate Priorities**

A strong economy which has low unemployment and thriving businesses

### **Other Implications**

Included within the Area Development Plan

### **Background Paper**

Area East Committee Agenda and Minutes June 2016

## Retail Support Initiative

### Operating criteria 2017/18

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

Applications over £1000 will be considered by Area East Committee on a monthly basis. Amounts up to £1000 may be considered at any time as a delegated grant in consultation with the Chairman & Ward Member(s).

Area-wide grant levels: **£1,500 to a maximum 50% of project costs as follows:**

#### Eligible costs:

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

### Wincanton top-up

In addition to the area-wide scheme, the 'top-up' scheme for Wincanton also offers:

- Maximum grant £1,000 for businesses wishing to move into one of the eligible empty units in the town.

Eligible empty units in Wincanton at July 2017:

6 High Street – formerly Chicken Grill/Yummy Yummy  
6 High Street – Digital Error  
24 High Street – formerly Green Dragon  
36 High Street – formerly Alldays  
Unit corner of Carrington Way

The following units are now occupied; three have taken advantage of the Wincanton 'top up' scheme.

5 Market Place  
3 Market Place – formerly The Red Lion  
13 Market Place – formerly Boots Chemist  
1-3 High Street – formerly Brocks

Grants are only available to proprietors/owners with one business/ premises and will not exceed 50% of project cost.

### Process

Applications for grants are assessed and recommendations made on the basis of a fully completed application form and 2 'like for like' quotes. Self-help/DIY schemes may complete the application form and supply a project budget with supporting information.

All grant recipients must accept that the grant may be used for publicity purposes by the District Council. Payment of the grant is done retrospectively, for a completed programme of works on the basis of receipted invoices. Exceptionally officers, in consultation with the Chairman, may release partial payments where there is clear justification for doing so.

The existing assessment and current scoring mechanism favours businesses:

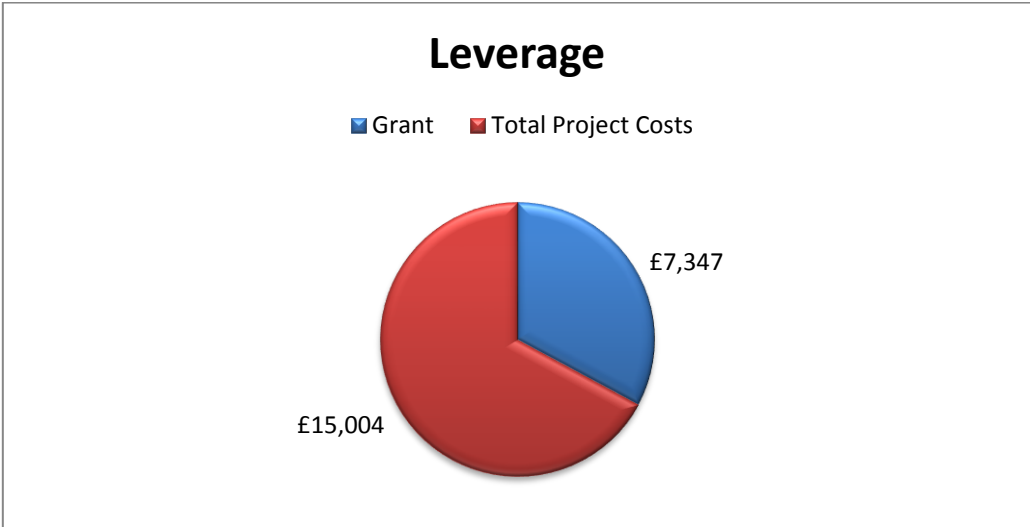
- Employing more than 2 people
- In prominent places
- Key rural stores/Post Offices
- Retailers

**The award is subject to the following standard conditions:**

- The grant award may be used by SSDC for promotional/publicity purposes
- Grants are paid for approved works/purchases on production of receipted invoices
- Awards are subject to a summary of the benefit of the scheme being supplied
- Applicants will normally be expected to draw down the grant within 6 months of the offer and if not will have to inform us of the reason(s) for the delay. If there is a valid reason, officers can provide a 6-month extension, but beyond this the grant would either be withdrawn or referred to Area East Committee to be reaffirmed
- That appropriate consents are obtained
- Works requiring listed building/planning consents or building regulation consent will be required to be signed off by the appropriate officer prior to the release of funds
- If, within 3 years of a grant award the business ceases to trade, the District Council reserves the right to reclaim the grant on the following basis: year one –100%, year 2 – 75%, year 3 – 45%
- If, within 5 years of an award to a premises owner, the unit ceases to be a business premises, the full grant will be reclaimed.

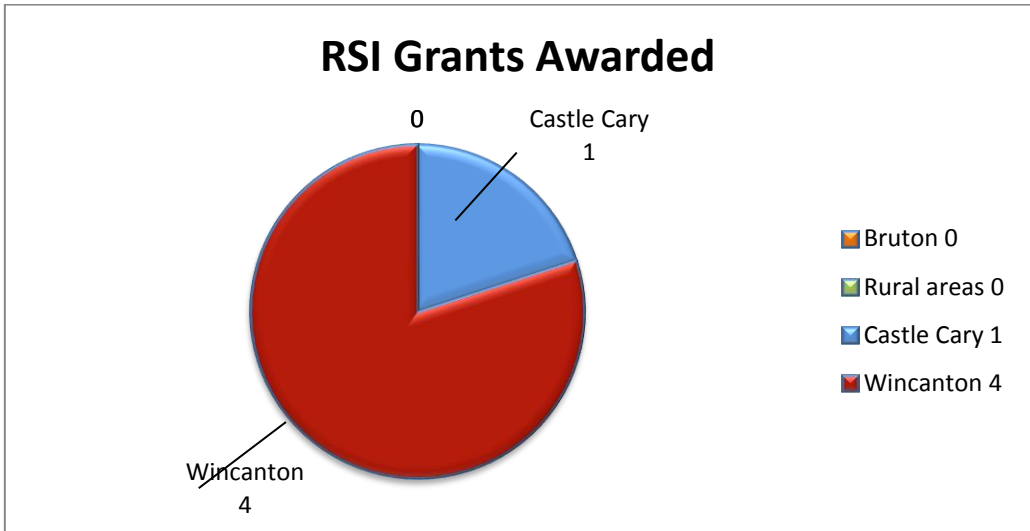
**Retail Support Initiative 2016-17**

The graph below shows the proportion of grant against overall scheme costs:



During the period April 2016 to March 2017, 2 grants were awarded under delegated powers and 3 awarded at Committee.

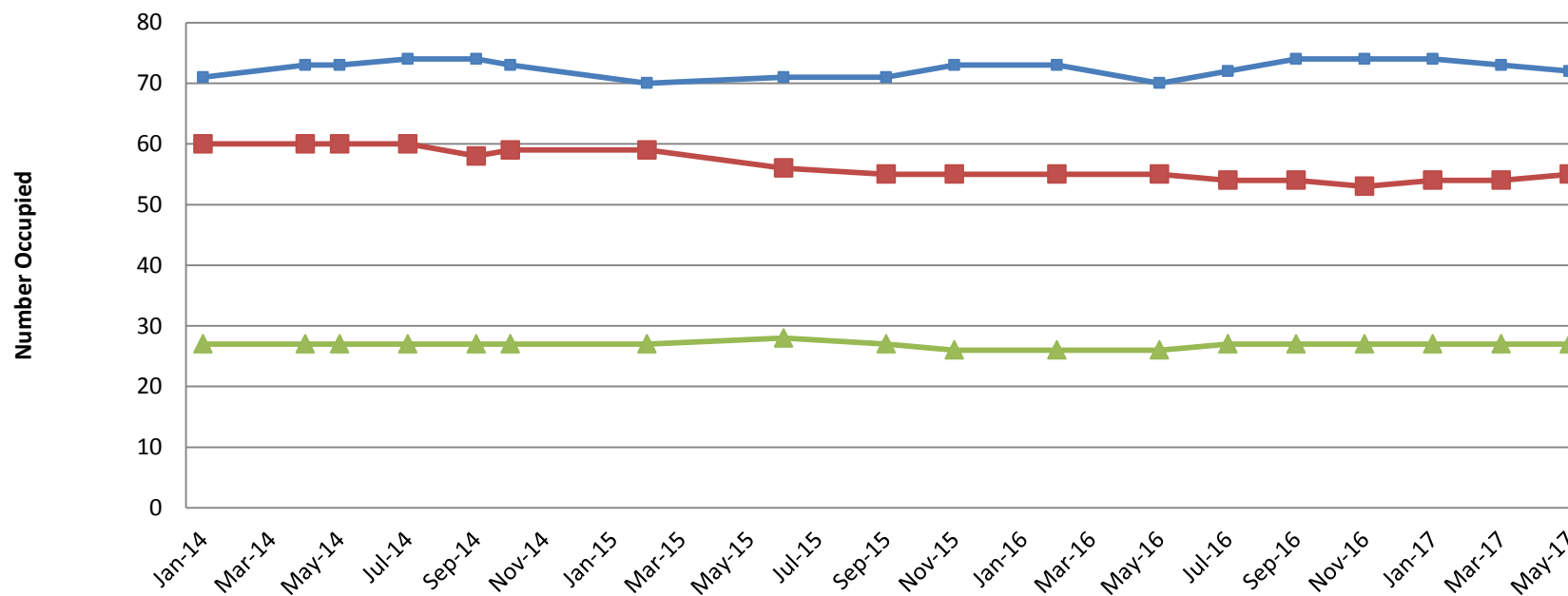
From April 2016 to March 2017, 4 grants were awarded to businesses in Wincanton, 1 grant was awarded to a business in Castle Cary, with no grants being awarded in Bruton or other rural areas.



### Shop Occupancy Trends

The graph below shows the shop occupancy trends since January 2014:

#### Shop Occupancy Jan 14 - May 17

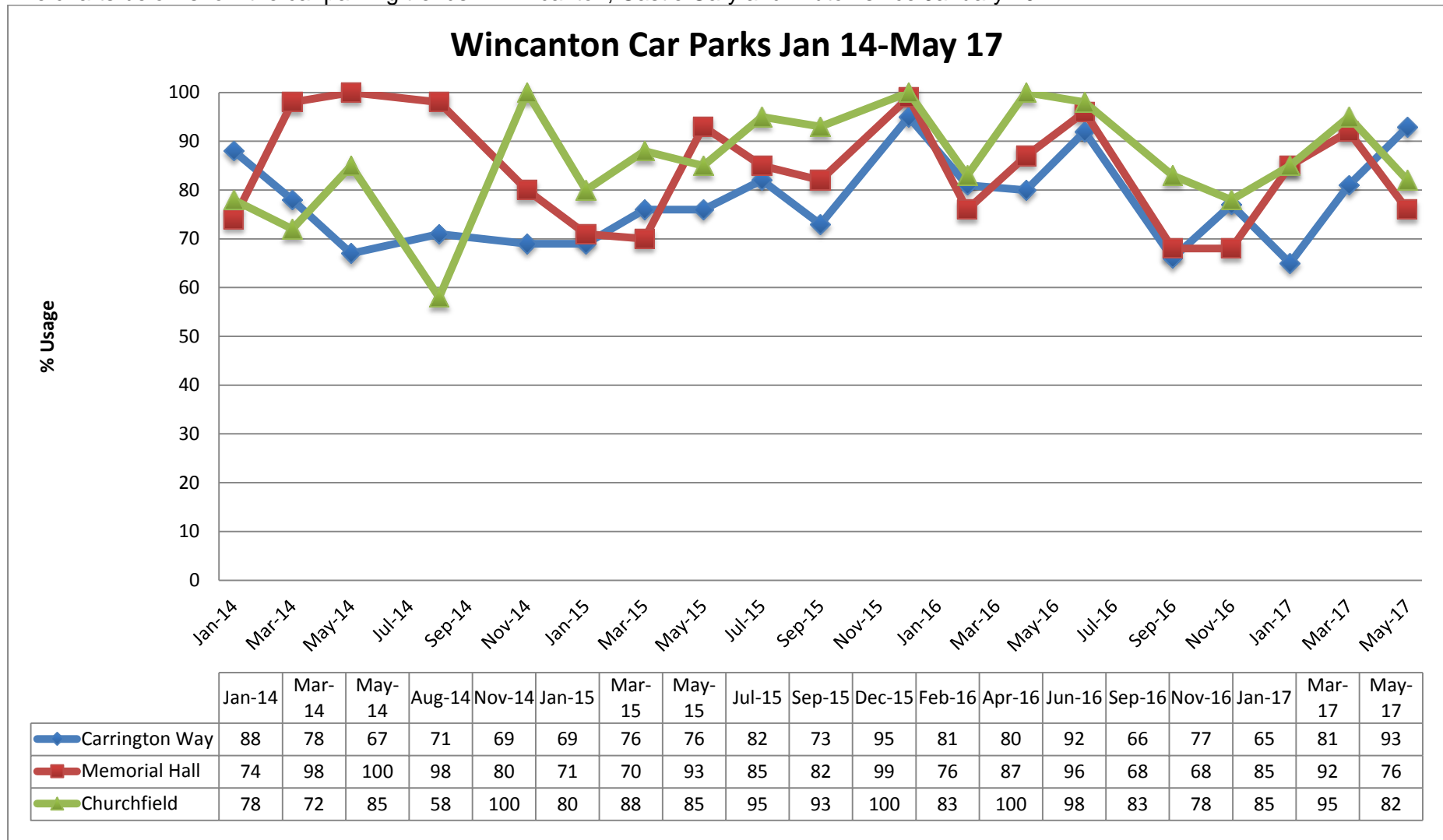


	Jan-14	Apr-14	May-14	Jul-14	Sep-14	Oct-14	Feb-15	Jun-15	Sep-15	Nov-15	Feb-16	May-16	Jul-16	Sep-16	Nov-16	Jan-17	Mar-17	May-17
Wincanton	71	73	73	74	74	73	70	71	71	73	73	70	72	74	74	74	73	72
Castle Cary	60	60	60	60	58	59	59	56	55	55	55	55	54	54	53	54	54	55
Bruton	27	27	27	27	27	27	27	28	27	26	26	26	27	27	27	27	27	27

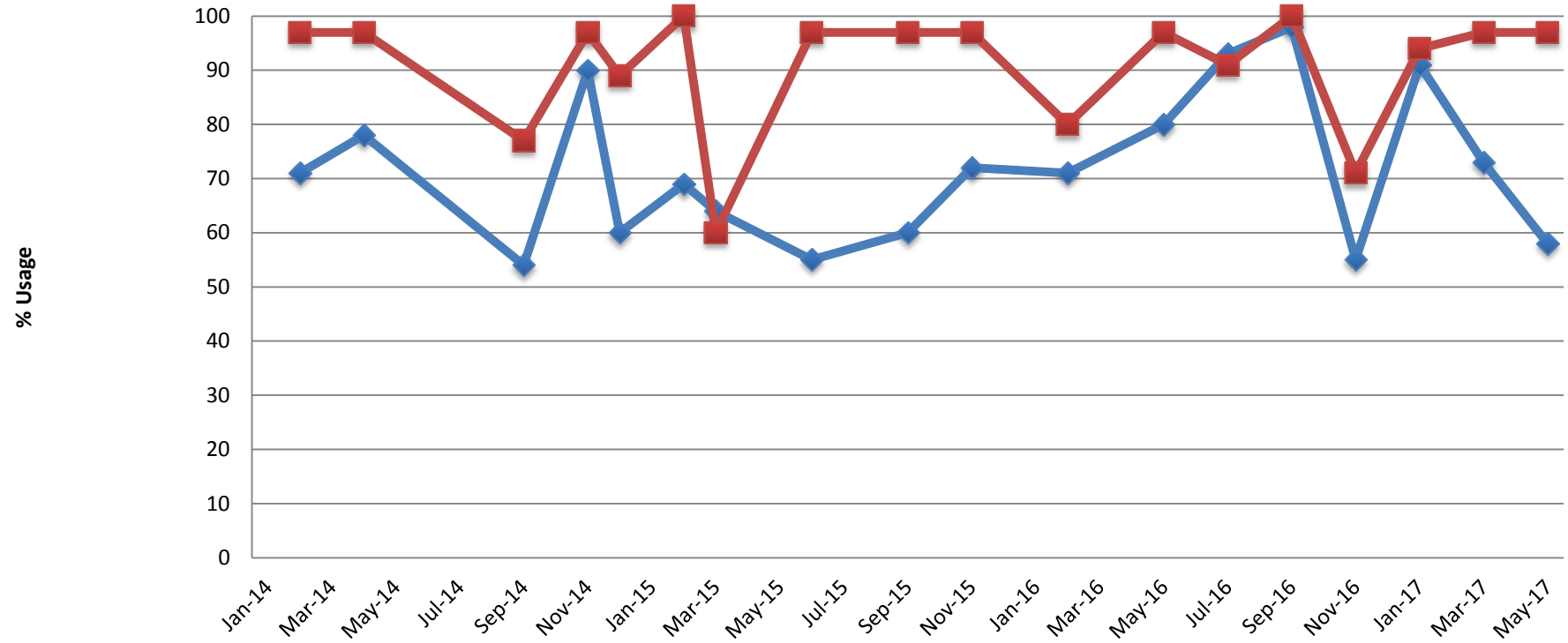


## Car Park Trends

The charts below show the car parking trends in Wincanton, Castle Cary and Bruton since January 2014:

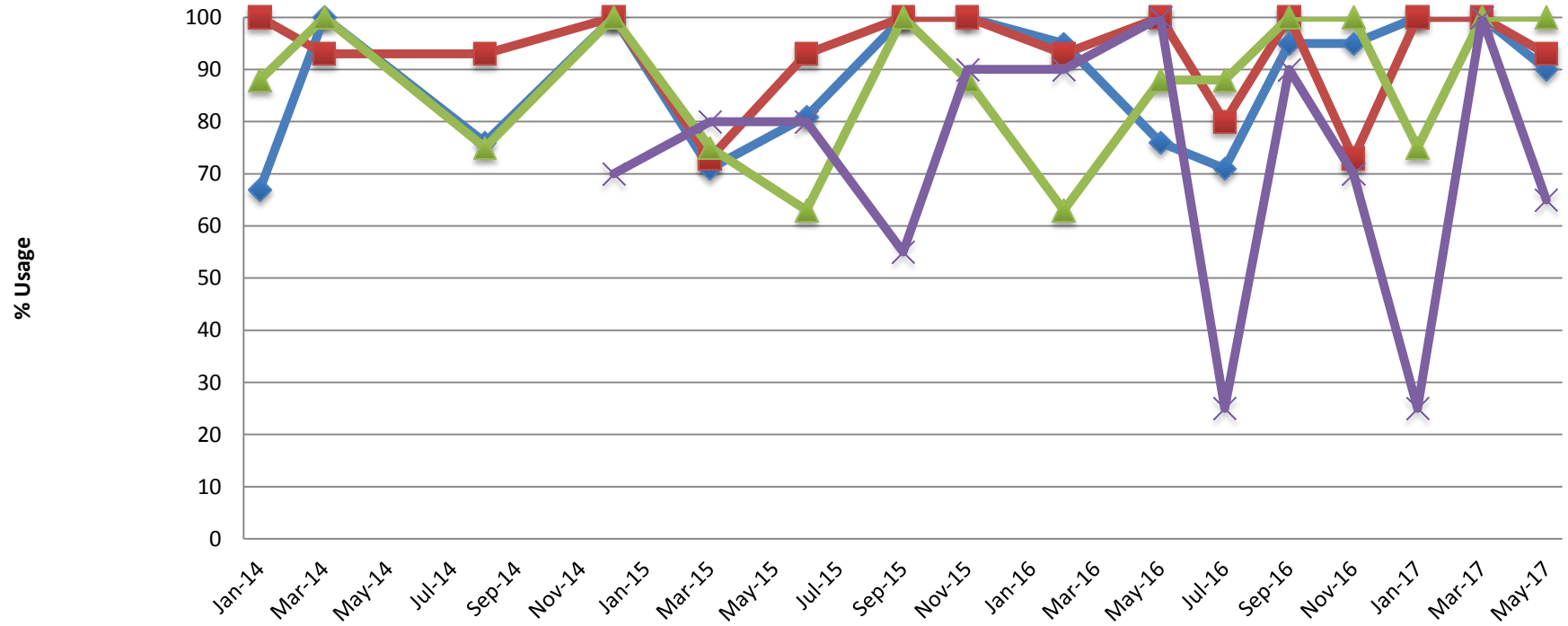


### Castle Cary Car Parks Jan 14 - May 17



	Feb-14	Apr-14	Sep-14	Nov-14	Dec-14	Feb-15	Mar-15	Jun-15	Sep-15	Nov-15	Feb-16	May-16	Jul-16	Sep-16	Nov-16	Jan-17	Mar-17	May-17
◆ Milbrook Gardens	71	78	54	90	60	69	64	55	60	72	71	80	93	98	55	91	73	58
■ St Catherines Close	97	97	77	97	89	100	60	97	97	97	80	97	91	100	71	94	97	97

**Bruton Car Parks Jan 14 - May 17**



	Jan-14	Mar-14	Aug-14	Dec-14	Mar-15	Jun-15	Sep-15	Nov-15	Feb-16	May-16	Jul-16	Sep-16	Nov-16	Jan-17	Mar-17	May-17
Tolbury Mill	67	100	76	100	71	81	100	100	95	76	71	95	95	100	100	90
Higher Backway	100	93	93	100	73	93	100	100	93	100	80	100	73	100	100	93
Pack Horse Bridge	88	100	75	100	75	63	100	88	63	88	88	100	100	75	100	100
Station Road				70	80	80	55	90	90	100	25	90	70	25	100	65

# Agenda Item 10

## Community Offices Update 2016/17

*Director:* Ian Clarke, Support Services  
*Assistant Director:* Helen Rutter, Communities  
*Service Manager:* Tim Cook, Area East Lead  
*Lead Officer:* Lisa Davis, Community Office Support Manager  
*Contact Details:* [lisa.davis@southsomerset.gov.uk](mailto:lisa.davis@southsomerset.gov.uk) 01935 462746

### Purpose of the Report

To update Area East Committee on the footfall/enquiry figures across the district for the period April 2016 through to the end of March 2017.

### Recommendation

Members are asked to note and comment on the contents of this report

### Background

The community offices are located in Petters House, Yeovil, Crewkerne, Chard, Ilminster, Langport and Wincanton and are managed by the Community Office Support Manager and Deputy Community Office Support Manager. There are 13 (9.5FTE) Community Support Assistants (CSA) across the team who provide customer access to services at the six Community offices. They also provide vital project and administrative support to the Area Development Teams.

The main SSDC services that customers visit our offices for are:

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

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

- Cash machines are available in Petters House and Chard.
- There is free public computer access in Petters House, Chard, Crewkerne & Wincanton allowing customers to access online services through self-service or assisted self-service.
- Free phone access to SSDC services in Petters House, Chard & Wincanton
- All offices are co-located with other authorities/agencies.
- All front offices have a hearing loop.
- All offices are fully accessible, except for Ilminster where it hasn't been possible to fully adapt.

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

As well as the community offices, increasingly customers will access SSDC services over the phone and/or via the SSDC website. The number of services available online is increasing.

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

The Community Support team have access to the online referral system which enables them to refer customers as appropriate to the Welfare Benefits team and outside agencies such as CAB, SSVCA. There is a weekly surgery held by the Welfare Benefits team in the Crewkerne Community office and the Welfare Benefits Advisors provide support and advice to many of the visitors to the front office. They work closely with the Community Support team to raise awareness of the benefits that people may be entitled to. During 2016 - 17 the team made around 160 Welfare benefit referrals.

The team also have the ability to support the Contact Centre by answering calls from the area offices in order to help reduce call waiting times during busier periods.

## Highlights

- Area East (Churchfield) saw a total of 4,324 customers and visitors in 2016 -17. A reduction of 7% from the previous year with a 16% reduction for core services (Housing Benefit, Council Tax, Housing & Homelessness and Refuse & Recycling). Across the Community Offices the overall footfall has reduced by 11% with core service footfall reducing by 13% from the previous year.
- Web transactions have increased by 10% from the previous year. It should be noted that this is a lower increase compared to last year but during 2015-16 there was a large increase in the number of web services made available.
- It should be noted that the offices at Petters House, Chard & Wincanton have their own bookable meeting rooms and visitors for meetings are included as part of the reception duties footfall and therefore part of the overall footfall figures.
- 23% of Churchfield customers (excluding visitors) came in for benefits help, queries, or to provide additional information/evidence in support of their benefit applications.
- During 2016 - 17 there were 3,018 benefit application forms received by SSDC, this is a reduction of 11.8% from 2015 – 16. Of this number 29% of applications were received online, compared to 20% in 2015 -16.
- The Benefits team have enhanced the on-line provision of their forms and receipt of evidence and customers are encouraged to apply for Housing Benefit online rather than being issued with a paper form.
- Universal Credit was fully rolled out across South Somerset in April 2017, this means that anyone of working age who has a rent liability no longer claims housing benefit from the Council. Instead they claim Universal Credit from DWP who from June 1<sup>st</sup> will notify us of

anyone claiming that has a liability for Council Tax. The Community Support Assistants are assisting customers who are digitally challenged with online Universal Credit claims in the community offices at Petters House, Chard and Wincanton.

- Cash machine transactions have reduced in Petters (7,511 transactions – a decrease of around 1,400 from the previous year) in Chard (5,809 transactions – a decrease of around 700 from the previous year). Transactions at Brympton Way cash machine for 2016-17 were 2,879, which is an increase of around 400 from the previous year. The number of customers paying their Council Tax by Direct debit has increased with approximately 69% of bills now being paid by Direct Debit (this is a 4% increase from last year).

## Customer satisfaction

Our annual customer satisfaction survey was completed in March 2017

Customer age group analysis

16-29	18%
30-44	26%
45-59	24%
60-74	24%
75+	7%

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

97% of customers rated the waiting time before being seen as Good or Very Good

99.6% rated the knowledge of the staff as Good or Very Good

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

Comments received from customers on help provided and the service office included:

*“Service was excellent”*

*“Very helpful people”*

*“Could open on Saturday mornings”*

*“I think on the budget SSDC have it is as good as it gets”*

*“Customer service was great”*

*“I think the service is as good as it gets and always a pleasure visiting the office”*

*“Longer opening hours”*

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

64% of customers said the office was near to their home, 3% did not have access to a computer or website access on their phone and 8% said they found it easier to communicate face to face due to speech, hearing or language problems

33% of customers have used the SSDC website in the past and 23% said they have not used the website because they have no internet access

73% prefer to visit the community office

Comments received from customers on why they use the offices:

*"I prefer to come to the office, despite not having any of the access difficulties"*

*"Easier face to face as they can tell you what's what and help"*

*"I like contact in person"*

*"Required to provide documents"*

*"Had to bring in proof"*

## **The Future**

In the coming months the Council's Transformation Programme will focus on the needs and preferences of customers using the network of community offices. In the meantime we will continue to work with other SSDC services to ensure that we are fully aware of any changes and that the Community Support Assistants have the knowledge and access to the systems to provide the best possible front facing service. With an increase in digital access there is a continuing need to support customers to access services online and raise awareness of alternative methods to access information and services to ensure that service provided best meets the needs of the customer.

## **Financial Implications**

None arising directly from this report.

## **Council Plan Implications**

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

## **Carbon Emissions & Climate Change Implications**

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

## **Equality and Diversity Implications**

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

**Background Papers:** *Community Office Update 2016*

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# Agenda Item 11

## **Planning Appeals**

*Director:* Martin Woods (Service Delivery)  
*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**

16/3544/OUT - Hales Lea Land East Of Hales Meadow Mudford  
Outline application for proposed residential development fronting Up-Mudford Road, Mudford

### **Appeals Allowed**

16/01243/FUL – Car park and conveniences, Carrington Way, Wincanton BA9 9JS  
Change of use with alterations and extension of redundant public conveniences to fish restaurant/takeaway

### **Appeals Dismissed**

15/00232/FUL – Gainsborough Arms, 74 Gainsborough Road, Milborne Port  
Demolition of existing Class A4 public house and redevelopment of site to provide a Class A1 convenience store including ATM with dedicated external servicing, refuse and plant area, associated car parking, access and landscaping

***Background Papers:*** None

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## Appeal Decision

Site visit made on 5 June 2017

by **JP Roberts BSc(Hons), LLB(Hons), MRTPI**

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

Decision date: 22<sup>nd</sup> June 2017

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**Appeal Ref: APP/R3325/W/17/3168645**

**Public Conveniences, Carrington Way, Wincanton, Somerset BA 99JS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Jason Brown against the decision of South Somerset District Council.
  - The application Ref 16/01243/FUL, dated 7 March 2016, was refused by notice dated 9 August 2016.
  - The development proposed is the change of use with alterations and extension of redundant public conveniences to fish restaurant/takeaway.
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use with alterations and extension of redundant public conveniences to fish restaurant/takeaway at Public Conveniences, Carrington Way, Wincanton, Somerset BA 99JS in accordance with the terms of the application, Ref 16/01243/FUL, dated 7 March 2016, subject to the conditions set out in the Annex to this decision.

### Procedural matter

2. The application was amended during its consideration by the Council and I shall take the amended plans into account in my decision.

### Main Issue

3. The effect of the proposal on the living conditions of the occupiers of Homecanton House, with particular regard to noise, disturbance and odour.

### Reasons

4. The appeal site is occupied by a detached brick-built public convenience located in a public car park, close to its eastern boundary. The appellant wishes to operate a high-end, sustainably sourced fish restaurant and takeaway, although I am mindful of the fact that if permitted it would allow other types of restaurant/takeaway to operate there in the future.
5. The appeal site abuts the boundary of Homecanton House, a three storey purpose built block providing accommodation for the elderly. At the closest the extended building would be about 10m from the building, but some 22m away from the entrance of the premises.
6. The part of Homecanton House nearest to the appeal site faces the back and side of a Co-Op supermarket, and an access road leading to a private car park

at the side of Homecanton House and a service area at the rear of the Co-Op and other properties on High Street. It is also close to the public car park. Whilst I have taken into account the likelihood that residents of Homecanton House are likely to spend more time in their homes than might be expected of other types of housing, I also recognise that it is on the edge of a town centre where residents could not reasonably expect the same levels of peace and quiet that might be experienced in a more suburban location.

7. The car park serves the town centre and, at the time of my visit, was very busy, and for some time, all the spaces were taken, with drivers cruising the car park looking for spaces. The lawful use of the site as a public convenience would also have generated some pedestrian traffic. During the day, I consider that the additional footfall generated by customers, or noise of patrons in the outdoor seating area, would make little difference to the background hubbub of what is a part of a bustling commercial area.
8. I consider it likely that during the evening, shopping activity would be less, and ambient noise levels would be lower. Even so, it is not proposed to open later than the Co-Op, and thus traffic to and from the restaurant would mix with that from people visiting the supermarket and other facilities in the town. Hours of opening could be restricted by the imposition of a condition. The restaurant would have a small external seating area, but this would be sited on the far side of the building away from Homecanton House, and I consider that the presence of the building would attenuate much of the sound which might come from this area. I therefore consider that residents of the block would not be significantly affected by noise or disturbance.
9. In respect of odour, full details of odour and fume extraction have not been provided. However, the food preparation area is shown as being located on the side of the building furthest from Homecanton House. Any fume extraction flue would terminate well below the height of Homecanton House. Even so, it would be located well away from the accommodation, and away from the direction of the prevailing wind. The site is surrounded by an extensive open area in which residual odours could dissipate.
10. Modern fume and odour control systems can be extremely effective in minimising smell from cooking. The appellant has referred me to the nearby Summer Palace Chinese Takeaway in High Street, the rear of which is close to the service area adjacent Homecanton House. The appellant says that there is no ventilation ducting at the rear of the premises, but I noted on my visit that there is a black square profile flue on the east-facing roof slope of the rear annex, well below the height of the window in the adjoining premises, and below the upper floor of Homecanton House. Even so, in a more congested environment, there have been no reports referred to me of nuisance arising from odour from this establishment, and I see no reason why the better located appeal site would result in clear harm.
11. In my experience, the effectiveness of odour and fume control can be dependent on the extent to which the system is maintained in accordance with the manufacturer's recommendations. The Council has suggested the imposition of a condition to require a scheme to be submitted and implemented for treating the fumes and odours, but I consider that a further requirement to ensure that it is adequately maintained is necessary to ensure that nearby residents' living conditions are protected.

12. I therefore conclude on the main issue that the proposal would not result in material harm to the living conditions of the occupiers of Homecanton House, with particular regard to noise, disturbance and odour. Nor would it conflict with Policies EQ2 or EQ7 of the South Somerset Local Plan 2006-2028, both of which aim to protect neighbours' amenity.

### **Other matters**

13. I have had regard to the risk of customers' cars or delivery vehicles using the access road to Homecanton House for parking, exacerbating the current reported problems experienced by residents. However, the access road is a private one, and it is for the landowners to control who parks there and the failure to exercise effective control is not a reason to prevent development. The small size of the premises is unlikely to result in a substantial number of deliveries, or ones where loading and unloading would take a long time, and in my view, would be unlikely to lead to significant traffic or other problems.
14. Whilst some poorly managed restaurants might fail to store or dispose of food waste properly, thereby attracting rodents, there are now stringent hygiene regulations to deal with such matters, and a regime of regular inspections and enforcement is likely to be able to address such concerns.
15. I recognise that litter can be a problem with takeaways; however, in a commercial environment, some litter can be expected and, in an effort to minimise the problem I shall impose a condition to require that bins be provided, as suggested by the appellants.

### **Conditions**

16. The Council has suggested a number of conditions which I have considered in the light of national guidance. A condition to require the development to be carried out in accordance with the approved plans is needed to achieve certainty. Conditions to require the treatment of fumes and odours, and to control the noise of such treatment, are needed to protect residents' living conditions. Conditions dealing with hours of opening and external lighting are needed for the same reason. A condition to secure the provision of litter bins is needed in the interest of appearance.

### **Conclusion**

17. For the reasons given above, I conclude that the appeal should be allowed.

*JP Roberts*

INSPECTOR

**ANNEX**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the approved plan entitled "As proposed – revised scheme" dated 6 June 2017.
- 3) The use as a takeaway / restaurant development shall not commence until a scheme for treating fumes and odours has been submitted to and approved in writing by the local planning authority and the means of treating the fumes and odours shall be installed and be operational before the development is brought into use or occupied. Thereafter the approved means of treating fumes and odours shall be retained and shall be maintained strictly in accordance with the manufacturer's recommendations.
- 4) No development shall commence until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the local planning authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.
- 5) Prior to the use as a takeaway / restaurant commencing, litter bins shall be provided in accordance with details to be submitted to and approved in writing by the local planning authority. Thereafter, the litter bins shall be made available for use at all times when the premises are open to the public.
- 6) No external lighting shall take place other than as agreed in writing by the local planning authority.
- 7) The use of the site hereby permitted shall not open to customers outside the hours of Monday to Thursday 11.30 hours to 21:00 hours, and Friday and Saturday 11.30 hours to 22:00 hours, and shall open at no time on Sundays and Bank holidays.

## Appeal Decision

Site visit made on 12 April 2017

by **David Walker MA MRTPI**

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

Decision date: 5<sup>th</sup> June 2017

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**Appeal Ref: APP/R3325/W/16/3164977**

**Gainsborough Arms, 74 Gainsborough Road, Milborne Port,  
Somerset DT9 5BB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by NewRiver Trustee 7 Limited and NewRiver Trustee 8 Limited against the decision of South Somerset District Council.
  - The application Ref 15/00232/FUL, dated 15 January 2015, was refused by notice dated 30 September 2016.
  - The development proposed is demolition of existing class A4 public house and redevelopment of site to provide a class A1 convenience store including ATM with dedicated external servicing, refuse and plant area, associated car parking, access and landscaping (as appropriate).
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by NewRiver Trustee 7 Limited and NewRiver Trustee 8 Limited against South Somerset District Council. This application is the subject of a separate Decision.

### Preliminary Matter

3. Amended plans and a viability report addendum were submitted with the appeal. They have not been subject to consultation. As I am satisfied that the changes proposed are minor and would not prejudice the interests of parties I have had regard to them in my determination of the appeal.

### Main Issue

4. The main issue in the appeal is whether the proposal would result in the loss of a community facility.

### Reasons

5. The Gainsborough Arms is a small pub located at the edge of the village some distance from the existing centre at High Street. Disposed of by the brewery in 2013 it has been operating under short tenancy landlords with subsidy from the current owners, although this last point is disputed by interested parties.
6. The proposal would redevelop the whole site to form a new convenience store. At around 310 sqm of gross retail floorspace it would expand the range and

- choice of shopping facilities in the village over that offered by the existing small shop in the village, which would close. It is predicted that some 20 jobs would be created, although there is no estimate of the numbers of jobs that would be lost through the pub's closure or by the relocation of the existing shop.
7. There would evidently be the replacement of one community facility with another. However, the loss of the pub would reduce opportunities for social interactions in the community that would not be replaced by a shop. It could be harmful to the wellbeing of those accustomed to meeting at the premises. While there is no statutory or policy-based quota for village pubs, the loss may not necessarily be compensated by alternative provision elsewhere. Of the examples of alternatives provided to me, the sports clubs have restricted hours and membership requirements that could limit accessibility, and the Tippling Philosopher pub at High Street is located beyond the 500m reasonable walking distance identified by the appellants.
  8. Although the viability assessment has found the pub to be uneconomic it has reached this conclusion on the basis of a desktop appraisal drawing from limited information including that surrounding the closure of the Queen's Head pub nearby. There has been no market testing to establish a reliable picture of demand and potential value. While it is submitted for the appellants that there is no requirement within the National Planning Policy Framework (the Framework) for estimating demand, it is agreed amongst the parties that the relevant part of the development plan is Policy EP15 of the South Somerset Local Plan 2015 (the Local Plan). This policy relates to the provision and protection of local shops, community facilities and services.
  9. Under Policy EP15 all reasonable efforts are to be taken to secure suitable alternative business or community re-use or social enterprise for a period of 18 months or as agreed with the Council. I do not find conflict in this approach with that taken at paragraph 70 of the Framework and which seeks to deliver the social, recreational and cultural facilities and services the community needs. The supporting justification for Policy EP15 further explains that the suitability of the use is to be explored with the community and based on evidence of need.
  10. It is conceivable therefore that not all community-type uses would best serve the particular needs of the residents of Milborne Port. In this regard it is significant that the pub has been placed on the register of Assets of Community Value. This is intended to give communities the opportunity to bid for such an asset before it is sold for alternative uses. Despite the clear evidence of demand from the many interested parties who have objected to the planned closure and redevelopment, no such opportunity has been afforded to the community.
  11. For the proposal to accord with Policy EP15 of the Local Plan it would have to demonstrate that it is a *suitable* alternative use. In order to have fully considered the need and viability of suitable uses in the community the test period referred to in the policy would have to be exhausted. In the absence of such a test the viability assessment cannot reasonably conclude that the retail use proposed amounts to a suitable alternative use under the Local Plan.
  12. Therefore, while I acknowledge the lack of technical objections to the proposal, and some limited support, I conclude that it would result in the harmful loss of

a community facility leading to conflict with Policy EP15 of the Local Plan and paragraph 70 of the Framework.

**Conclusion**

13. For the reasons given above I conclude that the appeal should be dismissed.

*David Walker*

INSPECTOR

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## Costs Decision

Site visit made on 12 April 2017

by **David Walker MA MRTPI**

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

Decision date: 5<sup>th</sup> June 2017

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### **Costs application in relation to Appeal Ref: APP/R3325/W/16/3164977 Gainsborough Arms, 74 Gainsborough Road, Milborne Port, Somerset DT9 5BB**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by NewRiver Trustee 7 Limited and NewRiver Trustee 8 Limited for a full award of costs against South Somerset District Council.
  - The appeal was against the refusal of planning permission for demolition of existing class A4 public house and redevelopment of site to provide class A1 convenience store including ATM with dedicated external servicing, refuse and plant area, associated car parking, access and landscaping (as appropriate).
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#### **Decision**

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

#### **Reasons**

2. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Policy EP15 of the Local Plan requires that new community uses are suitable for the area within which they fall. It is a more localised approach than the broad statement of national policy set out within the Framework. The Local Plan is recently adopted and there is no suggestion that it is inconsistent with the Framework.
4. Under the Local Plan all community facilities are not equal as some may better reflect local needs than others. The Council was therefore entitled to consider whether the proposal amounted to a suitable use for the village, notwithstanding that it was a community facility under paragraph 70 of the Framework.
5. Furthermore, it is clear from the supporting text to Policy EP15 that the suitability of new uses is to be gauged in consultation with the community. In this respect the many representations submitted both at the time of the application and during the appeal have indicated a great deal of interest in the retention of the public house. Nonetheless, the test period set down in Policy EP15 was not carried out.
6. It is evident from the officer's report that the Council had given consideration to the submitted viability reports and was not satisfied. It will be apparent



from my decision that I have agreed with its assessment. Confronted with some uncertainty over the alternative provision, and clear evidence of demand, the test period was not optional but a fundamental means of assessing the most suitable uses for the appeal site.

7. In the absence of a suitable test period it cannot reasonably be found that the loss of the public house would not be harmful to village life under Policy EP15. I do not find therefore that the Council behaved unreasonably and as a result no award of costs is justified.

*David Walker*

INSPECTOR

# Agenda Item 12

## **Area East Forward Plan**

*Assistant Directors: Helen Rutter, Communities*  
*Service Manager: Tim Cook, Area Development Lead (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*

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## Appendix A

### Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
9 August 17	Transport Support for Community and Public Transport	Transport Support for Community and public transport and SSCAT Bus	Nigel Collins
9 August 17	Business Rates	Rates and rateable values of business premises	Sharon Jones
9 August 17	Heart of Wessex	Summary of the work undertaken by the Heart of Wessex Rail Partnership and to approve funding for 2017/18	Helen Rutter
9 August 17	<i>LEP Update Report</i>	<i>Update report</i>	<i>Pam Williams</i>
9 August 17	Local Information Centre Review	Update/review	James Divall
13 September 17	<i>A303 upgrade</i>	<i>To consider the proposed scheme</i>	<i>Tim Cook</i>
13 September 17	<i>CIL – Rules of engagement</i>	<i>CIL update and Summary. Update on local accounts.</i>	<i>Tim Cook/Neil Waddleton</i>
13 September 17	Area East Policing	Annual update on Area East Policing	Avon and Somerset Constabulary
13 September 17	Streetscene Update Report	To provide a 6-monthly update on the streetscene service	Chris Cooper
11 October 17	<i>Wincanton Sports Ground</i>	<i>To update members on the progress of the centre</i>	<i>Tim Cook</i>
11 October 17	Workspace Progress Report	Annual Workspace update report	Pam Williams

# 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 10.15am.**

Members of the public who wish to speak about a particular planning item are recommended to arrive for 10am

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
14	MILBORNE PORT	17/01636/OUT	Outline application for the erection of a four bedroom dwelling and garage	Land adj The Old Mill House, Lower Kingsbury, Milborne Port	Mr P Rewrie
15	CARY	17/01659/FUL	Erection of a dwelling and garage	Plot 1, Alma Field, Castle Cary	Ms and Mr N. and B. Henson and Blackburn
16	CARY	17/01646/FUL	Erection of a dwelling and garage	Plot 2, Alma Field, Castle Cary	Mr Stephen Cooper
17	CARY	17/1064/FUL	Erect security building and staff parking area. Erection of perimeter security fencing in association with the storage of motor vehicles. Change of use from B2-B8 use	Land at Camp Road, Dimmer Lane, Dimmer	Mr Andrew Hopkins
18	IVELCHESTER	17/01471/DPO	Application to vary s106 to allow use of land for anaerobic digester	New Spittles Farm, Ilchester Mead, Ilchester	Mr and Mrs R D Knight

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.

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# Agenda Item 14

## Officer Report On Planning Application: 17/01636/OUT

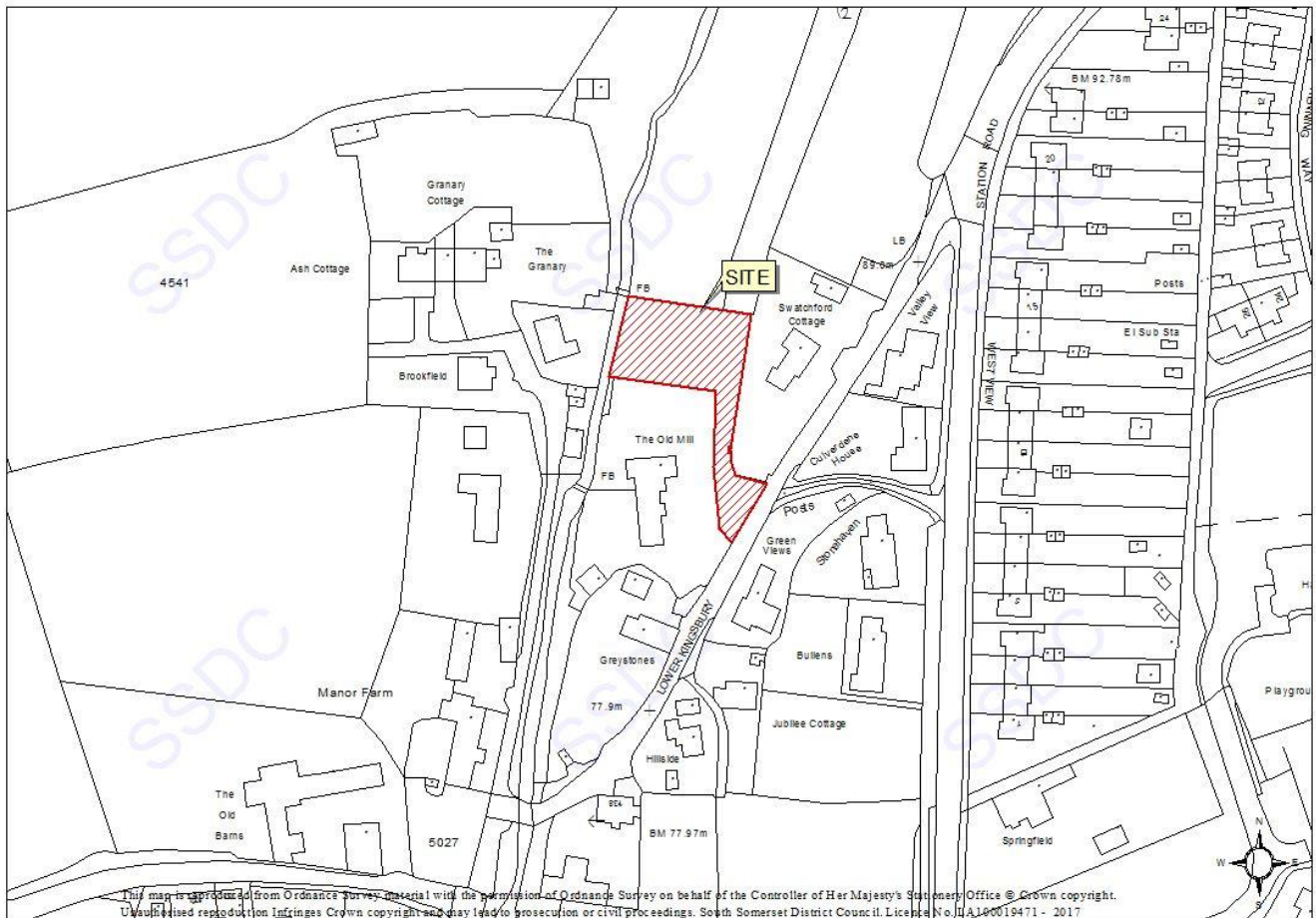
<b>Proposal:</b>	Outline application for the erection of a four bedroom dwelling & garage (resubmission of 14/01514/OUT)
<b>Site Address:</b>	Land Adj The Old Mill House Lower Kingsbury Milborne Port
<b>Parish:</b>	Milborne Port
<b>MILBORNE PORT Ward (SSDC Member)</b>	Cllr S Dyke
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date:</b>	15th June 2017
<b>Applicant:</b>	Mr P Rewrie
<b>Agent: (no agent if blank)</b>	Mr Barry Blaker 7 Mile Lane Exeter EX4 9AA
<b>Application Type:</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is before the committee at the request of the ward member, and with the agreement of the area chair, in order to allow the concerns of the neighbours to be publicly debated.

### SITE DESCRIPTION AND PROPOSAL





The site is located at the northern end of Milborne Port, within the defined development area. The land slopes gently from north to south and the application site is taken from the large garden area to the Old Mill House from which it has been separated that is bounded to the North by an open field; to the West by the stream, beyond which are the gardens of the dwelling houses 'The Granary' and 'Narrow Corner'; and to the East, raised up on the adjacent land, by Swatford Cottage. A Tree Preservation Order applies to trees that form part of the eastern boundary.

The proposal comprises a re-submission of an earlier approval ref: 14/01514/OUT that proposed an outline application for the erection of a detached 4 bedroom house and garage with all matters reserved. Notwithstanding, an acceptable access arrangement is identified that can form the basis for subsequent details submitted with the application for Reserved Matters. The outline planning permission reserves all matters; namely, Access, Appearance, Landscaping, Layout and Scale.

The application is submitted with a Flood risk assessment and drainage strategy report, a Arboricultural Method Statement and Design and Access Statement.

## HISTORY

14/01514/OUT - Outline application for the erection of a detached 4 bedroom house and double garage, Approved.

13/01931/OUT - Outline application for the erection of a detached 4 bedroom house and double garage, Refused 9.07.2013.

10/00042/OUT - The erection of a detached dwelling with double garage and construction of rear



access. (Revised application) - refused

09/01932/OUT - The erection of a detached dwelling with double garage and construction of rear access - withdrawn

## **POLICY**

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

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

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

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

SD1 - Sustainable Development  
SS1 - Settlement Strategy  
SS5 - Delivering New Housing Growth  
TA5 - Transport Impact of New Development  
TA6 - Parking Standards  
EQ2 - General development  
EQ3 - Historic Environment

### **National Planning Policy Framework (March 2012):**

6. Delivering a wide choice of high quality homes  
7. Requiring good design  
10. Meeting the challenge of climate change, flooding and coastal change  
12. Conserving and enhancing the historic environment

Somerset County Council Parking Strategy, September 2012.  
County Highways standing advice 2013

## **CONSULTATIONS**

**Milborne Port Parish Council** - feels that consideration should be given to the impact of the new proposed building on the existing property. The Council are concerned about the risk of flooding and feel consideration should be given to the proposed access to the property opening on to a narrow road which could potentially be very dangerous.

**Highway Authority** - standing advice to consider parking standards, turning on site and visibility offering safe access with the highway.

**SSDC Highway Consultant** - It would appear that the previous submission was considered acceptable in terms of the proposed access arrangements, on-site parking and turning, etc. I believe the current application proposes the same arrangement and therefore no objection is raised.

**SSDC Landscape Architect** - as expressed at the time of the earlier application, there is no substantive landscape issue with the prospect of a house. Whilst the new entrance will be at variance

with the narrow character, and sense of enclosure of the lane, there is scope for a degree of mitigation by additional planting where there may be gaps in the vegetation cover behind the new walling. Whilst not supportive of the proposal, providing Phil is content that the existing trees will not be subject to negative impact, to enable the drive to be accommodated then there is no over-riding landscape case for refusal.

**SSDC Tree Officer** - I have no objections to the proposal, subject to securing the effective implementation of the submitted tree protection measures.

**SSDC Conservation Officer** - I have reviewed the proposal and am of the view that it will not harm the setting of the listed buildings to the south, that are set some distance away from the proposed site. The site is not in a conservation area, and the Old Mill, although an interesting historic building is not listed. A new dwelling in this position will be read alongside existing new properties either side of the site. I am of the view that the proposal is acceptable.

**County Archaeologist** - No objection.

**Environmental Agency** - No objection subject to attaching a condition

## REPRESENTATIONS

There have been eight neighbour objections received, making the following main points:

- Destruction of old stone wall to Lower Kingsbury Lane
- Unnecessarily obtrusive
- Access onto narrow busy lane
- Disturbance to wildlife
- Loss of privacy
- Additional noise and disturbance from the presence of the lengthy driveway
- Impact on trees and risk of falling
- Increase risk of flooding

## CONSIDERATIONS

### Principle of Development

The principle of development was established by the extant outline planning permission ref: 14/01514/OUT permitted on 9 June 2014 and although its three year time limit is about to expire the principle remains. Accordingly we have to consider any changes to policy or local circumstance that might have come about since the original permission. It is noted that the previous applicant has since moved on and the site separated from the Old Mill House.

### Impact on Highway Safety

The only change, as is noted above, is the separation of the Old Mill House that has the effect of removing part of the boundary wall from the red outline although on closer inspection this appears to not have any detrimental impact on the required visibility. The new access point requires infilling and raising of the land immediately behind the proposed entrance. This results in the existing embankment being raised that is located between this point and the Old Mill House and levels the surface within the immediate area to bring ground levels up to a similar level as the adjacent highway and the alignment of what was originally the water feed supplying the mill that is to become the continuation of the driveway to the new dwelling travelling northwards and is bounded to the West by the protected trees (TPOs), and to the East the property boundary with Switchford Cottage.

Sufficient space is shown that can achieve a 3m wide carriageway giving access to a single dwelling

and likewise the details indicate that the access where it adjoins the highway provides motorists with the visibility required that is 40m and 43m where this relates to a 30mph speed limit, as is required by the Standing Advice.

The application is considered to demonstrate that a satisfactory access can be made for the site. A planning condition can be attached to any permission that requires the drawing(s) to be the basis for the relevant details submitted as part of the Reserved Matters.

Within the site land levels fall away from the area of the proposed drive so that within the parking and turning area there appears to be a need to raise the ground levels, however at worse this perpetuates the embankments that are already existing within the wider site. Reserved matters would be able to consider further the detailed finishes.

### **Character and Appearance**

The setting of the proposed dwelling house falls within a building line established by dwellings on either side, albeit that the spacing is fairly generous. The site extends to the edge of the defined settlement limit. The placement of a two-storey dwelling in this position is considered to be possible without prejudicing the essential character of the landscape beyond, or creating an incongruous or unacceptable intrusion to this rural/urban edge. At this stage, no detailed design is being considered, but the scope clearly exists to design an appropriate house in terms of massing, materials and appearance to be accommodated in this position without undue visual harm either to the village or its surrounding landscape.

### **Impact on Residential Amenity**

As was previously shown in the submitted indicative layout, it would be possible to site and orientate a dwelling house on the site and provide adequate space between it and neighbouring dwellings to avoid any overbearing impact, or overlooking. Notwithstanding the separation of the site from the Old Mill House the amenity of occupants was previously considered. It is not considered that there is demonstrable amenity harm in the proposal that would warrant a refusal of the application.

### **Trees**

There are several Tree Preservation Orders on trees that form the western boundary to the drive. The presence of a roadway within this location is sensitive to the wellbeing of the trees and their long term viability with care needed in the construction of the drive. The Tree Officer comments that the proposed solutions amount to significant engineering requiring specialist input, design and supervision. He suggests that the proposals appear feasible but their implementation would clearly have an increased cost implication and propose planning conditions that would be attached to any permission.

### **Neighbour Concerns**

All objections have been considered, as appropriate, within the relevant sections of the officer report, with the exception of the following:

Notwithstanding that a condition is proposed in accordance with the Environment Agency's (EA) response, the EA accept that the site falls within zone 1 for flood risk purposes and as such the site is removed from the flood risk zone that would otherwise oppose new dwellings.

There are no heritage designations for the boundary wall with the lane. The stone wall appears to be of more than one build, is in poor condition. The proposal would remove part of the wall and involve its rebuild. While a long stretch of uninterrupted boundary wall without a break can be a visually very pleasing the addition of openings within the street scene is not always unwelcome. In this case the proposed new opening arguably complements other openings in the lane while the works required to achieve this enables what remains to be secured and better presented.

Access during Construction is anticipated to be from the field gate further along the lane. As a temporary process any means to reduce impact from construction vehicles using the proposed access point for the new dwelling should be welcomed. This can be arranged in accordance with an agreed management plan for development of the site that is appropriately conditioned at the time of Reserved Matters.

### **Conclusion**

In principle, the proposal represents an acceptable addition of a dwelling house within the defined development area of the village. The impact on the setting, the local environment, protected trees and neighbouring residential amenity are all considered to be acceptable. The access information identifies an acceptable access that accords with the Highway Standing Advice, details of which can be dealt with as part of the Reserved Matters, and the Tree Officer accepts that a suitable scheme notwithstanding that this could be costly for the developer can also be submitted and agreed under Reserved Matters.

### **RECOMMENDATION**

Approve

01. The proposal, by reason of its location, represents appropriate infill within the defined development area and does not foster growth in the need to travel and is therefore sustainable and can achieve an acceptable highways access and on site highway arrangements in accordance with the aims of objectives of policies EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

### **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. Approval of the details of the access, appearance of the building(s), the landscaping of the site, Layout and Scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

04. The access arrangement submitted with the Reserved Matters shall be based on drawing number 618/01a received 7 April 2017.

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

05. No development shall commence, before details of the proposed finished ground floor levels of the buildings hereby permitted, in relation to the natural and finished ground floor levels of the

site, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with any details as may be agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain adequate control over proposed slab levels, in the interests of visual amenity and the appearance and character of the Conservation Area, further to policies EQ2 and EQ3 of the South Somerset Local Plan 2006- 2028.

06. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction vehicle movements, construction delivery hours, expected number of construction vehicles per day, drained parking area for contractors, construction operation hours, construction vehicular routes to and from site, point of access, the making good any temporary access resulting from works to facilitate access, and specific anti-pollution measures to be adopted to mitigate construction impacts. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highways safety and to safeguard the amenities of the locality in accordance with policies TA5 and EQ2 of the South Somerset Local Plan.

07. Prior to commencement of the approved development, the appointed construction/ groundworks contractor shall arrange for the Council's Tree Officer (01935 462670) to attend a pre-commencement site meeting at a mutually convenient time. The submitted scheme of tree protection measures (as prepared by Mr Nick Hellis, dated May 2016 - specifically the installation of the specially engineered trackway) shall be implemented in its entirety for the duration of the construction of the approved development.

Reason: To preserve existing landscape features (trees) in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

08. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA, dated July 2009, by D.G. Alsop) and the following mitigation measures detailed within the FRA: 1. Finished floor levels are set no lower than 79.0m above Ordnance Datum (AOD). 2. Identification and provision of safe route(s) into and out of the site to higher ground.

Reason: In the interests of environmental amenity further to policy EQ2 and EQ1 of the South Somerset Local Plan 2006- 2028.

09. The development hereby permitted shall be carried out in accordance with the following approved plans: LK AL (-) 05 received 3.05.2017.

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

# Agenda Item 15

## Officer Report On Planning Application: 17/01659/FUL

<b>Proposal:</b>	Erection of a new dwelling and garage (revised design to that approved 15/04460/FUL)
<b>Site Address:</b>	Plot 1 Alma Field Castle Cary Somerset
<b>Parish:</b>	Castle Cary
<b>CARY Ward (SSDC Member)</b>	Cllr Nick Weeks Cllr Henry Hobhouse
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date:</b>	5th June 2017
<b>Applicant:</b>	Ms and Mr N. and B. Henson and Blackburn
<b>Agent: (no agent if blank)</b>	Mr Jonathan Nuth 1 The Old Dairy Fonthill Bishop SP3 5SH
<b>Application Type:</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the Ward Member, and with the agreement of the vice-chair, in order to allow the comments of the neighbours and the Town Council to be publicly debated. They comment *"These houses were approved by the Town Council primarily because their design was innovative and environmentally friendly; it seems that the original planning application has been lost."*

### SITE DESCRIPTION AND PROPOSAL





There is an extant planning permission ref: 15/04460/FUL granted consent for three dwellings within the wider site. The current application seeks full planning permission to erect one dwelling and garage on one of the three permitted plots and seeks a revised design to the approved scheme.

The application site is agricultural land that is adjacent and mostly outside the development boundary that is aligned at this point across the front (eastern) part of the site to include the area of the field gate and the dwelling known as 5, Alma Field that lies to the south of this. Castle Cary is designated a local market town in the local plan and is a sustainable settlement (policy SS1).

The application was submitted with a Design and Access Statement.

## RELEVANT HISTORY

16/05497/DPO - Discharge of S106 relating to approval 15/04460/FUL (affordable housing contributions), permitted.

15/04460/FUL - Erection of three dwellings and associated access, garaging and manoeuvring spaces, Approved.

14/01639/OUT - Residential development of land for three dwellings, Approved.

## POLICY

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

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

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

SD1 - Sustainable Development  
SS1 - Settlement Strategy  
SS5 - Delivering New Housing Growth  
TA5 - Transport Impact of New Development  
TA6 - Parking Standards  
EQ2 - General development

Regard shall also be had to:

**National Planning Policy Framework (March 2012):**

Chapter 4 - Promoting Sustainable Transport  
Chapter 6 - Delivering a wide choice of high quality homes  
Chapter 7 - Requiring Good Design  
Chapter 8 - Promoting healthy communities  
Chapter 11 - Conserving and Enhancing the Natural Environment  
Chapter 12 - Conserving and Enhancing the Historic Environment

South Somerset Sustainable Community Strategy

Other Relevant Documents

Somerset County Council Parking Standards (September 2013)

Somerset County Highways Standing Advice

**CONSULTATIONS**

**Castle Cary Parish Council** - felt strongly that the 'Hanse Haus' plan originally approved is what they would like to see built on the edge of the town and that they did not wish to see different styles of house on the 3 plots.

**SSDC Landscape Architect** - I note that a previous consent has established the potential for a single dwelling, and a 1.5 storey dwelling has been consented. The current proposal has an enlarged footprint, and is now a 2-storey height. This will increase the massing effect of development within the plot, and thus the potential for greater dominance of adjacent properties in Cockhill Elm Lane. However, I note that;

- a) the increased height is played down by the use of a stepped ridge, along with roof hips;
- b) a 2-storey dwelling is approved immediately to the north of this plot, and;
- c) the proposal lays to the north of the existing Cockhill Lane properties, thereby potential shadowing will be minimal.

Consequently on balance, I do not consider the increase in scale to be such a substantial departure from the earlier approval, to raise new landscape issues.

**County Highway Authority** - standing advice applies

**SSDC Highway Consultant** - It is recommended that the proposed garage is set back at least 2m (but preferably 2.4m) from the edge of the shared drive (rather than 500mm) otherwise its position would restrict visibility for vehicles seeking to emerge from the plot to see other traffic heading towards the other two plots. Issues associated with the proper surfacing and consolidation of the access for the first 5m, surface water drainage, parking provision and on-site turning were no doubt addressed



previously and are equally applicable to the current application.

**County Archaeologist** - No objection.

## **REPRESENTATIONS**

There have been six neighbour notification responses received that object to the proposal. The concerns include:

- Substantially larger house with roof line is higher
- Disproportionately larger than any of its near neighbours
- Out of scale
- Out of keeping
- Additional velux roof lights causing overlooking
- More intrusive and overbearing
- Vary significantly from the original designs
- Precedent

## **CONSIDERATIONS**

### **Principle of Development**

The principle of residential development is accepted by the extant planning permission ref: 15/04460/FUL. Accordingly the main considerations include character and appearance, highway safety and neighbour amenity.

### **Character and appearance**

The main local concern is that the approved design that had support is changed and not only results in a different design but is of a larger more bulky scale to that approved that also benefited from its 'Hanse Haus' credentials.

Although now a full height two storey dwelling the overall ridge height measures 8.3m above ground level in contrast to the approved 7.4m. While the design results in a more bulky appearance, this is not considered sufficient to refuse. The council's landscape architect does not consider the scale to be a substantial departure to the approved scheme and in consequence the revised scheme is not considered would have a detrimental effect on character and appearance.

### **Highways Safety**

The council's Highway Consultant's comments are noted with regard to the location of the garage, although in serving just three dwellings its position appears acceptable, and longer term presents a further difficulty in supporting any further development further west being accessed via the shared access road.

### **Neighbour amenity**

The proposal is considered would not have any detrimental impact on neighbour amenity of occupants adjacent to the site. The responses from neighbours are noted. These have been considered under the appropriate sub-headings of the officer report. The skylights referred to serve specific inside spaces although they are located at a height above the finished floor level that prevents any direct overlooking from within.

### **Other Matters**

The Town Council's response is noted to the effect that the 'Hanse Haus' plan originally approved is what they would like to see built on the edge of the town and that they did not wish to see different styles of house on the 3 plots. Whilst acknowledged we have to determine the application that is

before us. While different to the approved scheme it is not so awkwardly different to support refusal.

**Whether CIL liable**

A development is CIL liable and form 'O' has been received from the applicant.

**RECOMMENDATION**

Approve

01. The proposal, by reason of its location, represents appropriate infill adjacent to the development area and is therefore sustainable development in accordance with the aims of objectives of policy SS1 and EQ2 of the South Somerset Local Plan 2006- 2028.

**SUBJECT TO THE FOLLOWING:**

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: P-02 and P-03 received 10 April 2017.

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

03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed.

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

04. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

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

05. Prior to commencement full particulars detailing the layout of the natural stone boundary walls bordering the access road, their appearance, including that of the gate piers, use of materials, including a sample panel to show coursing and pointing, shall be submitted to and agreed in writing by the Local Planning Authority. Such details as shall be agreed shall be undertaken as part of the development and thereafter retained and shall not be removed or otherwise altered.

Reason: In the interests of visual amenity, character and appearance and for the avoidance of doubt further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

06. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority:-

- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
- b. details of the internal finished ground floor levels

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

# Agenda Item 16

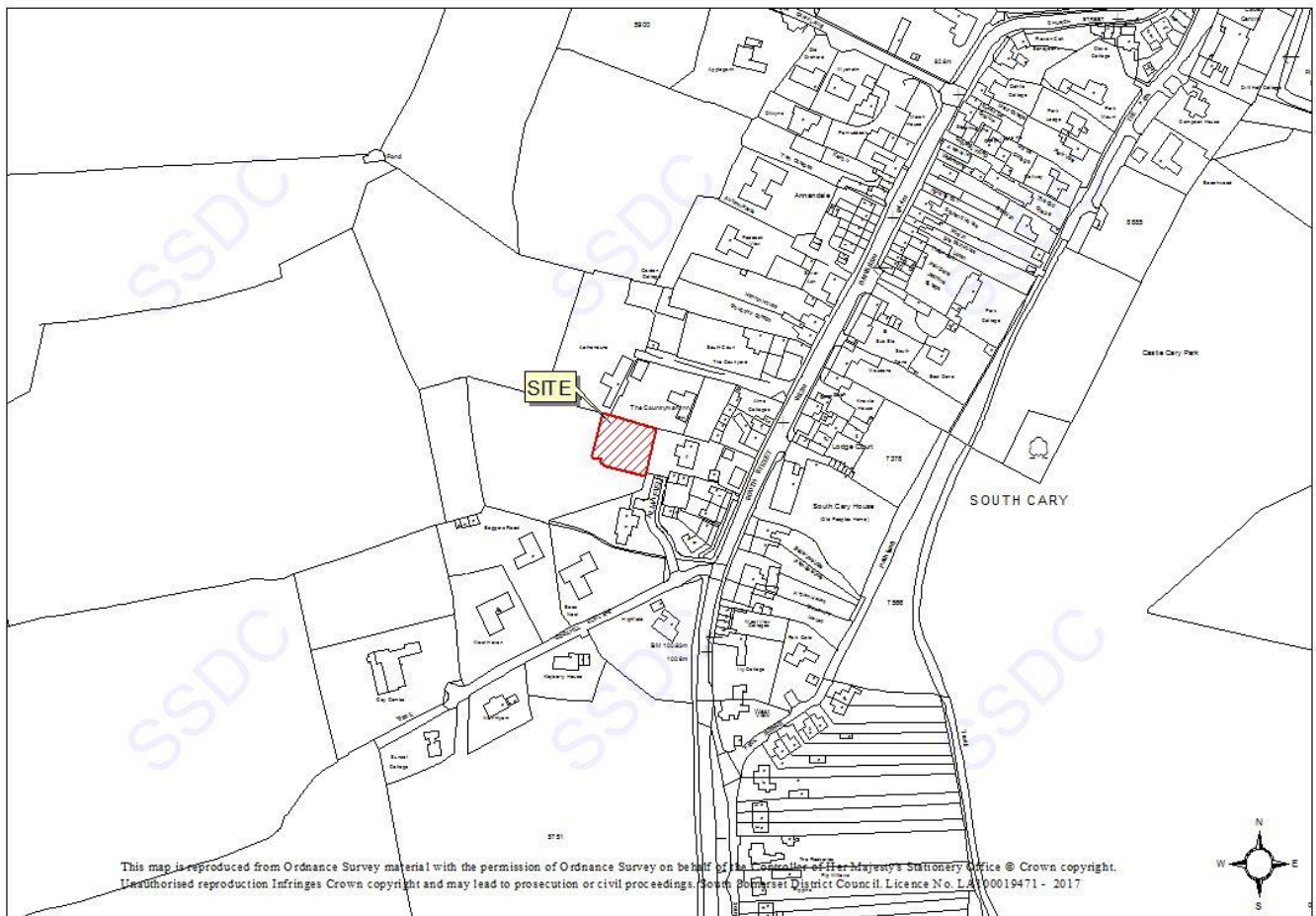
## Officer Report On Planning Application: 17/01646/FUL

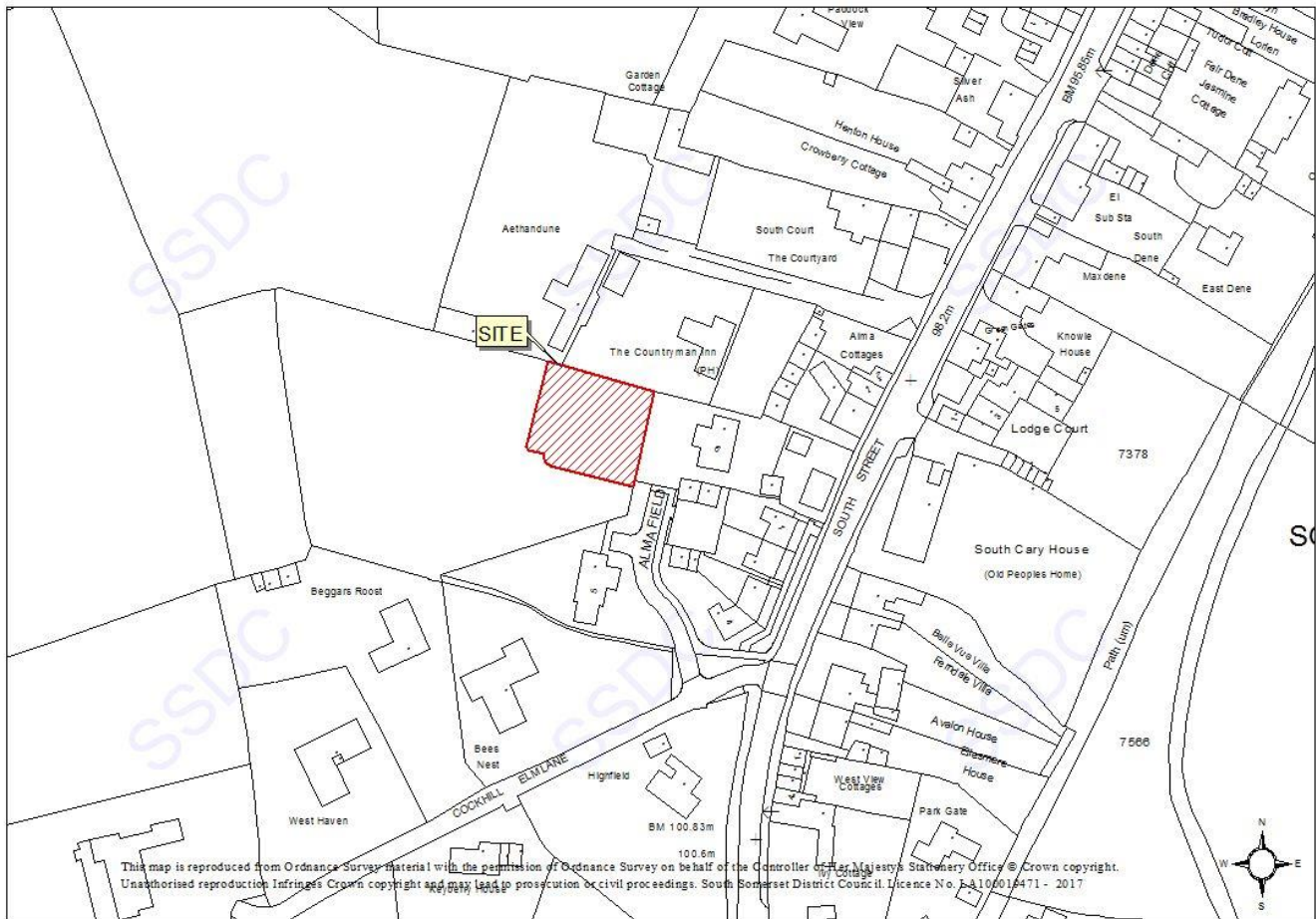
<b>Proposal:</b>	Erection of a dwelling and garage (revised design to that approved 15/04460/FUL).
<b>Site Address:</b>	Plot 2 Alma Field Castle Cary Somerset
<b>Parish:</b>	Castle Cary
<b>CARY Ward (SSDC Member)</b>	Cllr Nick Weeks Cllr Henry Hobhouse
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date:</b>	21st June 2017
<b>Applicant:</b>	Mr Stephen Cooper
<b>Agent: (no agent if blank)</b>	
<b>Application Type:</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is before the committee at the request of the ward member, and with the agreement of the area vice chair, in order to allow local objections to be publicly debated.

### SITE DESCRIPTION AND PROPOSAL





There is an extant planning permission ref: 15/04460/FUL granted consent for three dwellings within the wider site. The current application seeks full planning permission to erect one dwelling and garage on one of the three permitted plots and seeks a revised design to the approved scheme.

The application site is agricultural land that is adjacent the development boundary. Castle Cary is designated a local market town in the local plan and is a sustainable settlement (policy SS1).

The application was submitted with a Planning Statement.

## RELEVANT HISTORY

16/05497/DPO - Discharge of S106 relating to approval 15/04460/FUL (affordable housing contributions), permitted.

15/04460/FUL - Erection of three dwellings and associated access, garaging and manoeuvring spaces, Approved.

14/01639/OUT - Residential development of land for three dwellings, Approved.

## POLICY

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

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

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

SD1 - Sustainable Development  
SS1 - Settlement Strategy  
SS5 - Delivering New Housing Growth  
TA5 - Transport Impact of New Development  
TA6 - Parking Standards  
EQ2 - General development  
EC3 - Historic Environment  
EQ4 - Bio-diversity  
EQ5 - Green Infrastructure

Regard shall also be had to:

**National Planning Policy Framework (March 2012):**

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 11 - Conserving and Enhancing the Natural Environment  
Chapter 12 - Conserving and Enhancing the Historic Environment

South Somerset Sustainable Community Strategy

Other Relevant Documents

Somerset County Council Parking Standards (September 2013)  
Somerset County Highways Standing Advice

**CONSULTATIONS**

**Castle Cary Parish Council** - This greenfield site is not within the Town's direction of growth as designated in the Local Plan. The only reason the Town Council approved the original application was because it was for three Eco Hanse Haus dwellings. The Town Council feels that a mockery is being made of the consultation process if original plans which were supported by the Planning Committee are subsequently completely changed - as in this case. We were happy to have Eco homes. We do not support this change.

The new proposal is for a larger house which will overlook the neighbours, take longer to build and will mean that the site is now being overdeveloped. There is also a discrepancy between the number of neighbours consulted originally (42) and the number contacted this time (8). The Town Council feels there would have been more than the 2 objections from neighbours if more people had been notified and that therefore due process has not been.

**SSDC Conservation Officer** - No objection.

**County Highway Authority** - standing advice applies

**SSDC Highway Consultant** - Ensure sufficient on-site parking in line with the Somerset Parking Strategy standards is provided.

**County Archaeologist** - No objection.

**SSDC Tree Officer** - I have noted the early-mature Sycamore adjoining the Northern boundary. A tough, resilient species, its solar orientation to the building is fortunate. Any future concerns regarding encroaching branches could be dealt with from within the site itself. It would seem prudent to impose some basic precautions through conditions to preserve the health of the roots.

## **REPRESENTATIONS**

There have been three neighbour notification responses received. One makes general observations to the effect that they are pleased the proposal sticks with the overall height of the original. There have also been two letters of objection. These include concerns that:

- The first floor north elevation now includes openings
- Loss of privacy, intrusive
- Extended build period and associated disturbance

## **CONSIDERATIONS**

### **Principle of Development**

The principle of residential development is accepted by the extant planning permission ref: 15/04460/FUL. Accordingly the main considerations include character and appearance, highway safety and neighbour amenity.

### **Character and appearance**

The design whilst different and not a 'Hanse Haus' is considered acceptable in terms of character and appearance. Its overall height is comparable to the extant permission.

### **Highways Safety**

It is considered that the proposal generally accords with the County Highways standing advice.

### **Neighbour amenity**

The proposal introduces three small windows at first floor level. A condition requires them to be obscure glazed as they serve bathroom areas. Distances between opposing elevation are considered acceptable without loss of privacy, notwithstanding that the rear fenestration helps mitigate any concerns. The main living space outlook is from the south elevation. On the north side a narrow garden area is shown, with limited effective openings from this side. The presence of the nearby tree is not considered previously to have been an issue in terms of light and its shadowing. It is considered the proposal would not have any detrimental impact on neighbour amenity of occupants adjacent to the site.

### **Other Matters**

The Tree officer advises that the sycamore is tuff and young and a resilient species. The orientation of the house removes some of the concerns regarding over-shadowing. A condition is proposed to be attached to any permission that seeks to protect the tree during the construction phase.

### **Town Council and Neighbour Comments received**

Their responses are noted. Despite not being within the Town's direction of growth it is still necessary to consider the issues more closely. This is a site closely related to the built form and while the original permission was considered by the town council on the basis of their eco credentials the approach is not critical to the permission. We have therefore to consider the impacts of different houses that necessarily comes down to overall, scale, mass, design and other planning matters. Planning permissions need not be set in stone.

The discrepancy between the number of neighbours consulted originally (42) and the number contacted this time (8) reflects several issues including an originally larger site, but also the fact that

the principle of development has been accepted. It is therefore necessary to consult those immediate neighbours in accordance with council policy. Any development necessarily will result in disturbance during the construction phase. The fact that one type of build might be quicker than another is not a planning matter.

**Whether CIL liable**

A development is CIL liable and form 'O' has been received from the applicant.

**RECOMMENDATION**

Approve

01. The proposal, by reason of its location, represents appropriate infill adjacent to the development area and is therefore sustainable development in accordance with the aims of objectives of policy SS1 and EQ2 of the South Somerset Local Plan 2006- 2028.

**SUBJECT TO THE FOLLOWING:**

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, TWP17-CC-003, 001, 002, 004, 005, 008 and 012 received 5 May 2017.

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

03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed.

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

04. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

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

05. Prior to commencement full particulars detailing the layout of the natural stone boundary walls bordering the access road, their appearance, including that of the gate piers, use of materials, including a sample panel to show coursing and pointing, shall be submitted to and agreed in writing by the Local Planning Authority. Such details as shall be agreed shall be undertaken as part of the development and thereafter retained and shall not be removed or otherwise altered.



Reason: In the interests of visual amenity, character and appearance and for the avoidance of doubt further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

06. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority:-
- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
  - b. details of the internal finished ground floor levels
- 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 and EQ3 of the South Somerset Local Plan 2006- 2028.

07. Prior to the development hereby approved being first brought into use the first floor windows in the north elevation shall be fitted with obscure glass (and fixed closed) and shall be permanently retained and maintained in this fashion thereafter.

Reason: In the interests of neighbour amenity, further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

08. Prior to commencement of the approved development, the appointed construction/groundworks contractor shall arrange for the Council's Tree Officer (01935 462670) to attend a pre-commencement site meeting at a mutually convenient time. Tree protection measures - specifically the installation of protective fencing and signage, shall be installed by the appointed construction/groundworks contractor, inspected and approved in writing by the Council prior to any commencement of the development. The approved tree protection fencing shall remain undisturbed and in-situ for the duration of the construction of the approved development and shall only be moved or dismantled with the prior approval of the Council in-writing.

Reason: To preserve existing landscape features (trees) in accordance with the following policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

# Agenda Item 17

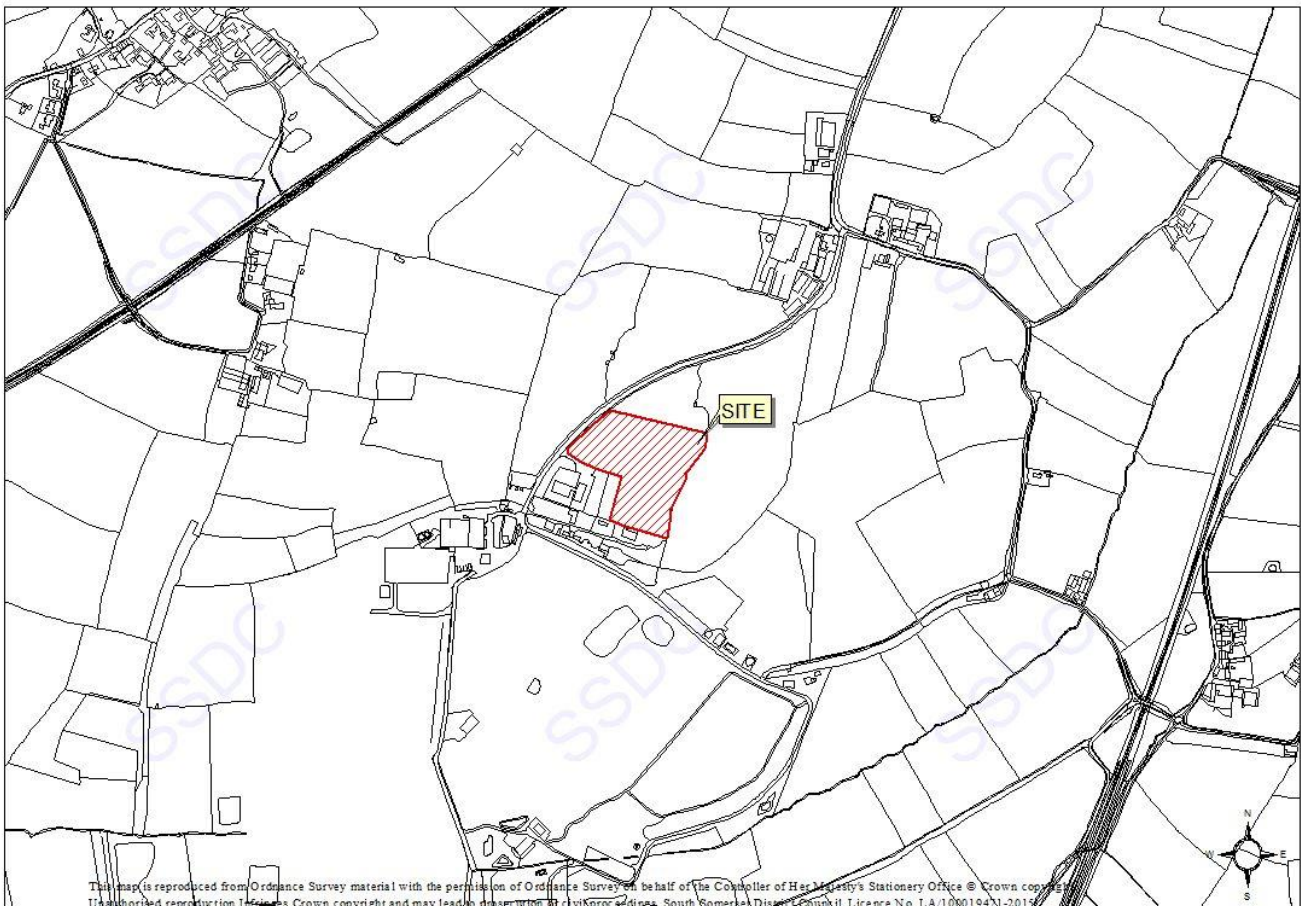
## Officer Report On Planning Application: 17/01064/FUL

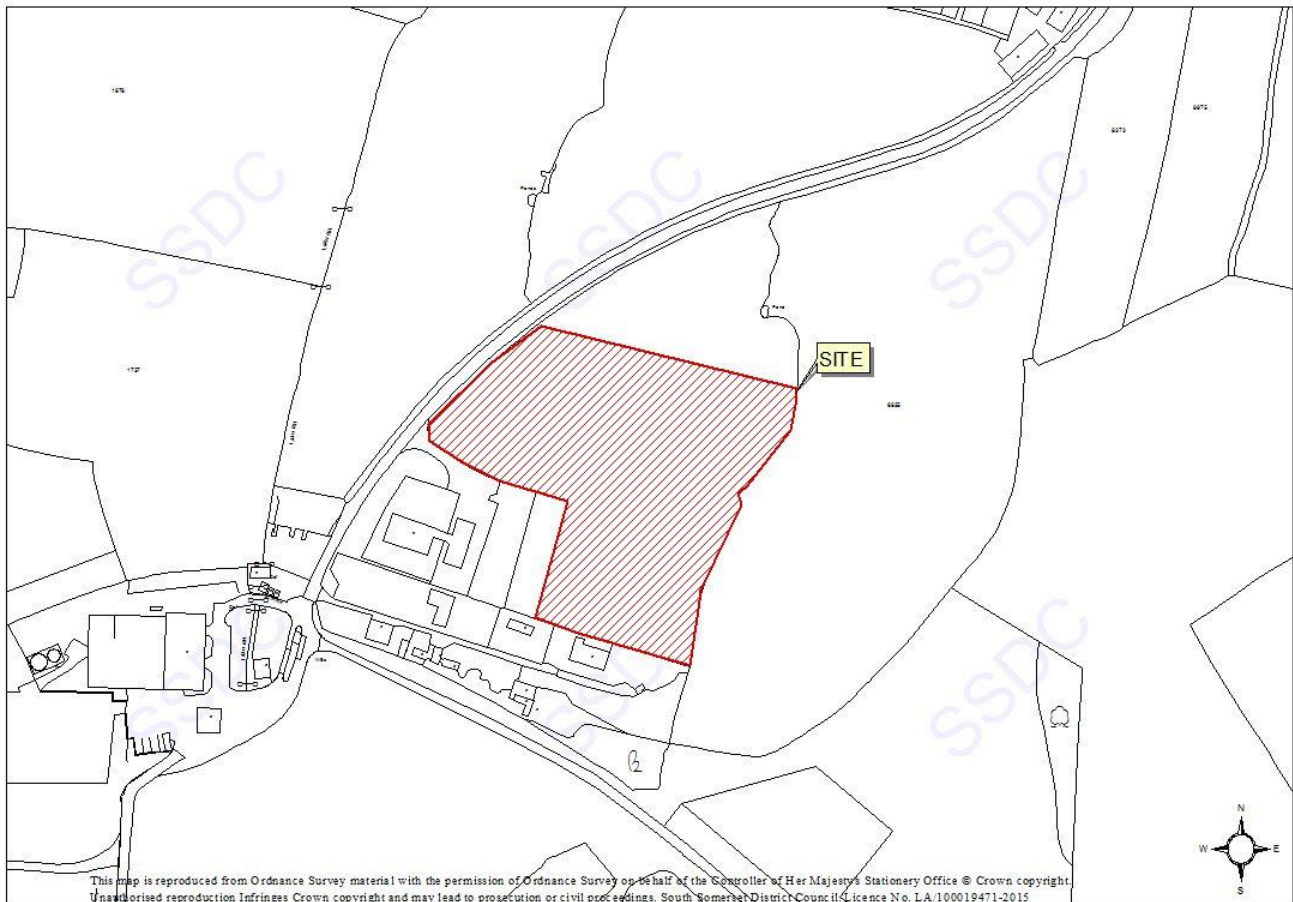
<b>Proposal:</b>	Erect security building and staff parking area. Erect perimeter security fencing all in association with the storage of motor vehicles. Change of use of the land from B2 - B8 use.
<b>Site Address:</b>	Land At Camp Road Dimmer Lane Dimmer
<b>Parish:</b>	Castle Cary
<b>CARY Ward (SSDC Member)</b>	Cllr N Weeks Cllr H Hobhouse
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date:</b>	5th June 2017
<b>Applicant:</b>	Mr Andrew Hopkins
<b>Agent: (no agent if blank)</b>	Mr Gary Adlem GMA Design Little Hains, Hains Lane Marnhull Sturminster Newton DT10 1JU
<b>Application Type:</b>	Major Other f/space 1,000 sq.m or 1 ha+

### REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the ward members and with the agreement of the area vice-chair in order to allow local concerns to be publicly debated.

### SITE DESCRIPTION AND PROPOSAL





The proposal seeks permission for the change of use of land from B2 (General Industrial) to B8 (Storage and Distribution) for the storage of cars. It also seeks permission for the erection of a security building, erection of perimeter security fencing, and for the laying out of a staff car park. The site consists of an area of industrial land, with no obvious current users, but with an established lawful use. The site is close to various industrial buildings, agricultural buildings, open countryside, a residential caravan, and recycling centre. The site is not within a development area as defined by the local plan.

The proposed security building will be finished in brick with a slate roof. The proposed parking area will be finished in crushed concrete hardcore, with tarmac to the turning and unloading areas. The proposed security fencing will be constructed of metal mesh.

#### **RELEVANT SITE AND ADJOINING LAND HISTORY**

15/05361/FUL - Erection of 6 no. light industrial B2 use units and the formation of access and parking  
 - Application permitted with conditions 4/03/2016

14/04582/FUL - The erection of a concrete batching plant and associated offices, access road, aggregate storage area, parking, drainage, boundary treatment and landscaping (Revised proposal of 13/01142/FUL) - Appeal against non-determination dismissed 13 October 2015

13/01142/FUL - Erection of offices, concrete batching plant, storage of aggregates and formation of a new road. Parking for staff and associated vehicles - Application refused 22/10/2013 - Dismissed at appeal 14 May 2014

08/03008/COL - The use of land for industrial purposes in alleged breach of conditions of decision notice 90/00323/FUL dated 08.07.90 - Approved 14/08/2008

07/03955/COL - The use of land for industrial purposes in alleged breach of conditions of decision notice 90/00323/FUL dated 08.07.90 - Refused 15/10/2007

90/00323/FUL - Use of land for industrial purposes (within use classes B3 to B7) - Permitted with conditions 08/071998

## **POLICY**

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

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

The policies of most relevance to the proposal are:

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

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

### **National Planning Policy Framework**

Chapter 1 - Building a Strong, Competitive Economy  
Chapter 3 - Supporting a Prosperous Rural Economy  
Chapter 7 - Requiring Good Design

### **Other Material Considerations**

None

## **CONSULTATIONS**

**Castle Cary Town Council** - Votes against the scheme. Notes that councillors had concerns regarding 7 days a week opening hours, lack of water on site, potential water course pollution, employment for only two staff, extra vehicles when setting up, and noise from the stone crusher. They also note there is no mention in the application of a recent planning permission for a waste transfer station which will have impact on traffic on the B3153. Those in favour advised that a B8 usage is preferable to B2.

**Cary Moor Parish Council** - On the basis that vehicle movements for the permitted use could be significantly higher for the permitted use of the site, they voted to support the scheme, subject to conditions to control the exact nature of the use, to secure suitable landscaping, to prevent external lighting without the prior permission of the LPA, to ensure development is phased from south to north, and to restrict the hours of operation.

**Ansford Parish Council** - Expresses that the proposal will exacerbate an already unacceptable traffic situation in regards to congestion and HGV movements on an unsuitable road.

**County Highway Authority** -

*"The application is to construct a vehicle storage depot on land adjacent to the Acorn Industrial Park, Dimmer Lane, Castle Cary.*

*It is noted that Camp Road is a private road and as such the Highway Authority will comment on the junction of Camp Road with Dimmer Lane, the suitability of Dimmer Lane and the junction of Dimmer Lane with the B3153.*

*I am aware that the Highway Authority commented previously on the proposed concrete plant and did not raise an objection but was subsequently refused by the Local Planning Authority.*

*Having reviewed the transport statement, it would appear that the applicant has suggested that there would be a total of 6 transporter lorries per day that would utilise the proposed car storage area. This represents a reduction in the proposed vehicle movements in the previous application on this site. It would therefore be unreasonable to raise an objection to this aspect of the application.*

*From my onsite observations it is apparent that Dimmer Lane is used for recycling vehicles to access the recycling centre, ergo, there is an existing use by larger vehicles and it would therefore be unreasonable to raise an objection to the application due to the larger vehicle types that would be using the approach roads.*

*The Highway Authority is satisfied that there is sufficient space for vehicles to pass using the passing areas as shown in drawing number LGPS/AH/PP/Dimmer/01/01 along Dimmer Lane.*

*Dimmer Lane, any vehicles are likely to head north to the B3153. It would be unreasonable for the Highway Authority to raise an objection to visibility at the junctions of this application.*

*Taking the above into account and considering that the application is likely to represent a decrease in vehicle movements, the Highway Authority does not wish to raise an objection to the proposal."*

#### **SSDC Landscape Architect -**

*"I am aware that the land has an employment use.*

*The proposal lays alongside existing employment structures, and is contained within a single field. This close correspondence with existing built form provides a suitable context for further employment development, hence there is no landscape issue with the principle or scale of development proposed here. However, there will be a marked increase in hard surfacing evident throughout within the site, and this increased spread of crushed concrete hardcore should be countered by an appropriate planting scheme. Such a scheme should provide visual containment by creating new woody boundaries to the north and east of the site, whilst the existing hedgerow to the south should be supplemented by additional tree and shrub planting.*

*If you are minded to approve this application, could you please condition a detailed landscape proposal, for submission and approval pre-commencement."*

**SSDC Environmental Protection Officer** - No comments. No comments as to the proposed hours of operation.

#### **REPRESENTATIONS**

Two letters of objection received. One from the occupier of a residential property on the industrial estate and one from the occupier of a property in Clanville. Objections were raised in the following areas:

- Exacerbate existing traffic problems
- Unacceptable opening hours
- Potential for dust creation

An additional letter has been received from 'Care4Cary', a local pressure group. They object on the grounds that little thorough work has gone into the proposal and that it "...merely copies what is taking place at Henstridge, a quite different location". They raise a concern that an approval of the current application would make subsequent applications for different proposals difficult to refuse.

## **CONSIDERATIONS**

### **History and Principle of Development**

In 2008 a certificate of lawfulness established that the lawful use of the site is for B2 (General Industrial) purposes. Schemes to use the site for concrete batching were refused and dismissed at appeal in 2014 and 2015, due to the likely impacts of HGV movements on the B3153.

With an established lawful use for B2 purposes, the principle of using the site for any of the employment uses (B1, B2, or B8) is considered to be acceptable and to accord with local plan policies and the aims and objectives of the NPPF. The impacts of the specifically proposed use must be considered in detail below.

### **Residential Amenity**

There is a single residential property in close proximity to the site. With an established B2 (General Industrial) use of the application site, and with the existing industrial uses surrounding the residential unit, the occupier of the property must accept a certain level of disturbance to their residential amenity. The proposed use should aim to make the situation no worse. Given that the site could be used for industrial purposes, it is considered that the proposed B8 use is unlikely to cause demonstrable to residential amenity. A 2015 permission for a new industrial building on land adjoining the site was subject to an hours of operation condition restricting the operating hours to 0700 -1800 Monday to Friday, 0800-1300 on Saturdays and not at all on Sundays and Bank Holidays. It is considered that a similar restriction would be appropriate on any permission issued in order to protect the amenity of the neighbouring residential property.

The proposed building will have no impact on residential amenity by way of overlooking, overshadowing or overbearing.

The neighbouring occupier has raised a specific concern regarding likely dust creation from the proposed use. However, there is no reason that any dust creation would be worse than the extant B2 use of the site. The SSDC Environmental Protection Unit (EPU) was consulted and raised no objections to the scheme.

As such, subject to the use of an appropriate condition to control hours of operation, there would be no demonstrable harm to residential amenity in accordance with policy EQ2 of the local plan and the aims and provisions of the NPPF.

### **Visual Amenity**

The SSDC Landscape Architect was consulted as to the impact of the proposal on the character of the surrounding landscape. He noted the permitted use of the site, and concluded that, subject to an appropriate planting scheme secured by condition, there is no landscape issue with the principle or scale of development proposed here. Such a condition is considered to be reasonable and necessary.

The proposed building and fencing is considered to be of an adequate standard of design and materials that would satisfactorily reflect the character of the surrounding area in accordance with policy EQ2 of the local plan.

## **Highways**

As with the schemes to develop the site as a concrete batching plant, there has been considerable local concern as to the likely highway impacts of the development on local roads. The county highway authority was consulted and raised no objection to the scheme. The likely vehicle movements from the specifically proposed use are likely to be considerably lower than could occur from the unrestricted use of the site for B2 purposes. As such, subject to a condition to ensure that the site is only used for the currently proposed purpose, it is considered that there will be no severe impact on the local road network arising from the scheme. The proposed access and parking arrangements are considered to be satisfactory.

It is therefore considered that there will be no severe adverse impact on highway safety in accordance with policies TA5 and TA6 of the local plan and the aims and provisions of the NPPF.

## **Other Matters**

The Town Council have raised concerns as to the lack of water on site and potential water course pollution. However, there is no reason to assume that the use of the site for the storage of motor vehicles would cause water course pollution. EPU have raised no concerns in this regard. It is not clear how a lack of water on site is objectionable.

The Town Council have raised a concern that the development will only provide employment for only two staff. Whilst this is regrettable from an economic perspective, B8 uses fall within the category of employment land, as defined by the local plan, and as such it would be unreasonable to withhold permission on such grounds.

The Town Council have raised a final concern regarding extra vehicles when setting up, and noise from the stone crusher. However, any disturbance caused in this way will be transitory and should not be used as a reason to constrain the development.

Cary Moor Parish Council have supported the scheme, subject to conditions to control the exact nature of the use, to secure suitable landscaping, to prevent external lighting without the prior permission of the LPA, to ensure development is phased from south to north, and to restrict the hours of operation. As discussed above, conditions to control the exact nature of the use, to secure suitable landscaping, and to restrict the hours of operation are all considered to be reasonable and necessary. A condition to control external lighting is considered to be reasonable and necessary in the interests of both visual and residential amenity. A condition to ensure that the site is developed from South to North is also considered to be reasonable and necessary in the interests of visual amenity.

Care4Cary have raised a concern that the proposal would make subsequent applications for different forms of development on the site difficult to refuse. However, previous permissions have already established the principle of using the site for commercial purposes, and any subsequent applications for different uses to that currently proposed would be considered on their own merits.

## **Conclusion**

It is considered that the application should be recommended for approval. The use of this land for employment purposes is established and the principle of development is therefore acceptable in this location. It is not considered that the development will have an unacceptable impact on highway safety, residential amenity, or the character of the area.

## **RECOMMENDATION**

Permission be granted for the following reason:

01. The proposed use is considered to be acceptable in this location and the development would have no adverse impact on the appearance of the area, and would not cause any undue harm to residential amenity or highway safety, in accordance with the aims and objectives of policies SD1, SS1, TA6, TA5, EQ2, and EQ7 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

**SUBJECT TO THE FOLLOWING:**

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 16.01 and GMA-0011-02 received 06 March 2017.

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

03. The premises shall be used for the storage of motor vehicles and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)

Reason: In the interests of highway safety and residential amenity in accordance with policies EQ2 and TA5 of the South Somerset Local Plan.

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

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

05. The area allocated for staff parking on the submitted plan, drawing number 16.01 received 06 March 2017, shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of staff vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

06. Other than staff vehicles, there shall be no vehicle movements to or from the site, or within the site, outside the following hours: 0700 -1800 Mondays to Fridays; 0800-1300 on Saturdays and not at all on Sundays and Bank Holidays.



Reason: In the interests of residential amenity in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028.

07. Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and no additional lighting installed without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential and visual amenity in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028.

08. Other than in the area marked as staff parking on drawing number 16.01, received 06 March 2017, the storage of motor vehicles on site shall be phased so that no parking space shall be occupied if any parking spaces further south on the site are unoccupied.

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

# Agenda Item 18

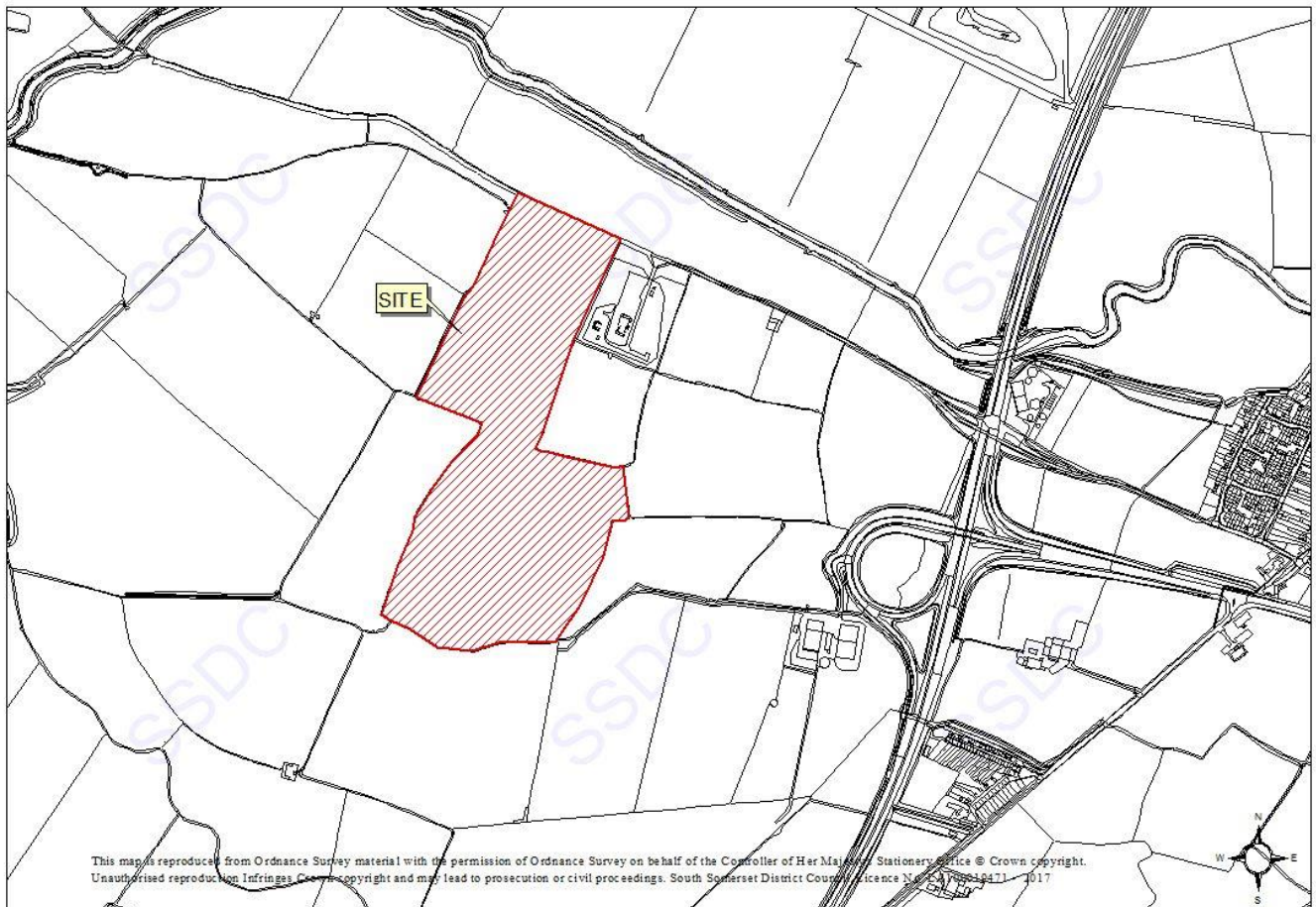
## Officer Report On Planning Application: 17/01471/DPO

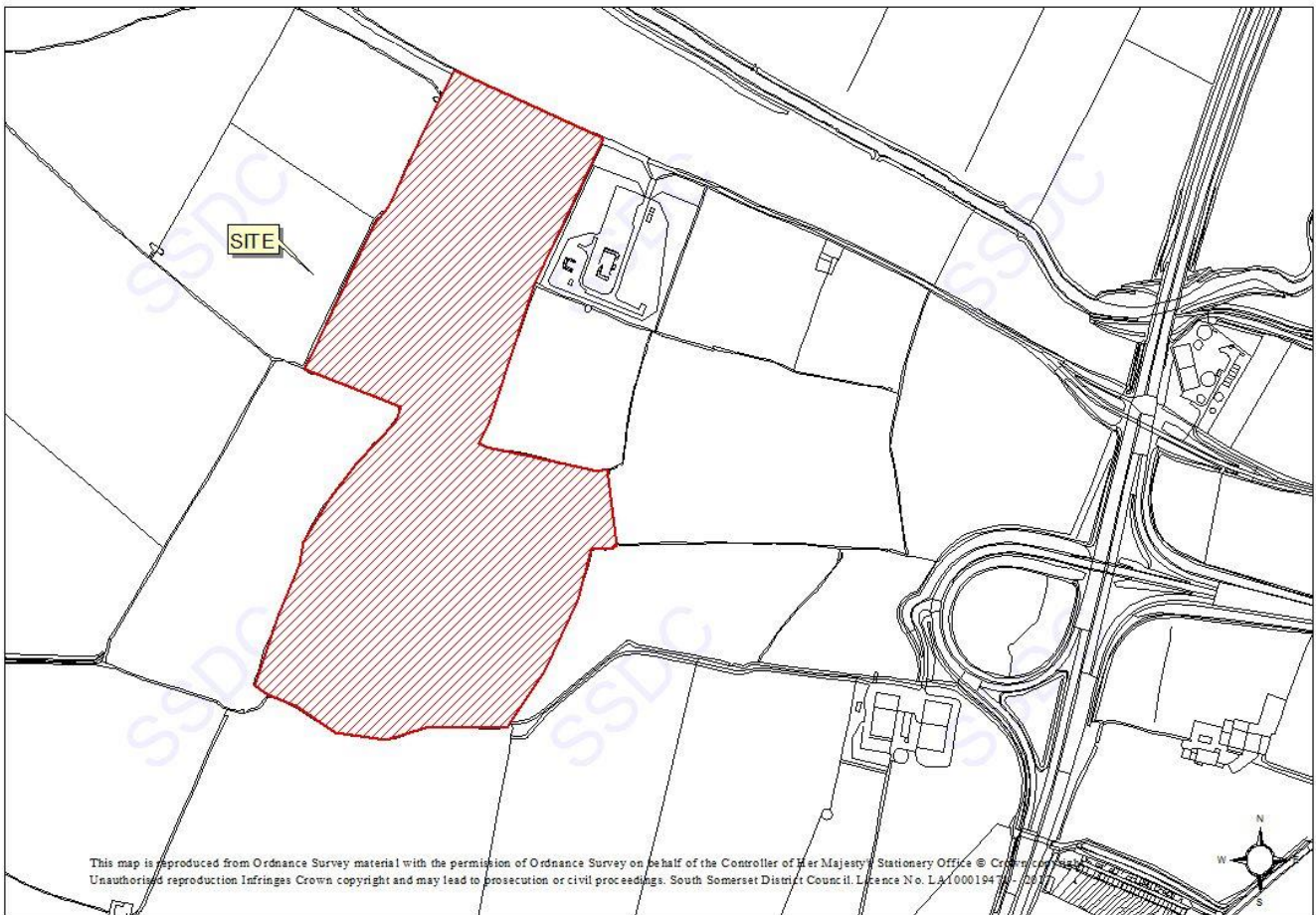
<b>Proposal:</b>	Application to vary S106 agreement dated 19th March 2013 between SSDC, Richard Don Knight and Heather Diana Knight to allow use of part of land for anaerobic digester plant.
<b>Site Address:</b>	New Spittles Farm Ilchester Mead Interchange Ilchester
<b>Parish:</b>	Ilchester
<b>IVELCHESTER Ward (SSDC Member)</b>	Cllr A Capozzoli
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date:</b>	15th May 2017
<b>Applicant:</b>	Mr & Mrs R D Knight
<b>Agent: (no agent if blank)</b>	Symonds & Sampson 2 Court Ash Yeovil BA20 1HG
<b>Application Type:</b>	Non PS1 and PS2 return applications

### REASON FOR REFERRAL TO COMMITTEE

The district councillor has requested that this application be considered by the members to allow the variation of the agreement to be properly considered.

### PROPOSAL





This application is seeking to vary a Section 106 agreement dated 19th March 2013 between SSDC and Richard Don Knight and Heather Diana Knight to allow use of part of the land for an anaerobic digester plant. The agreement is associated with planning consents 11/04284/OUT and 06/03632/OUT which each permitted the erection of an agricultural workers dwelling (two dwellings in total).

## RELEVANT HISTORY

- 17/01215/FUL: Construction of an anaerobic digester plant to include associated equipment and on-site infrastructure for the purpose of generating renewable energy. Pending consideration.
- 16/01370/FUL: Proposed agricultural building extension. Permitted.
- 15/01545/FUL: Erection of an agricultural storage building. Permitted.
- 13/02853/REM: Erection of an agricultural workers dwelling. Permitted.
- 13/01575/FUL: Erection of a silage pit. Permitted.
- 11/04284/OUT: Outline application for the erection of an agricultural workers dwelling. Permitted.
- 10/02173/FUL: Erection of an agricultural covered yard. Permitted.
- 10/00240/FUL: Erection of a covered feed area. Permitted.
- 10/00242/FUL: Erection of a fodder store extension. Permitted.
- 09/00206/REM: Erection of an agricultural dwellings. Permitted.
- 08/02209/FUL: Erection of an agricultural building. Permitted.
- 06/03632/OUT: Erection of an agricultural dwelling. Permitted.
- 06/02157/FUL: Erection of an agricultural apex-lean to building. Permitted.
- 02/02010/FUL: Erection of an agricultural building and the siting of two mobile homes. Permitted.

## POLICY

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

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

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

SD1 - Sustainable Development

HG9 - Housing for Agricultural and Related Workers

**National Planning Policy Framework:**

Part 1 - Building a strong, competitive economy

Part 3 - Supporting a prosperous rural economy

Decision Taking (Planning Conditions and Obligations)

**Planning Practice Guidance - Use of Obligations**

**CONSULTATIONS**

**Ilchester Parish Council:** Object. The Council were informed by their agent, who was in attendance, that Section 106 was no longer used by the District Council and that the farm would still be viable by the release of the Section 106 agreement on 48 acres. However, after consideration, with an indication that there may well be an application for an anaerobic digester from the Energy representative, also in attendance, the Council unanimously opposed the application to vary the Section 106 agreement, on the basis that it is an issue between the SSDC & parties concerned and that there was a lack of information as to exactly why this was required, and it was noted that both dwellings at New Spittles Farm had been granted at the Farm under Section 106 for agricultural occupancy

**REPRESENTATIONS**

Written representations have been received from one local resident objecting to this application for the following reasons:

- The intention of the S106 agreement is to ensure the continuing viability and success of the whole entity of New Spittles Farm, the application fails to demonstrate this and it is therefore reasonable to refuse this application.
- The land area required for the anaerobic digester is only 9 acres so why are they seeking the release of 48 acres, what is to happen with the excess and how will it be used to maintain the intention of the S106.
- Where is the business case to show that the farm and farmworkers will benefit from this in perpetuity. SSDC should ensure that the projected turnover is provided, including when the subsidies expire.
- How has it been justified that the release of this land does not threaten the current and projected dairy enterprise.
- The agent has been contradictory in saying that the proposed use of the part of the land for a biodigester is of no relevance to the current application when it is inferred that this is the driving force behind it.
- The agent's calculations are incorrect one LSU does not equate to an one acre.

**CONSIDERATIONS**

This application is seeking to vary a non-fragmentation legal agreement which ties the two agricultural workers dwellings associated with New Spittles Farm to the associated farm holding.

The Section 106 agreement was originally imposed as part of the permission in 2006 for the first farmhouse to be permitted on this holding and was then amended to also encompass the permission in 2011 for a second agricultural workers dwelling. At the time of these applications it was common place to impose such non-fragmentation restrictions and this was supported by the relevant planning policies of that time. Current policy however, i.e. the NPPF and the Council's new local plan (adopted in March 2015), do not support the use of such obligations unless they are considered to be absolutely necessary, fair and reasonable in order to make a development acceptable. Such a view is supported by numerous appeal decisions. On this basis the principle of the current proposal is considered to be acceptable and policy compliant.

It is noted that the Parish Council and a local resident have objected to this application and have made reference to an anaerobic digester (AD) which is proposed on part of the land which is intended to be released from the non-fragmentation agreement. The local resident has also questioned why the applicant is seeking to release substantially more land from the S106 agreement than is needed for the proposed AD plant and queried whether this will put at risk the long-term viability of the farm holding.

New Spittle Farm is a substantial holding extending to 448 acres and is based on a dairy enterprise of 220 dairy cows and a further 120 dairy followers. The agents have stated that at present the holding only requires 323 acres to meet the needs of their present activities. The current application is seeking to release 48 acres from the legal agreement and on the basis of the information provided would leave an excess of land available to continue to meet the needs of the holding and to allow further future expansion of their activities.

Any planning issues relating to the proposed AD plant will be considered under the separate planning application and are not relevant to the current application.

In summary, there is no evidence to suggest that the removal of these 48 acres from the non-fragmentation agreement will lead to the holding becoming less viable. There are no exceptional circumstances in this instance that over-ride current planning policy requirements relating to such obligations and it is considered that to insist that this land be retained within the non-fragmentation agreement is not only unnecessary but also unreasonable. The application is therefore recommended for approval.

## **RECOMMENDATION**

To allow the modification of the Section 106 Agreement dated 19/03/2013 made between South Somerset District Council, Richard Don Knight and Heather Diana Knight to omit 48 acres from the controls of this agreement.