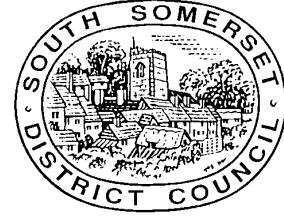


**South Somerset District Council**

*Notice of Meeting*



# Area East Committee

*Making a difference where it counts*

**Wednesday 9th August 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

There are no planning applications to be considered this month.

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 Monday 31 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 9 August 2017

### Agenda

#### *Preliminary Items*

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

To approve as a correct record the minutes of the previous meeting held on Wednesday 12<sup>th</sup> July 2017.

#### **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 13<sup>th</sup> September at 9.00 am.

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

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

## **7. Reports from Members**

### *Items for Discussion*

- 8. Heart of Wessex Rail Partnership (Executive Decision)** (Pages 6 - 9)
- 9. Community Capital Grant Request (Executive Decision)** (Pages 10 - 12)
- 10. Review of Local Information Centres** (Pages 13 - 15)
- 11. Area East Committee Forward Plan** (Pages 16 - 17)
- 12. Planning Appeals (For Information Only)** (Pages 18 - 27)

**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

## **Heart of Wessex Rail Partnership (Executive Decision)**

*Lead Officer:* Helen Rutter, Communities Lead  
*Contact Details:* helen.rutter@southsomerset.gov.uk or (01963) 435012

### **Purpose of the Report**

To receive a summary of the work undertaken by the Heart of Wessex Rail Partnership during 2016/17. To consider making a partnership contribution for 2017/18.

### **Public Interest**

Area East has two stations on the line at Bruton and Castle Cary. The Partnership actively supports community involvement in improving the stations and encouraging local communities and visitors to utilise the line for a wide range of trips and journeys. The Partnership is resourced by contributions from local authorities, match funded by the Train operating Company (TOC) Great Western Railway and a large group of volunteers who offer their time and expertise.

### **Recommendations**

That members:

- 1) Note and comment on the work undertaken by the Partnership in 2016/17 and that a similar report will be taken to Area South Committee
- 2) Approve a funding contribution of £2000 from the Members' discretionary budget for 2017/18.

### **Background**

Accountability and financial support for the Heart of Wessex Rail Partnership is shared between Area East Committee (2 stations along the line) and Area South Committee (one station).

The line has been supported by a partnership of local authorities along the route since 1998 but was revised and expanded in 2003, with an action plan to:

- 1) Widen the Partnership to include local communities and to improve the understanding of and response to local needs along the line
- 2) Improve quality and availability of information promoting the line and its destinations and raise the profile of the service as an alternative to the private car
- 3) Improve station environments & facilities and access to them by other modes of travel

In the last 14 years the Partnership has developed its community arm achieving significant station investment, improvements to access, promotion and better information from local community groups along the line, including a large number of regular volunteers. Community Working Parties with the TOC and Network Rail are organised by the partnership to discuss and prioritise community aspirations.

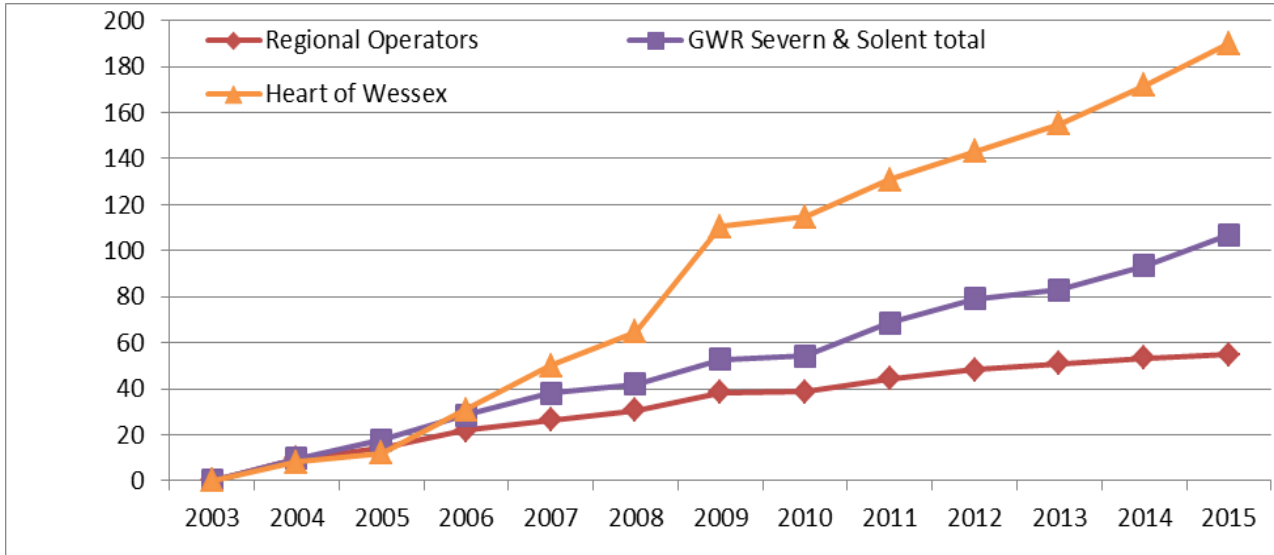
In October 2011 the line was designated a Community Rail Service, in recognition of its strong support from partner authorities and communities. This gives greater freedom to the operator and community in running the service and stations. The national objectives for community rail development are to increase revenue, manage down costs and encourage greater community involvement in the local railway

**DELIVERY AGAINST ACTION PLAN**

**Overall objective: raise awareness and increase use of the Bristol to Weymouth line**

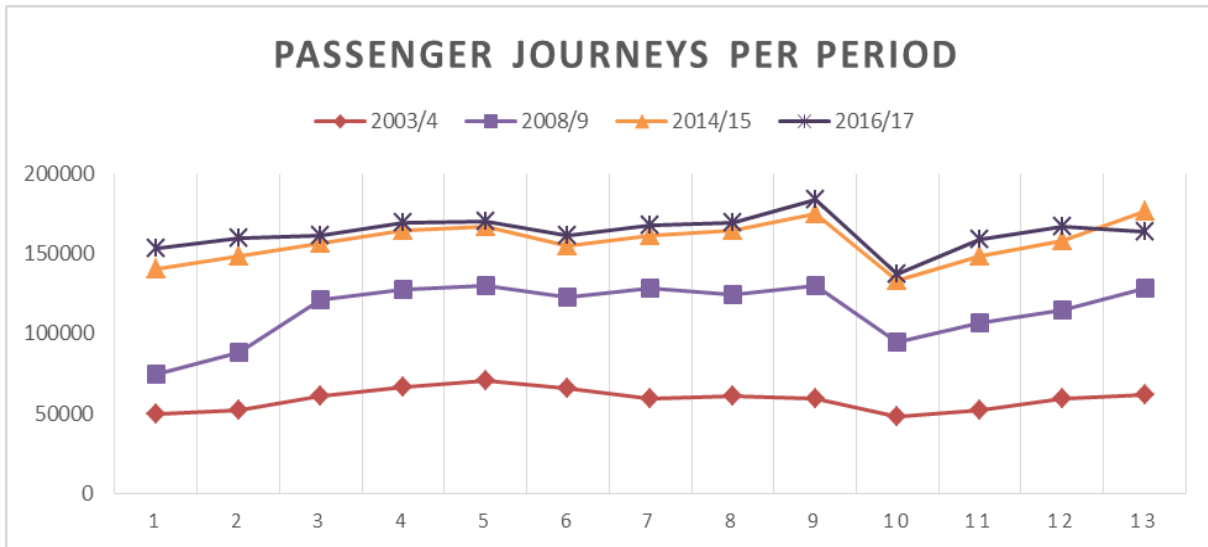
**2003 to 2015**

Passenger journeys on the Heart of Wessex Line grew from 705,500 to 2,047,749. The chart shows cumulative percentage annual growth for the Heart of Wessex, the total of eight lines making up the Severn & Solent region<sup>1</sup> and for national Regional Rail Operators<sup>2</sup>. Appendix (page 12) shows the Severn & Solent region map.



With no change to the level of services growth was 3 times the national average and double that for the Severn & Solent area. The “share” of all journeys in the Severn & Solent region made on the Heart of Wessex Line rose from 9.8% to 14.9 % over the period. For every 100 journeys made in 2003/4, 290 journeys were being made on the same trains by 2014/15.

**2014/2015 to 2016/2017**



<sup>1</sup> Data supplied by FGW. SEVERN & SOLENT TOTAL includes total of passenger journeys on: Cardiff-Portsmouth, Bristol-Exeter, Bristol-Weymouth, Bristol – Great Malvern, Bristol –Severn Beach, Bristol – Cardiff, Bath – Filton and Swindon-Westbury. (See map on Page 7).

<sup>2</sup> Office of Rail Regulation. Regional Rail Operators excludes London and South East.

Annual journey figures: **2014/15:** 2,047,749 **2015/16:** 2,032,619 **2016/17:** 2,119,070

Growth has slowed dramatically and for the first time has not exceeded the regional and national average. In 2015/16, service disruption, due to electrification work, reduced passenger numbers, but generally lower levels of annual growth may be partly due to increasing capacity limitations, with, at peak times, overcrowding leading to an inability to board and/or to collect revenue on certain trains. In addition, there has been a decline in reliability on the service. This is a matter of great concern and is being taken up as a priority with GWR by the Chairman of the Partnership.

- The Line guide produced 3 times a year along with the excellent website is the mainstay of line promotion, along with eye-catching posters Seize the Sunday, which encourages the public to take advantage of year round Sunday services
- There are 5 Sunday trains running throughout the year. The main gap is an early train up from Weymouth on a Sunday. GWR are still conducting feasibility work to achieve a train departing Weymouth at 8.20 am.
- Bruton Projects (a) in 2016 additional seating for Bristol bound platform (b) feasibility work undertaken for access to south side platform, findings and options are awaited
- Castle Cary plans are well advanced to provide an extra 20 car parking spaces. The aim is to complete these early 2018. Feasibility work is also underway to provide further car parking of up to 100 more spaces. There should be opportunities to carry out other small-scale enhancements in conjunction with the parking improvements

## **Funding Support**

The annual running cost of the Partnership in 2016/17 was £ 68,276. This covers: the salary of the Rail Partnership Officer; the printing and promotion of the line guide; upgrades to the Partnership website and a local grants scheme of £10,000 pa to enable the Partnership to match fund local community-led station initiatives. There is a formal Partnership Agreement through which the Unitary/County Authorities with responsibility for Local Transport Plans put in the greatest contribution and participating Districts a lesser amount. The biggest annual funding contributor is Great Western Railway at £39,290 although they are not signatories to the partnership agreement. The total funding expected in 2017/18 is £63,264 including some funding for small projects made available by GWR to enable some additional implementation of minor station improvements. The expected expenditure for 2017/18 is £71,874.

## **Financial Implications**

There is £10,200 unallocated in the Members' discretionary budget for 2017/18. Under the terms of the Partnership Agreement it is requested that a sum of £2,000 is awarded as a partnership contribution by the Committee for this financial year. If approved a sum of £8,200 will remain unallocated.

## **Corporate Priority Implications**

Ensure safe, sustainable & cohesive communities

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

Maximising train travel reduces car journeys and congestion and therefore has a beneficial effect on carbon emissions



## **Equality and Diversity Implications**

A local train service provides these towns with an alternative to car travel for people without their own independent transport. The Partnership has produced its line guide in large format type for easy reading and this is replicated on its website. The train stations themselves have limited access for those with mobility problems on certain platforms.

## **Background papers**

SSDC Partnership Review April 2011, Report to AEC July 2011; Report to AEC December 2011; Report to AEC May 2013; Report to AEC August 2014; Report to AEC August 2015; Report to AEC August 2016.

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# Agenda Item 9

## Community Capital Grant Request (Executive Decision)

Service Manager: Tim Cook, Area Development Team Lead (East)  
Lead Officer: Tim Cook, Area Development Team Lead (East)  
Contact Details: tim.cook@southsomerset.gov.uk or (01963) 435088

### Purpose of the Report

For members to consider a request from Bruton Town Council for a capital grant towards a new Multi Use Games Area (MUGA).

### Public Interest

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

### Background

Community Capital Grant applications are normally considered twice a year in June and December. Applications can be considered at other times with the agreement of the Area Chair

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

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

### Recommendation

- 1) Members agree a contribution of £5000 towards the purchase and installation of a new Multi Use Games Area, a new path and planting.

### Bruton Multi Use Games Area (MUGA)

Bruton Town Council has applied for a grant towards the installation of a new Multi Use Games Area, a path and planting.

### Parish Precept information

Parish	<b>Bruton</b>
Parish population	2907
No. of Households	1226
Precept 17/18	£79,630
Band D Charge 17/18	£86.73

### Justification for consideration outside of the Community Grants Cycle

Bruton Town Council had nearly all the funding in place and applied to Viridor Credits for the last element. They found out at the beginning of July that the application was unsuccessful. The Town Council has re-profiled spend allocated to other elements of Jubilees Park in order to reduce the shortfall to the requested amount. Delay could potentially increase costs and would result in the Netball team needing to make alternative arrangements for the start of the season.

### The Project

The proposal is to construct a Multi Use Games Area (MUGA) on the site of the existing tennis court. The MUGA will provide a larger, free, open access, all-weather, floodlit and fenced area for a variety of sporting activities, including netball, 5 aside football, basketball and tennis.

The current facilities have insufficient capacity to meet the demand and they are in a poor state of repair. If the project was not undertaken the ability to inspire the people of Bruton and surrounding villages to be active and healthy would be significantly reduced.

The MUGA will benefit the whole population by providing a free open access facility that encourages the people of Bruton and surrounding areas to participate in sport and leisure activities, such as netball, 5 aside football, basketball and tennis. Following consultation in Jan 17 with Access for All the MUGA design includes a footpath for disabled access and seating.

The Town Council will provide maintenance and insurance support on an ongoing basis. A 10 year repairs and maintenance plan, including sinking fund arrangements has been submitted to and approved by SSDC in order to discharge one of the 106 offer conditions.

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

Category	Maximum score	Score
A Eligibility	Y/N	Y
B Equalities Impact	7	6
C Need for Project	5	4
D Capacity of Organisation	15	14
E Financial need	7	5
F Innovation	3	2
<b>Total</b>	<b>37</b>	<b>31</b>

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

Funding Sources	% Funding of Total Cost	Amount of Funding	Status
Bruton Town Council	22%	£20478	Secured
SSDC (Area East)	5%	£5000	Applied for
SSDC Community Health & Leisure	37%	£35000	Secured
Local Fundraising by the Bruton Community Partnership (BCP)	21%	£20000	Secured
S106 Ref 08/04305/FUL	3%	£2803	Secured
S106 Ref 06/03915/out	12%	£10221	Secured
<b>Total Scheme Cost</b>	<b>100%</b>	<b>£93502</b>	

The project is ready to proceed with all other funding secured. A significant amount has been committed by the Town Council and raised locally.

### Financial Implications

There is currently £17934 remaining in the Community Capital Budget. If members agree the above recommendation, there will be £12934 in the Community Capital budget for allocation in December.

### **Corporate Priority Implications**

The project help to support communities so that they identify their needs and develop local solutions and, help people to live well by enabling quality cultural leisure, play, sport & healthy lifestyle facilities and activities. (Focus Four: Health and Communities)

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

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

### **Equality and Diversity Implications**

The project helps enhance accessibility for all. The applicant has obtained an access audit for the site and the project, providing them with expert advice on how to make their community facility more accessible and user friendly.

**Background papers:** None.

# Agenda Item 10

## **Review of Local Information Centres**

*Service Manager:* Tim Cook, Area Development Team Lead (East)  
*Lead Officer:* Tim Cook, Area Development Team Lead (East)  
*Contact Details:* tim.cook@southsomerset.gov.uk (01963) 435088

### **Purpose of the Report**

To update members on the review of Local Information Centres.

### **Public Interest**

The Area East Committee gives funding support to the three town councils to assist with the running costs of local information centres (LICs) in Bruton, Wincanton & Castle Cary. This report gives details of the review of the Local Information Centres and potential development of the service.

### **Recommendation**

1. To note and comment on the progress made towards supporting and developing strong, locally run Local Information Centres.
2. To endorse the approach to standardise the LIC provision in Market Towns.

### **Background**

A review of SSDC satellite offices was completed in spring 2010 and an improvement plan put in place with a programme of improvements for the area and community offices across the district. Part of these proposals was to recognise that Local Information Centres should be under Town Council management to enable increased hours of operation supported by local resident volunteers and backed by an annual District Council service level agreement of £500 per LIC.

Members received an update on the performance of the three LICs in Area East at the meeting of the committee in March 2017. The report identified inconsistencies in the way the LIC services were delivered and in the operating statistics.

### **Review Methodology**

Details of the Service Level Agreements and performance statistics for all LICs in South Somerset have been compared to try to identify the elements of good practice that lead to successful service delivery. A meeting of officers has taken place to discuss the support needs of each LIC and the input of Area Development and other organisations.

### **Findings of the review**

The LIC service is valued and needed. However, there are currently inconsistencies in the services delivered at LICs across the district. The principle that each LIC should reflect the local situation and tailor services to meet local need is a positive thing and should be supported. However, people should be able to recognise an SSDC supported LIC and should expect to be able to access consistent services.

All LICs provide an open and accessible space for people to drop in and pick up leaflets on a range of subjects. The space is staffed during opening hours by a mix of paid staff (Town Clerk or Deputy) and

volunteers. Offices opening times vary with some open for up to 7 hrs per day, 6 days per week at peak times and others only open for 3 hours per day, four days per week. Some Town Councils have been more successful than others at recruiting volunteers. There appears to be a link between LICs with the highest footfall and levels of volunteer support.

Services available also vary but visitors to a town should be able to find out about how to access local services such as toilets, parks, food & drink, transport etc. Information about events and attractions should be available and it should be possible to buy tickets for local events.

### **Minimum Standards**

It is desirable to agree a set of service principles and minimum standards in order to ensure that funding is allocated in a fair way.

### **Available services**

As a minimum, LIC's will provide the following services:-

- Ticket sales/Event promotion
- Welcome Pack
- B&Bs/Accommodation list
- List of clubs and groups (possibly linked to welcome pack)
- Up to date posters/leaflets
- Access to the internet

### **Opening hours**

It is not thought to be possible or desirable to standardise opening hours. However, in order to ensure fairness in terms of funding, it is suggested that LIC's are open for a minimum of 5 hours per day, 5 days per week during the summer. This will not be possible immediately for some and will require time to work towards this.

### **Support for volunteers**

Some LICs have recruited a good pool of volunteers but this is not the case for all. The need for some support to help councils recruit and manage volunteers was identified and initial contact has been made with SPARK to discuss provision of some support. It has been suggested that it would be beneficial to provide a half day networking/reward day at a local tourist attraction. This should happen annually and be built into the SLAs.

### **SLA**

SSDC has up to date agreements are with Town Councils with the exception of Ilminster which is run by a separate organisation. It was felt that the arrangement should be with the Town Council. The management of the LIC could be delegated or sub-contracted to a separate group but the Town Council would still be accountable for the contract/SLA.

The effectiveness of the online presence of our market towns has been assessed through the MTIG digital audit work. It is hoped that recommendations can be incorporated in this review.

### **Future funding**

It is considered that the standard £500 received by all towns with an active LIC is the right level of funding. However, the working group identified a range of other support that the LICs require including training and equipment.

## **Financial Implications**

Historically a total of £1,500, has been allocated within the Members Discretionary Budget for Local Information Centre provision (£500 per LIC). It is suggested that the £1,500 allocation for LIC's is preserved but is only available to Town Councils that commit to deliver the minimum requirements.

## **Corporate Priority Implications**

Focus two: Environment

Focus four: Health & Communities

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

None

## **Equality and Diversity Implications**

The SSDC Area East Development Team considers all aspect of equalities in evaluating funding support. Supporting an accessible face to face, locally run LIC, with the ability to refer vulnerable people to the community office for additional support, is complementary to SSDC run customer access services.

## **Background Papers:**

File with SLA.

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# Agenda Item 11

## **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
13 September 17	Transport Support for Community and Public Transport	Transport Support for Community and public transport and SSCAT bus	Andy Chilton
13 September 17	Outline Planning Application for retail unit in Wincanton	To consider the costs of bringing forward an outline application for a retail unit development in Wincanton Town Centre	Helen Rutter
13 September 17	Transport Support for Community and Public Transport	Transport Support for Community and public transport	Nigel Collins
13 September 17	<i>A303 upgrade</i>	<i>To consider the proposed scheme</i>	<i>Tim Cook</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	Business Rates	Rates and rateable values of business premises	Sharon Jones
11 October 17	<i>LEP Update Report</i>	<i>Update report</i>	<i>Pam Williams</i>
11 October 17	CIL update and rules of engagement	CIL update and summary of local accounts	Neil Waddleton/Tim Cook
11 October 17	Superfast Broadband	Report on the provision of superfast broadband in Area East	
11 October 17	Wincanton Community Hospital	Response to consultation on closure of Wincanton Community Hospital	Helen Rutter
8 November 17	Churchfield Office	Update report on the future of the Churchfield office	Helen Rutter
8 November 17	Buildings at Risk/Conservation Team Update	Annual report to provide updates on buildings at risk and work of the Conservation team	Rob Archer
8 November 17	Area Development Plan Report	To inform members of progress on activities and projects contained within the Area Development Plan. 6 monthly review	Tim Cook
8 November 17	Wincanton Sports Ground	To update members on the progress of the centre	Tim Cook
11 October 17	Workspace Progress Report	Annual Workspace update report	Pam Williams

# Agenda Item 12

## **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**

17/00593/OUT - Land at Baker Street, Babcary  
Outline application for two 2-storey dwellings with all matters reserved

17/00673/FUL – Land adjacent Lazy Days, Marsh Lane, Henstridge  
Erection of a detached two storey dwelling with improved alterations to the existing vehicular access with associated landscaping.

17/00279/S73 – Gunville Farm Bungalow, Harvest Lane, Charlton Horethorne  
Application to remove condition 4 (agricultural occupancy) of planning approval 842232 dated 10<sup>th</sup> April 1985.

16/05511/FUL – Rachels Stables, Temple Lane, Templecombe  
Erection of a timber cabin for use as a dwelling with associated landscape works

### **Appeals Allowed**

16/04237/OUT – Land at Gainsborough, Milborne Port  
Outline application for the development of up to 46 residential units (including 35% affordable housing), associated access, parking, landscaping and infrastructure.

### **Appeals Dismissed**

**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: 14<sup>th</sup> July 2017

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**Appeal Ref: APP/R3325/W/17/3167634**

**Land west of Gainsborough, Milborne Port, Somerset**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Waddeton Park Ltd against the decision of South Somerset District Council.
  - The application Ref 16/04237/OUT, dated 28 September 2016, was refused by notice dated 21 December 2016.
  - The development proposed is the development of up to 46 residential units (including 35% affordable housing), associated access, parking, landscaping and infrastructure.
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### Decision

1. The appeal is allowed and planning permission is granted for the development of up to 46 residential units (including 35% affordable housing), associated access, parking, landscaping and infrastructure on land west of Gainsborough, Milborne Port, Somerset in accordance with the terms of the application, Ref 16/04237/OUT, dated 28 September 2016, subject to the schedule of conditions attached to this decision.

### Procedural matters

2. The application is made in outline with all matters other than access reserved for subsequent approval.
3. The appellants have submitted a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 which provides arrangements for the provision of affordable housing and the provision of a travel plan and makes financial contributions towards education, leisure facilities and travel matters. I shall refer to this in more detail below.
4. Since the making of the appeal, the Supreme Court<sup>1</sup> has clarified the interpretation of paragraphs 14 and 49 of the National Planning Policy Framework (the Framework). I have not sought the parties' views on this decision, as it does not alter my conclusions.

### Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the surrounding residential area, countryside and setting of the Milborne Port Conservation Area and on the setting of nearby listed buildings.

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<sup>1</sup> Suffolk Coastal District Council v Hopkins Homes Ltd. and Richborough Estates Partnership LLP v Cheshire East Borough Council [2017] UKSC 37.

## **Background**

6. The proposal follows the refusal of an earlier application for the residential development of a wider site which included land between the current appeal site and the A30 to the south. An appeal<sup>2</sup> against that refusal was dismissed on grounds of harm to the character and appearance of the area and to the setting of a number of listed buildings. I shall refer to this decision below.
7. The Council has no objection to the principle of extending Milborne Port beyond its current limits, as it says it takes a permissive approach to residential developments adjacent to the development areas of Rural Centres such as Milborne Port. A number of local residents question the need for more housing in the village, but the Council says that the proposed level of growth is consistent with its strategy. The Council concedes that it is unable to demonstrate an adequate supply of housing land across the district and this reinforces the importance to provide housing where appropriate. Thus, the Council's reasons for refusal centre on the proposal's impact on the village and landscape character and on the conservation area and specific heritage assets.

## **Reasons**

8. The appeal site forms part of a large open field on the west side of Gainsborough. Although some local residents refer to the field as being "green belt", it has no formal planning policy protection. The field extends to the south where it is bounded by Crackmore, the A30 road and a major route into the town, and thus there would be a gap of some 100m or so between Crackmore, and the site boundary. The proposal indicates that there would be an open play area in a triangle of land extending from roughly opposite the junction with Plover Road to the southern boundary of the site. A hedgerow interspersed with trees is shown as forming the southern boundary of the site.
9. Policy EQ2 of the South Somerset Local Plan 2006-2028, adopted in March 2015 (LP), deals with general development criteria, with the underlying objective of achieving high quality development. Amongst its criteria are those dealing with landscape character, reinforcing local distinctiveness and respecting local context.
10. The Council has referred me to a Peripheral Landscape study of Milborne Port which identifies higher land to the north of the appeal site as being of high sensitivity, but the land to the north and south of New Town is only of moderate sensitivity, as these areas are said not to share the prominent visual profile as that of the hilltop to the west. It is axiomatic that the extension of built development into the undeveloped countryside will bring about a moderate or even substantial change of character, and this would occur no matter where on the edge of the village it might happen.
11. The previous Inspector found that whilst the scheme before him was unacceptable, he made it clear that his concerns did not extend to the whole of the site, saying that subject to appropriate scale, appearance and landscaping, he considered that there was a reasonable prospect that a detailed scheme could be devised that would be likely to preserve both the character and the appearance of Milborne Port Conservation Area. This finding is an important material consideration.

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<sup>2</sup> Ref: APP/R3325/W/15/3133660

12. In this case, there would be a substantial gap of about 100m between the site and the approach to the village along the A30. Whilst I recognise that the southern part of the field, between the site and the A30, plays a valuable role in providing a rural setting to the historic core of the village and to notable listed buildings, I consider that further away from the A30, the value is significantly diminished. The remaining undeveloped field would be sufficient to ensure that the important views approaching the village from the west would be protected and that the rural transition would be retained.
13. The boundary along the A30 is well screened by a tall hedgerow and regularly spaced mature chestnut trees. These mark the approach to Sherborne Castle to the west, and are characteristic features of a large estate. I consider that the gap between the site and the hedge line would be substantial enough to ensure that its role and character would be undiminished. The level of the land rises from the A30, so that the houses would be seen from the junction of the A30 with Gainsborough and possibly through gaps in the trees lining the A30, both to the south of the site, and when seen further from the southwest, but they would not have a dominant impact and would not result in material harm to the landscape.
14. Gainsborough provides a strong edge to the settlement. However, it is not a historic edge, as development from the later part of the 20<sup>th</sup> century has infilled gaps on the east side of Gainsborough. The provision of an area of open space along the Gainsborough frontage would assist in protecting the older area of the town and provide a softer edge to the built development. I disagree that the proposal would appear contrived; there is already development on the west side of Gainsborough and the proposal would, subject to an appropriate layout, design, detail and landscaping, provide a satisfactory extension to the village.
15. Having regard both to the illustrative layout and to the potential for additional planting within the development, I am satisfied that the proposal would not result in material harm to the character and appearance of the village, or conflict with South Somerset Local Plan Policy EQ2.
16. Turning to the effect on heritage assets, the Milborne Port Conservation Area encompasses two separate parts of the village. The larger area is that to the south-east of the appeal site and encompasses the historic core of the town, and there are a number of listed buildings grouped around the junction of Gainsborough with the A30. These buildings comprise the Grade I listed Church of St John the Evangelist, Sherborne House, the former County Primary School and the former Pump House. The second smaller element lies to the north-west of the site, focussed around New Town, a 19th century planned estate.
17. Of these buildings, following the conclusions of the previous Inspector, the Council is most concerned about the impact on the setting of the former County Primary School and the Pump House. Both of these buildings are located at the junction of Gainsborough with the A30. The tall clock tower of the school is a significant feature which contributes to a sense of place, and is of both architectural and historical value. Notwithstanding that there is no public access to the appeal site, it nevertheless forms part of the setting of the listed buildings, being a place from where their significance can be appreciated.
18. However, the gap between the A30 and the southernmost boundary of the appeal site, together with the triangle of open space in the south-east part of

the appeal site would provide a significant buffer between built-development and these heritage assets. The clock tower would still stand out as a visual landmark on the approach to the village from the west, and the nearest houses would be sufficiently far away so as not to distract from or impinge on those views. To my mind the presence of the adjacent field is not an important part of the heritage significance of the school and its tower – rather it is the views that the field affords which is important, and in this case, those views would not be materially affected.

19. Similarly, views of the Pump House would be little changed; when seen from the east, the backdrop would be of an open field, and the houses would be far enough away so as not to impinge on those views.
20. New Town derives its significance from its historic political genesis, as well as from its layout, design and use of materials. Its isolation from the rest of Milborne Port is also important in understanding its social and political significance. However, the boundary of the site would be about 260m from the nearest part of the conservation area, which forms the rear gardens of some of the houses. These are bounded by substantial belts of planting, on the other side of which lies Milborne Port Surgery, a large modern building and car park. Other intervening development includes a playground, an allotment and a single dwelling.
21. I consider that the proposal would have an insignificant impact on the setting of New Town. The combination of distance and intervening planting and development would mean that the proposed houses would not interfere with views of New Town or materially alter the views out of it. I am satisfied that the proposal would not harm the setting of this part of the conservation area.
22. Taking all these matters into account, I find that the proposal would not harm the setting of the conservation area or that of nearby listed buildings, and their heritage significance would be preserved. Accordingly, there would be no conflict with LP Policy EQ3, which aims to conserve or enhance heritage assets.
23. I therefore conclude on the main issue that the proposal would not result in material harm to the character and appearance of the surrounding residential area and countryside and would preserve the setting of the Milborne Port Conservation Area and that of nearby listed buildings. It would not conflict with the development plan policies to which I have referred above.

### **Other matters**

24. The Council concedes that the loss of Grade 3A agricultural land is an insufficient reason to withhold permission on its own, and I agree. The Council also argues that there are more suitable sites within the area for residential development. Whether or not that is the case, I have to determine this application on its merits, and I find that it would comply with the development plan and should be permitted on its own terms.
25. The Council accepts that it cannot demonstrate a 5 year supply of housing land and an appropriate buffer. Whilst under these circumstances, the “tilted balance” under paragraph 14 of the Framework is engaged, it is unnecessary to apply it, as I find that the proposal complies with the development plan, and that there are no material considerations of sufficient force to weigh against it.

26. As with the previous appeal proposal, this appeal has attracted a considerable number of objections from local residents and others. Highway safety has featured in many of the objections and whilst I recognise that local residents have the benefit of personal knowledge of local road conditions, there is insufficient substantive evidence to refute the appellants' evidence and the views of the local highway authority, which had no objection to the proposal. In coming to this view I have taken account of the recent move of the post office to the garage on the opposite side of Crackmore. Moreover, the previous Inspector found no highway safety objection to a larger proposal for 54 dwellings and a residential care home, which would have generated considerably more movements than would be the case here, and I see no reason to take a different stance in respect of a development generating less traffic.
27. I recognise that local residents would wish to ensure that adequate parking would be provided, so as not to place pressure on nearby roads. Whilst the Design and Access Statement provides detail on parking, the precise numbers of houses, the detailed design and the number of parking spaces are not before me and thus parking provision is a matter to be addressed at reserved matters stage. There is no reason for me to think that the proposal could not accommodate sufficient parking spaces to meet the needs of the development.
28. I have also taken into account concerns expressed about flood risk, infrastructure (and I refer to primary school places below) and wildlife, but none of these is sufficient to alter my conclusion.

#### **Conditions and obligation**

29. The Council has suggested a number of conditions which I have considered in the light of national guidance. I have amended some in the interests of conciseness, precision or enforceability, and I have amended plan drawing numbers to relate to those submitted with this proposal. In addition to the standard conditions, a condition to require the submitted details to adhere to the general masterplan is needed in the interests of appearance. The submission of details of foul and surface water disposal is required to ensure that the site is adequately drained. A scheme of ecological measures is needed to promote biodiversity. A condition dealing with land contamination is needed to protect the health of future occupiers and those working on the development. Tree protection measures are required in the interests of appearance, although I find the Council's suggested condition to be unduly onerous and so I have substituted amended wording.
30. The Council seeks the provision of a footpath along the site frontage extending to the south to tie into an existing footpath. A neighbour objects to this as it would be likely to result in the loss of a strong hedgerow feature which extends from the northern part of the site to a field gate some way south of the proposed access. Neither the appellants nor the Council have responded to this concern. I consider that it is important to retain as much of the hedge as is compatible with highway safety and the need to provide important pedestrian links. I have therefore amended the suggested condition to provide scope for the extent of the footpath to be agreed. Other highway-related measures, the provision of the access and related visibility splays are required to be provided in the interests of highway safety and appearance. A

construction management plan is needed to protect residents' living conditions and to safeguard highway safety.

31. The unilateral undertaking submitted by the appellants makes arrangement for the provisions of affordable housing, which complies with the thrust of LP Policies HW3 and HW4 which deal with affordable housing. Financial contributions towards equipped play space, youth facilities, playing pitches and changing rooms are justified in the light of the unchallenged needs assessments, standards, cost schedules and methodology put forward by the Council, and are supported by LP Policies SS6 and HW1. The proposal would also result in additional pressure on a local primary school, which is predicted to reach full capacity by 2018. Funding to cater for the additional school places arising from the development is therefore justified and consistent with LP Policy SS1. Measures for the maintenance of the area of public open space are also necessary. The provision of a travel plan is justified under the provisions of LP Policy TA4.
32. On the basis of the evidence before me, I find that the provisions of the obligation are necessary and otherwise satisfy the tests of the Community Infrastructure Levy Regulations 2010.

### **Conclusions**

33. I have found that the proposal would conform with the development plan. It would provide clear social benefits in providing additional housing, including affordable housing, at a time when insufficient houses are being provided to meet the needs of the district. There would also be economic benefits arising from the construction and occupation of the dwellings. I have found that there would be no environmental harm, and thus the proposal would fulfil the three component dimensions of sustainable development.
34. Thus, for the reasons given above, I conclude that the appeal should be allowed.

*JP Roberts*

INSPECTOR



## ANNEX

- 1) Details of the appearance, landscaping and scale (herein after called the “reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission and the development shall begin not later than 3 years from the date of this permission or not later than 2 years from the approval of the last “reserved matters” to be approved.
- 3) The development hereby permitted shall be carried out generally in accordance with the Illustrative Masterplan shown on drawing number 160606 L 02 01.
- 4) No development hereby approved shall commence until a detailed surface water drainage scheme for the site, including measures for future responsibility and maintenance, has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include measures to prevent the run-off of surface water from private plots onto the highways. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied, and thereafter shall be maintained in accordance with the approved scheme.
- 5) The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local planning authority. The submitted scheme shall include arrangements for the agreed points of connection and provision for capacity improvements as required to serve the development and a timetable for implementation. The scheme shall be completed in accordance with the approved details and timetable.
- 6) The development hereby permitted shall not be commenced until such time as a Landscape and Ecology Management Plan (LEMP), together with a timetable for implementation, has been submitted to and approved in writing by the local planning authority. The LEMP shall set out measures for the enhancement of biodiversity and include the provision of bat, swallow and swift boxes. The biodiversity enhancement measures shall subsequently be implemented in accordance with the approved details and timetable.
- 7) The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:
  - a) A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice.

- b) A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
  - c) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any on-going monitoring should also be outlined.
  - d) If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the local planning authority.
  - e) A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.
- 8) No development hereby approved shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the local planning authority.
- 9) The landscaping details required to be submitted and approved pursuant to condition 2 shall include details of all the trees and hedges to be retained, and/or any trees whose canopies overhang the site, together with details of measures for their protection during the course of construction by strong fencing. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, nor shall any fires be lit and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 10) No part of the development hereby permitted shall be occupied or brought into use until a footway and dropped kerbs along the Gainsborough frontage have been carried out in accordance with a design and specification to be approved in writing by the local planning authority. The approved measures shall be fully implemented in accordance with the approved details prior to the first occupation of the dwellings hereby approved.

- 11) The proposed estate roads, footways, footpaths, tactile paving, cycle ways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details and a timetable for implementation to be approved by the local planning authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the local planning authority.
- 12) The access hereby approved shall be constructed in accordance with details shown on the submitted plan, drawing number 161597/T05 and shall be fully provided prior to the first occupation of any part of the development. Once constructed the access shall be maintained thereafter in that condition at all times.
- 13) At the approved access there shall be no obstruction to visibility greater than 600 millimetres above the adjoining road level within the visibility splays shown on the submitted plan. (Drawing No 161597/T05). The visibility splays shall be formed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.
- 14) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- 15) The development hereby permitted shall not commence unless a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include construction operation hours, construction vehicular routes to and from site, construction delivery hours, car parking for contractors and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice. The development shall be carried out in accordance with the approved Construction Management Plan.