

South Somerset District Council

Notice of Meeting



Area West Committee

Making a difference where it counts

Wednesday 21st February 2018

6.00 pm

**The Guildhall, Fore Street,
Chard, TA20 1PP**

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



The following members are requested to attend this meeting:

Jason Baker
Marcus Barrett
Mike Best
Amanda Broom
Dave Bulmer
Carol Goodall

Val Keitch
Jenny Kenton
Paul Maxwell
Sue Osborne
Ric Pallister
Garry Shortland

Angie Singleton
Andrew Turpin
Linda Vijeh
Martin Wale

Consideration of planning applications will commence no earlier than 7.00pm.

For further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462055 or democracy@southsomerset.gov.uk

This Agenda was issued on Monday 12 February 2018.

Alex Parmley, *Chief Executive Officer*

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



Information for the Public

The council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by area committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. The council’s Executive Forward Plan can be viewed online for details of executive/key decisions which are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

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

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

Meetings of the Area West Committee are held monthly, usually at 5.30pm, on the third Wednesday of the month (except December) in village halls throughout Area West (unless specified otherwise).

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

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

Public participation at committees

Public question time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the Chairman of the Committee. Each individual speaker shall be restricted to a total of three minutes.

Planning applications

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

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

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

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

The order of speaking on planning items will be:

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

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

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

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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Area West Committee

Wednesday 21 February 2018

Agenda

Preliminary Items

- 1. To approve as a correct record the Minutes of the Previous Meeting held on 17th January 2018**
- 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 Mike Best, Angie Singleton and Martin Wale.

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 and Venue for Next Meeting**

Councillors are requested to note that the next Area West Committee meeting is scheduled to be held on Wednesday 21st March 2018 at The Guildhall, Chard.

- 5. Public Question Time**

This is a chance to ask questions, make comments and raise matters of concern.

Parish/Town Councils may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town.

Anyone wishing to raise matters in relation to items on the agenda may do so at the time the item is considered.

6. Chairman's Announcements

Items for Discussion

- 7. Citizens Advice South Somerset (CASS)** (Page 6)
- 8. Grant to Ilminster Warehouse Theatre Expansion Appeal (Executive Decision)**
(Pages 7 - 11)
- 9. Grant to Chard Tennis Club (Executive Decision)** (Pages 12 - 16)
- 10. Area West - Reports from Members on Outside Bodies** (Pages 17 - 18)
- 11. Area West Committee - Forward Plan** (Pages 19 - 21)
- 12. SSDC Welfare Advice Work in South Somerset (For Information Only)** (Pages 22 - 30)
- 13. Planning Appeals** (Pages 31 - 37)
- 14. Schedule of Planning Applications to be Determined by Committee** (Pages 38 - 39)
- 15. Planning Application: 17/03983/FUL - The Former Sunday School, Sandyhole, Bull Bridge Lane, Merriott** (Pages 40 - 48)
- 16. Planning Application: 17/03984/LBC, The Former Sunday School, Sandyhole, Bull Bridge Lane, Merriott** (Pages 49 - 53)

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 7

Citizens Advice South Somerset (CASS)

Communities Lead *Helen Rutter, Communities Lead*
Lead Officer: *Angela Kerr; Chief Executive Officer, CASS*
Contact Details: *angela.kerr@southsomcab.org.uk (01935 847661)*

Angela Kerr, Chief Executive of Citizens Advice South Somerset, will be attending Area West Committee to deliver her annual presentation to members on the work of CASS and their future plans. *(Members may wish to look at the SSDC Welfare Advice in South Somerset report at Agenda Item 12 as it links in with the work of CASS)*

Agenda Item 8

Grant to Iminster Warehouse Theatre Expansion Appeal (Executive Decision)

Strategic Director: Martin Woods, Service Delivery
Communities Lead: Helen Rutter, Communities Lead
Service Manager: Tim Cook, Locality Team Manager
Lead Officer: Pauline Burr, Arts Development Officer
Contact Details: pauline.burr@southsomerset.gov.uk or 01935 4622253

Purpose of the Report

Councillors are asked to consider a grant of £12,500 towards the capital purchase of a building next to the existing theatre, as part of the theatre's extension programme.

Public Interest

Iminster Warehouse Theatre, comprising Iminster Entertainments Society and Iminster Youth Theatre, has applied for financial assistance from the Area West community grants programme. The organisation has a once in a lifetime opportunity to purchase the building adjoining the existing theatre; this will allow them to extend their facilities and services to the local community.

Recommendation

It is recommended that councillors award a grant of £12,500 to Iminster Warehouse Theatre, the grant to be allocated from the Area West capital programme subject to SSDC standard conditions for community grants (appendix A) and the following special conditions:

- Establish and maintain a "sinking fund" to support future replacement of the building / facility as grant funding is only awarded on a one-off basis.
- Use the SSDC Building Control service where buildings regulations are required.
- Incorporate disabled access and provide an access statement where relevant.
- In the event of a sale of building within 5 years, the full financial funding is to be paid back to the District Council.
- Town Council support and a financial contribution is secured.

Application Details

Name of applicant	Iminster Warehouse Theatre including Iminster Entertainments Society and Iminster Youth Theatre
Project	Iminster Warehouse Theatre Expansion Appeal
Total project cost	£125,000
Amount requested from SSDC	£12,500 (10%)
Recommended special conditions	As above
Application assessed by	Debbie Haines, Deputy Community Office Support Manager

Community Grants Assessment Score

The table below shows the grant scoring for this application. In order to be considered for SSDC funding under the Community Grants policies, applications need to meet the minimum score of 22.

Category	Actual Score	Maximum score possible
A Eligibility	Y	Y
B Equalities Impact	3	7
C Need for project	4	5
D Capacity of Organisation	12	15
E Financial need	6	7
F Innovation	3	3
Grand Total	28	37

Background

Ilminster Warehouse Theatre is a highly valued asset amongst the community of Ilminster and the surrounding villages. It is used by the Ilminster Entertainments Society and Youth Theatre, the Thursday group - a weekly activity, enjoyed in the main by retired people, the Cinema at the Warehouse; the Ile Flower Club and other social events. It is also used by local schools also for their school productions and for civic social occasions.

The Warehouse Theatre, located within the town centre offers more than 80 performances a year and is run entirely by its body of over 200 volunteers. The youth theatre currently provides regular weekly classes for 76 children, with a further 15 children on the waiting list. Cost for participation is kept to a minimum to encourage as many children as possible to take part. The theatre is funded through ticket sales and bar/café income, lettings to other groups and private hire and membership fees.

This year marks the 70th anniversary of the Ilminster Entertainments Society and 30th anniversary since the theatre was opened, having been converted from a former fruit and vegetable depot into the Warehouse Theatre.

Parish Information

Parish*	Ilminster
Parish Population*	5808
No. of dwellings*	2716

*Taken from the 2011 census profile

The project

An opportunity has arisen to purchase a building adjacent to the existing Theatre, which would provide much needed additional space. However, the offer is time limited with purchase being necessary by 31st March 2018, at which time the property would be put to the open market.

They have convened a Development Planning Committee, drawing on the expertise of their volunteers, who will work with architects on the design and build of the project. By reconfiguring the combined properties, improvements could be made to the changing rooms, storage for props and costumes, reception and refreshments areas, rehearsal and performance space, particularly for use by the Youth Theatre. The performing arts studio will also provide a more suitable space for a wide range of community uses and functions. The design will also consider improved access for disabled patrons and practitioners.

Local Support / evidence of need

Since the launch of the campaign in June 2017 the fundraising committee have co-ordinated many events and appeals and have raised over £36,000 through fundraising, community donations and have a 'sponsor a seat' or 'buy a brick campaigns'. Approximately 50% of the overall funding raised to date has been from the wider local community support for the project, which highlights both the success of the fundraising committee's work to promote the appeal and the strong desire within the local community to see the project delivered. Once the building is in their ownership, the membership will continue their fundraising endeavours to carry out the necessary refurbishment plans.

Non-financial support will consist of voluntary effort in supporting and continuing to raise funds to deliver the overall project.

Ilminster Town Council is due to consider an application for funding towards the project after publication of the Area West Committee agenda. A verbal update on the outcome will be given at the meeting.

Project Costs

Purchase price of building	£125,000
Total project cost	£125,000

Funding Plan

Funding Source	Funds secured	% of Total cost	Status
Own Funds (reserves)	£30,000	24%	Secured
Fundraising activities and community donations	£36,295	29%	Secured
Youth Social Action Fund	£1,165	1%	Secured
Gooch Charitable Foundation	£20,000	16%	Secured
Tesco Bags for Help	£2,000	2%	Secured
Fairfield Trust	£15,000	12%	Secured
Fundraising / interest free loans	£8,040	6%	Pending
Amount requested from SSDC	£12,500	10%	To be agreed
Total	£125,000	100%	

There is currently a shortfall of £8,040 however there are 3 fundraising events planned before 31st March deadline. The Youth Theatre is performing short plays entitled 'Playing with Shakespeare', the Ilminster Entertainments Society is putting on 2 performances all of which will raise funds through ticket sales and raffles. Small donations through the 'sponsor a seat' and 'buy a brick' appeal are also ongoing.

It is anticipated that the shortfall will be met by 31st March but, if not, several theatre members are prepared to offer personal, interest free loans to the theatre of up to £1,000 each to underwrite the deficit.

Previous grants

None

Ilminster Entertainment Society receives 90% Business Rate Relief as a charity

Consents and permissions

The building will require planning permission for change of use. Pre-application advice from SSDC planning department indicates that change of use would be acceptable with considerations such as the impact of noise being a concern. They confirm that this would need to be determined through the proper planning process.

Conclusion and Recommendation

This application is for £12,500 representing 10% of the project cost. The group has shown their own commitment and that of the wider community to the current facility and this project. The group has a proven track record in delivering capital projects for the community. It is recommended that this application for £12,500 is supported subject to a town council contribution.

Financial Implications

There is an uncommitted balance of £43,707 available in the Area West capital programme. If the recommended grant of £12,500 is awarded, £31,207 will remain unallocated for future years.

Council Plan Implications

The project supports:

Our Vision for South Somerset

A place where businesses flourish, communities are safe, vibrant and healthy; where residents enjoy good housing, leisure, cultural and sporting activities

Economy

- Capitalise on our high quality culture, leisure and tourism opportunities to bring people to South Somerset.

Health and Communities

- Support communities so that they can identify their needs and develop local solutions.
- Help people to live well by enabling quality cultural, leisure, play, sport & healthy lifestyle facilities & activities.

Area West Development Plan Implications

Priority 4 - Health & Wellbeing of individuals - Supporting community groups and the voluntary sector to work with statutory providers to improve access to advice, services, social activities, with an emphasis on vulnerable individuals and groups– e.g. LIC's, youth support, activities for older people, making better use of halls, digital inclusion skills etc.

Carbon Emissions & Climate Change Implications

More public events in the town facilitated by an improved building offer may reduce the need for villagers to travel further afield.

Equality and Diversity Implications

Improvements will provide the town with a facility that meets the current standards for accessibility.

Appendix A

Standard conditions applying to all Community Grants.

This grant offer is made based on the information provided in the application form and represents 10 % of the total project costs. The grant will be reduced if the costs of the total project are less than originally anticipated. Phased payments may be made in exceptional circumstances (e.g. to help with cash-flow for a larger building project) and are subject to agreement.

The applicant agrees to: -

- Notify SSDC if there is a material change to the information provided in the application.
- Start the project within six months of this grant offer and notify SSDC of any changes to the project or start date as soon as possible.
- Confirm that all other funding sources have been secured if this was not already in place at the time of the application and before starting the project.
- Acknowledge SSDC assistance towards the project in any relevant publicity about the project (e.g. leaflets, posters, websites, and promotional materials) and on any permanent acknowledgement (e.g. plaques, signs etc).
- Work in conjunction with SSDC officers to monitor and share the success of the project and the benefits to the community resulting from SSDC's contribution to the project.
- Provide a project update and/or supply before and after photos if requested.
- Supply receipted invoices or receipts which provide evidence of the **full** cost of the project so that the grant can be released.

Standard conditions applying to buildings, facilities and equipment

- Establish and maintain a "sinking fund" to support future replacement of the building / facility / equipment as grant funding is only awarded on a one-off basis.
- Use the SSDC Building Control service where buildings regulations are required.
- Use a contractor selected from the SSDC approved list for play area facilities.
- Incorporate disabled access and provide an access statement where relevant.

Special conditions

Access Review to help with future improvements.

Agenda Item 9

Grant to Chard Tennis Club (Executive Decision)

Strategic Director: Martin Woods, Service Delivery
Communities Lead: Helen Rutter, Communities Lead
Service Manager: Tim Cook, Locality Team Manager
Lead Officer: Alison Baker, Area West Neighbourhood Development Officer
Contact Details: alison.baker@southsomerset.gov.uk or 01935 462695

Purpose of the Report

Councillors are asked to consider the awarding of a grant for £8,000 towards the resurfacing of Chard Tennis Club courts.

Public Interest

Chard Tennis Club has applied for financial assistance from the Area West Community Grants programme. The application has been assessed by the Neighbourhood Development Officer who has submitted this report to allow the Area West Committee to make an informed decision on the application.

Recommendation

It is recommended that councillors award a grant of £8,000 to Chard Tennis Club, the grant to be allocated from the Area West revenue programme subject to SSDC standard conditions for community grants (appendix A) and the following special conditions:

1. Establish and maintain a “sinking and repairs fund” to support future repairs and maintenance of the new surface and eventual replacement.
2. Subject to confirmation of a pending grant application to Chard Town Council.

Report

Application Details

Name of applicant	Chard Tennis Club
Project	Chard Tennis Club resurfacing of courts
Total project cost	£24,000
Amount requested from SSDC	£8,000
Recommended special conditions	Establishment of sinking fund for future maintenance, repairs and replacement. Subject to confirmation of funding from Chard Town Council
Application assessed by	Alison Baker, Neighbourhood Development Officer, Area West

Community Grants Assessment Score

The table below shows the grant scoring for this application. In order to be considered for SSDC funding under the Community Grants policies, applications need to meet the minimum score of 22.

Category	Actual Score	Maximum score possible
A Eligibility	Y	Y
B Equalities Impact	4	7
C Need for project	4	5
D Capacity of Organisation	11	15
E Financial need	4	7
F Innovation	3	3
Grand Total	26	37

Background

Chard Tennis Club was originally formed in the 1920's and currently operates from The Denning Sports Field off Zembard Lane. They have 3 all-weather courts, 2 of which are floodlit. They currently have 158 members who play regularly throughout the year, of which 71 are juniors.

The club run an active junior and adult coaching programme from beginners through development to advanced.

The club recently sent 2 representatives to the Senior World Championships in Florida with one club member winning the world title in the 70+ category for the 5th year running!

2 of the clubs courts need resurfacing. Having investigated various surfaces, the club have decided that an 'outdoor carpet' would be the most appropriate.

Parish Information

Parish*	Chard
Parish Population*	13,074
No. of dwellings*	6,066

*Taken from the 2011 census profile

The project

Having looked at various options for resurfacing, the Club have opted for an 'outdoor carpet'. The carpet court is totally all weather and is not slippery after rain or frost, therefore allowing more opportunities to play and attracting more people to the club.

It is the view of SSDC's Senior Sport and Healthy Lifestyles Officer that the Club should look to replace the existing surface with tarmac (e.g. replacing like for like) However, in the process of investigating different surfaces, the club received a quote for tarmac. This quote was just £1,000 per court less than the outdoor carpet and the club believe that it would be a backwards step to relay a surface that is slippery after rain and frost, hard on the joints and not conducive to playing enjoyable tennis.

The club have confirmed that the carpet surface will need less maintenance than tarmac and will have a similar (if not longer) life expectancy.

Local Support / evidence of need

The current courts are towards the end of their current lifespan (they were last resurfaced in 2008)

In consultation with Club members, The Chairman has investigated a number of surface options with the 'outdoor carpet' being seen as the most appropriate.

A local Osteopath has supported the project stating that the new surface will provide a softer surface and hence reducing injuries.

The National Governing Body, The Lawn Tennis Association, is supportive of the project and, although they do not offer grants for resurfacing, they have offered an interest free loan of up to 50% of the project costs.

Project Costs

Relay 2 tennis courts with 'outdoor carpet'	£24,000
Total project cost	£24,000

Funding Plan

Funding Source	Funds secured	% of total	Status
Own funds	£12,000	50%	Secured
Town Council (pending)	£1,000	4%	Pending
Tesco bags for Help (pending)	£1,000	4%	Pending
Fundraising / interest free loans	£2,000	8%	Pending
Amount recommended from SSDC	£8,000	34%	To be agreed
Total	£24,000	100%	

The group is currently awaiting the results of applications to Chard Town Council and Tesco Bags for help and will make up any shortfall from the LTA loan.

Previous grants

None during the last three years.

Chard Tennis Club is subject to 90% Business Rate Relief as a charity

Consents and permissions

The resurfacing of the courts does not need planning permission and the SSDC Building Control Officer has confirmed that Building Regulations are not required.

Financial Implications

There is an uncommitted balance of £12,033 available in the Area West Community Grants Revenue fund. If this grant is awarded there will be £4,033 unallocated until the end of this financial year.

Council Plan Implications

The project supports:

Our Vision for South Somerset

A place where businesses flourish, communities are safe, vibrant and healthy; where residents enjoy good housing, leisure, cultural and sporting activities

Economy

- Capitalise on our high quality culture, leisure and tourism opportunities to bring people to South Somerset.

Health and Communities

- Support communities so that they can identify their needs and develop local solutions.
- Help people to live well by enabling quality cultural, leisure, play, sport & healthy lifestyle facilities & activities.

Area West Development Plan Implications

Priority 4 - Health & Wellbeing of individuals - Supporting community groups and the voluntary sector to work with statutory providers to improve access to advice, services, social activities, with an emphasis on vulnerable individuals and groups– e.g. LIC's, youth support, activities for older people, making better use of halls, digital inclusion skills etc.

Equality and Diversity Implications

The Club is fully inclusive and has an equality statement as part of its constitution.

Appendix A

Standard conditions applying to all Community Grants.

This grant offer is made based on the information provided in application form no. AW 1714 and represents 34% of the total project costs. The grant will be reduced if the costs of the total project are less than originally anticipated. Phased payments may be made in exceptional circumstances (e.g. to help with cash-flow for a larger building project) and are subject to agreement.

The applicant agrees to: -

- Notify SSDC if there is a material change to the information provided in the application.
- Start the project within six months of this grant offer and notify SSDC of any changes to the project or start date as soon as possible.
- Confirm that all other funding sources have been secured if this was not already in place at the time of the application and before starting the project.
- Acknowledge SSDC assistance towards the project in any relevant publicity about the project (e.g. leaflets, posters, websites, and promotional materials) and on any permanent acknowledgement (e.g. plaques, signs etc).
- Work in conjunction with SSDC officers to monitor and share the success of the project and the benefits to the community resulting from SSDC's contribution to the project.
- Provide a project update and/or supply before and after photos if requested.
- Supply receipted invoices or receipts which provide evidence of the **full** cost of the project so that the grant can be released.

Standard conditions applying to buildings, facilities and equipment

3. Establish and maintain a "sinking fund" to support future replacement of the building / facility / equipment as grant funding is only awarded on a one-off basis.
4. Use the SSDC Building Control service where buildings regulations are required.
5. Use a contractor selected from the SSDC approved list for play area facilities.
6. Incorporate disabled access and provide an access statement where relevant.

Special conditions

Access Review to help with future improvements.

Agenda Item 10

Area West – Reports from Members on Outside Bodies

Communities Lead: Helen Rutter, Communities Lead
Service Manager: Tim Cook, Locality Team Manager

Purpose of the Report

To introduce reports from members appointed to outside bodies in Area West.

Public Interest

Each year Area West Committee appoints local Councillors to serve on outside bodies (local organisations) in Area West. During the year Councillors make a report on the achievements of those organisations and other relevant issues.

Background

To replace “Reports from members on outside organisations” as a generic standing agenda item it was agreed at the August 2012 meeting to include specific reports about each organisation in the Committee’s forward plan.

Members were appointed to serve on ten outside bodies at the June 2017 meeting.

Reports

Reports can be verbal or written. There is no standard format, but if possible they include an explanation of the organisations aims, their recent activities, achievements and any issues of concern.

This month the member reports are:

Ile Youth Centre Management Committee – Cllr. Val Keitch
Making It Local Executive Group – Cllr. Martin Wale - see attached at Appendix A.

Recommendation

That the report is noted.

Financial Implications

None.

Council Plan Implications

Focus Four: Health and Communities – We want communities that are healthy, self reliant and have individuals who are willing to help each other.

Background Papers: None

Appendix A

Making it Local – Area West Report

Making It Local (MIL) is a programme of LEADER (translated from French meaning Links between actions for the development of the rural community) funding via DEFRA and overseen by RPA (Rural Payments Agency). The MIL Executive is made up of Councillors from County and District Councils, representatives of the AONBs, local business representatives and staffed by Devon County Council Officers. It is an established mechanism for delivering rural development.

Our Committee has been the most successful in the country in allocating it's funds to it's 4 priorities and has now fully committed it's funding of £1.4m. There are still some opportunities for funding through other agencies such as:

- Countryside Productivity – Large Grant Scheme. This scheme is for large capital bids of over £35,000.
- Country Productivity – Small Grant Schemes, from £3000 TO £12000.
- The Growth Programme – Another large grant scheme over £35,000 with three strands – Business Development – Food processing – Rural tourism.

Since I last reported to Area West, we have supported a large number of projects within and around the East Devon and Blackdown Hills AONB. Some examples of the variety of grants that the Group have dealt with are:

- Axminster Heritage - restoration of 18th century dye house.
- Various and varied farming equipment such as a pasteurizers, weigh crush and EID Equipment, Organic dispatch system, robotic milking systems, stock managing equipment, hoof trimmers etc.
- Ferne Animal Sanctuary - visitors centre.
- Equipment for Ventons Cider, Powderkeg Brewery, Perrys Cider, Pebblebed Vineyard.
- The Common Players - travel round seaside venues giving shows.
- Lower Yeats Glamping.
- Nigel Priston Forestry- machinery
- Rebel Town Pizza Van
- Burroughs Farm single or low tillage machinery.

There is a small amount of money left to allocate and this will take place at a meeting on 21st February. We had been promised further funding which was to come from underspent projects round the Country but this appears to now not be forthcoming. We will, no doubt, find out more at the meeting.

*Cllr Martin Wale,
SSDC Area West appointed representative to the Making it Local (Executive Committee)*

Agenda Item 11

Area West Committee - Forward Plan

Communities Lead: Helen Rutter, Communities Lead
Service Manager: Tim Cook, Locality Team Manager
Agenda Co-ordinator: Jo Morris, Case Services Officer (Support Services)
Contact Details: jo.morris@southsomerset.gov.uk or 01935 462055

Purpose of the Report

This report informs members of the proposed Area West Committee Forward Plan.

Recommendation

Members are asked to:-

- (1) comment upon and note the proposed Area West Committee Forward Plan as attached.
- (2) identify priorities for further reports to be added to the Area West Committee Forward Plan.

Forward Plan

The Forward Plan sets out items and issues to be discussed by the Area West Committee over the coming few months.

The Forward Plan will be reviewed and updated each month in consultation with the Chairman. It is included each month on the Area West Committee agenda and members may endorse or request amendments.

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.

Councillors, service managers, partners and members of the public may request that an item is placed within the forward plan for a future meeting by contacting the agenda co-ordinator.

Background Papers: None.

Notes

- (1) Items marked in italics are not yet confirmed.
- (2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Jo Morris, 01935 462055 or e-mail jo.morris@southsomerset.gov.uk
- (3) Standing items include:
 - (a) Chairman's announcements
 - (b) Public Question Time

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
<i>21st March 2018</i>	<i>Chard Town Team</i>	<i>Update report on activities of the Chard Town Team</i>	<i>Cllrs Garry Shortland & Jason Baker, Chard Town Team</i>
<i>21st March 2018</i>	<i>Affordable Housing Delivery Update</i>	<i>Update report</i>	<i>Colin McDonald, Strategic Housing Manager</i>
<i>21st March 2018</i>	<i>A Better Crewkerne & District (ABCD)</i>	<i>Reports from members on outside organisations</i>	<i>Cllr. Mike Best</i>
<i>21st March 2018</i>	<i>Meeting House Arts Centre, Ilminster</i>	<i>Reports from members on outside organisations</i>	<i>Cllr. Carol Goodall</i>
<i>18th April 2018</i>	<i>Town Centre Events Grants Programme</i>	<i>Report outlining the effectiveness of the programme and details of the awards made</i>	<i>Dylan Martlew, Neighbourhood Development Officer (Economy)</i>
<i>18th April 2018</i>	<i>Area Development Programme – End of Year Report</i>	<i>Progress Report</i>	<i>Tim Cook, Locality Team Manager</i>
<i>16th May 2018</i>	<i>Chard Regeneration Scheme and One Public Estate Programme</i>	<i>Progress Report</i>	<i>David Julian, Economic Development Manager Helen Rutter, Communities Lead</i>
<i>16th May 2018</i>	<i>Highways Update Report</i>	<i>To update members on the highways maintenance work carried out by the County Highway Authority</i>	<i>Mike Fear, Assistant Highway Service Manager, Somerset County Council</i>
<i>16th May 2018</i>	<i>Report on the Performance of the Streetscene Service</i>	<i>Service report on performance and priority issues in Area West</i>	<i>Chris Cooper, Environmental Services Manager</i>

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
<i>20th June 2018</i>	<i>Appointment of Representatives on Outside Bodies and Working Groups</i>	<i>To review the appointment of members to various Working Groups</i>	<i>Jo Morris, Case Services Officer (Support Services)</i>
<i>20th June 2018</i>	<i>Scheme of Delegation – Development Control – Nomination of Substitutes for Chairman and Vice Chairman</i>	<i>To review the appointment of members to various working groups and outside organisations.</i>	<i>Jo Morris, Case Services Officer (Support Services)</i>
<i>TBC</i>	<i>Somerset County Council Review of Children’s Centres and Get Set Services</i>		

Agenda Item 12

SSDC Welfare Advice Work in South Somerset (For Information Only)

Director: Martin Woods, Service Delivery
Head of Service: Ian Potter, Vulnerable Client lead Specialist
Service Manager: Alice Knight, Careline and Welfare Manager
Lead Officer: Catherine Hansford, Welfare Advice Team Leader
Contact Details: catherine.hansford@southsomerset.gov.uk or 01935 463737

Purpose of the Report

To update and inform Members on the work of the Welfare Advice Team for the financial year 2016/17.

Public Interest

The report gives an overview of the work of the SSDC Welfare Advice Team across South Somerset.

Recommendation

That the report be noted.

Report

Service Summary

Established in 1999, the Welfare Advice Team consists of 2.1 full time equivalent staff responsible for undertaking casework for clients across the whole of South Somerset.

The Team are situated within the Housing and Welfare Service and provides free, confidential and impartial information, advice and advocacy on Welfare Benefits.

We carry out specialised case work; preparing claims, representing clients at Appeals, up to and including First-Tier and Upper Tier Tribunals.

The service is provided by telephone & appointments at Petters House, the Area Offices, local Advice Surgeries and also by home visits where appropriate.

Impact Summary

In the year 2016/17 the Welfare Advice Team delivered:

- Helped **482** clients across South Somerset
- Achieved an annual increased income of **£1,025,202.19**
- Lump sum payments total of **£175,940.53**
- Combined total of **£1,201,142.72** – over **10 times** the cost of the service (£111,047)

We also challenged 90 decisions at Mandatory Reconsideration or Appeal (19% of our caseload):

Mandatory Reconsiderations (MR's)

- 16 Mandatory Reconsiderations were successful
- 6 clients with unsuccessful Mandatory Reconsiderations did not wish to pursue an appeal.

The unsuccessful MR's, can be progressed to appeal (First Tier tribunal) stage, if our clients agree.

Some cases that come to us are already at appeal stage.

Appeals to the Tribunals Service

- 67 decisions were challenged at First Tier Tribunal
- 58 Tribunals were successful
- 6 Tribunals unsuccessful
- 3 Tribunals remain outstanding

70% of the lump sum payments and 35% of the annual increased income was achieved by appeal work.

Please note that these figures are provisional (12/01/2018) due to some cases work remaining outstanding. We would expect these figures to show a further increase as some cases await outcomes.

It is also worth noting that of all the 90 disputed decisions, were for working age disability benefits – 1 Disability Living Allowance (DLA), 45 Personal Independence Payment (PIP) and 20 Employment and Support Allowance (ESA).

According to national statistics from the Ministry of Justice (1), the number of PIP and ESA appeals October to December 2016 were up by 71% and 58% respectively compared to the same period the previous year. ESA and PIP appeals now comprise 85% of the total number of appeals received.

The figures also show that, of the 39,696 appeals cleared at hearing, 63% were overturned (found in favour of the claimant). Broken down by benefit type –

- 65% of PIP appeals were overturned
- 68% of ESA appeals were overturned

Our success rate for ESA is 95% and for PIP is 88% highlighting how important it is to have representation at a First Tier-tribunal.

Area West:

- Helped 220 clients across the area
- Achieved an annual increased income of **£427,784.07**.
- Lump sum payments total of **£71,566.32**.
- Combined total of **£499,350.39**

Chard Outreach Pilot

In June 2016 we launched a pilot outreach Welfare Benefits Advice surgery at the Forefront Centre, Chard. The surgery runs every Thursday from 9.30 – 13.00 on an appointment basis. Citizens Advice South Somerset also operate on the same day, enabling us to work closely in partnership and refer clients to the best source of advice.

In it's first year (June 2016 – April 2017), we have had 48 referrals, some requiring multiple appointments locally. 23 cases resulted in a positive financial outcomes. So far, in 2016-17 the surgery has generated **£136,255.72** increase in annual incomes and **£19,376.69** in back payments with some cases still ongoing.

Saved and Maintained Tenancies

Historically, saved and maintained tenancies have been gradually reducing over the years due to a shift in the way the Welfare Advice team works.

Early intervention is key in the current financial climate and our updated referral processes and multi-agency working ensure that our clients receive immediate advice and support when their issues are identified.

This can often mean that clients receive Housing Advice from our own Housing Advice Centre (HAC), Debt, housing and preliminary benefit advice from Citizen's Advice South Somerset, with the SSDC Welfare Advice team undertaking more complex and specialised appeal work further down the line once the immediate tenancy issues have been resolved.

The need for support for people to retain their homes has never been greater than now given the consequences of Welfare Reform so we strive to work alongside other agencies to ensure that our clients are given the correct support at the correct time, no matter where their first point of contact is.

Ongoing Changes in Social Welfare

The 2012 Welfare Reform Act represents the biggest change to the welfare system in over 60 years. All these changes are also taking place against a backdrop of reductions in funding from central government across both the statutory and third sectors.

2013 saw the application of the Spare Room Subsidy and the Benefit Cap in addition to households with private tenancies already subject to the Local Housing Allowance.

Benefit Cap – The second stage of the benefit cap came into force in November 2016, at £20,000 for lone parents and couples, and £13,400 for single childless people.

The figures for the households in South Somerset receiving extra help with housing costs through Discretionary Housing Payments (DHP) are shown below:

- 230 in 2012-13
- 487 in 2013-14
- 513 in 2014-15
- 357 in 2015-16
- 406 in 2016-17

The Local Assistance Scheme continues in place of the Social Fund.

In 2014-15 CASS processed **136** LAS applications and in 2015-16, **179** applications. This excludes food & fuel parcel only cases. In 2015-16, **209** food and fuel parcels were awarded.

In 2016-17 **259** clients were awarded LAS grants and **142** food and fuel parcels awarded.

Universal Credit

Most of the means-tested benefits system for working-age families has now being replaced with a single payment called Universal Credit (UC), which went full service for most people in our area in April 2017.

The IFS Green Budget 2016 (2) was the first comprehensive analysis of the effects of UC since the cuts in the July 2015 budget. It found that a series of pre-emptive cuts means that introducing UC will in the long run reduce the financial benefit of the new system – including to working families.

When first proposed UC was intended to be more generous than the current system, but cuts to how much recipients can earn before their benefits start to be withdrawn have reversed this.

Robert Joyce, an Associate Director at the IFS and an author of the report, said: *“The long run effect of universal credit will be to reduce benefits for working families on average – a reversal of the original intention. However, the potential gains from simplifying the working-age benefit system remain mostly intact: universal credit should make the system easier to understand, ease transitions into and out of work, and largely get rid of the most extreme disincentives to work or to earn more created by the current system.”*

New research, carried out with the Institute for Public Policy research, highlights that cuts will lead to a million more children in poverty (3)

The report looks at both the world of tax credits and the new Universal Credit (UC) system, and finds that:

- Working families stand to lose £930 a year on average from cuts in the tax credit system and £420 a year from cuts to Universal Credit – these are losses across the population, so the losses for tax credit and UC recipients would be much higher.
- Freezes and cuts to Universal Credit work allowances will leave lone parents worse off by, on average, £710 a year, couples £250 a year.
- Work allowance cuts have the greatest impact in cash terms on households in the second and third deciles (the ‘just about managing’ group).
- While work incentives may have improved for some families, big falls in family income caused by cuts and changes to Universal Credit have left many worse off overall, overwhelming any gains from increases in the ‘national living wage’, personal tax allowances and help for childcare.
- The poorest 10 per cent will lose 10 per cent of their income (£450 a year) on average compared with what was promised by Universal Credit.
- The average family with three children will be 10 per cent (£2,540 a year) worse off, and the average family with four or more children 19 per cent (£5,000 a year) worse off due to Universal Credit cuts.
- Families containing someone with a disability will be £300 a year worse off due to Universal Credit cuts; families containing someone with a severe disability will be £530 a year worse off.
- Uprating decisions will cost the average single parent family on Universal Credit £710 a year, with the average couple with children losing £430 a year.
- The cuts to Universal Credit would put 1,000,000 children in poverty and 900,000 in severe poverty by the end of the decade, assuming the absence of tax credits.

The DWP have rolled Universal Credit out on a “test and learn” basis however, now almost a year in, sadly many issues have still to be rectified, particularly impacting on vulnerable clients in rural areas.

The Welfare Advice Team continues to work with the DWP at region level to monitor and feedback issues.

As Universal credit is still relatively new, there are no statistics to report at this time.

In the meantime, the migration of Incapacity Benefit cases to Employment and Support Allowance continues, as does the migration of Disability Living Allowance recipients to Personal Independence Payment.

Secondary Benefits

Over time a whole raft of secondary benefits have been developed and eligibility has depended on receiving Income Support, income based Jobseeker's Allowance, income related Employment and Support Allowance, Child Tax Credits and now, certain elements of Universal Credit.

These are the 'passport benefits' and provide access to free school meals, school travel, prescriptions, dental treatment and other reductions in prices for services, e.g. leisure, Careline etc.

The Social Security Advisory Committee, a statutory independent committee which advises Department of Work and Pensions (DWP) on the operation of the benefits system, has recently produced a report (4) which raises clear concerns about the loss of these passported benefits.

It points out that these benefits make significant contributions to the health and wellbeing of low income families and to preventing child poverty and social exclusion.

If families lose benefits and in turn eligibility for free school meals this also impacts on the overall funding the schools receive in the 'pupil premium'.

In addition if families migrate because of the Housing Benefit caps and other loss of income arising from the reforms, then this will have significant impact sub-regionally and could exacerbate disparities of wealth in rural areas.

Unemployment

Unemployment is not so much an issue in South Somerset as underemployment - few people realise just how many in work rely on Housing Benefit to pay their rent.

UK figures published in December 2013 found that the largest group in poverty are working age adults without dependent children - 4.7 million people were in this situation, the highest on record. Pensioner poverty is at its lowest level for 30 years. (5).

According to research published in May 2017 by Cardiff University and funded by Nuffield Foundation, more than half (60%) of people living in poverty in the UK live in a household where someone is in work, the highest figure recorded.

Crucially, the research finds that the number of workers in a household, and not low pay, is the primary determinant of in-work poverty. People living in one-earner households' account for almost 60% of people experiencing working poverty, more than double their population share. (6).

The Value of Welfare Advice

By ensuring the maximisation of income and helping to challenge decisions, welfare rights services ensure that national government covers such housing costs instead of the council by way of the homelessness route and/or loss in rent collection.

The Low Commission, in May 2014, published a major follow up work on the economic value of social welfare advice (7) and presents compelling evidence from different sources that social welfare advice saves public services money. So apart from putting money in the pockets of those who need it, there is also widespread added value from our work.

Looking at all work to date on Cost Benefits Analysis (CBA) and Social Return on Investment data, the report finds that this not only pays for itself, but it also makes a significant contribution to families/households, to local area economics, and also contributes to significant public savings.

Different studies done in the UK, US, Canada and Australia have all demonstrated similar findings that for every pound or dollar invested, there's a multiple of 10 in the savings produced by, for example, keeping people their homes with jobs and incomes intact rather than having to utilise expensive crisis and emergency services. The review shows that advice across different categories of law result in positive outcomes for clients and their households. (8)

Commenting on the findings Lord Colin Low said:

"This research, carried out independently, demonstrates with hard economics the true value of social welfare advice. It can no longer be argued that funding social welfare advice is too much of a burden on the state. Early and necessary interventions from advice and legal support prevent problems and expense further down the line"

Partnership Work

Co-ordinated joined up working with other agencies is now more important than ever with the emphasis on making advice more accessible in rural areas and taking service out across the district. We are striving to maintain and improve ways where we can complement each other's services, focusing on each agencies strong points, exploring new technologies and access routes and better referral systems.

We are also working in conjunction with other advice agencies on Social Policy issues. The agencies we work with, such as the National Association of Welfare Rights Advisers and Citizens Advice Bureaux campaign on a national level, which we feed into, as well as highlighting individual cases via the local MP's.

Our partner agencies include Citizens Advice South Somerset, Wiser Money Project, Age UK Somerset, Yarlington Housing Group, South Somerset Mind, Village Agents and many more.

Case Studies and Feedback

Oliver is 13 years old and suffers with chronic eczema. Due to the severity of his condition he was receiving Disability Living Allowance because of the skincare regime he had to follow and the help he needed from his Mum to maintain this.

Sadly, due to the amount of care and maintenance his condition required, Mum had to give up work to provide this care.

Each morning started at 6am and involved an intensive skincare regime as well as supervision to prevent Oliver from clawing his skin in the shower due to the itch. He had to be daily wrapped in creams and covered in special bandages which he had to wear under his school clothes.

Different creams had to be applied frequently throughout the day to maintain skin health and Oliver needed help from his Mum to do this, re-dress the bandages as the school could not assist due to the personal nature of the care.

Sadly, due to his condition, Oliver was also bullied at school and suffered anxiety and depression issues as a result of this.

The end of day routine was also intensive – Oliver had to be covered in thick barrier cream and tied into his bandages (to prevent removal scratching and during the night). Unfortunately this also meant that if he needed the toilet he had to have help to get out of the bandages and then to re-dress them.

Oliver's mum came to us when, on renewal of the DLA, he was refused benefits. This had a knock on effect that her Carer's Allowance stopped and, as she no longer had Carer Status, she was ineligible for Income Support which also ceased. The disabled child premium within her tax credits ceased, reducing the family income by a substantial amount.

We assisted Oliver's mum to request a Mandatory reconsideration but unfortunately this was refused, so we progressed the case to appeal.

In the meantime, the family were struggling financially so we referred them to Citizen's Advice South Somerset for budgeting advice and emergency support through the Local Assistance Scheme. We provided them with a food parcel in the interim.

The whole process took 6 months to complete, during which time we supported the family as best we could between us and other advice agencies we work in partnership with.

The appeal was successful and Oliver was awarded DLA at the highest rate of ££82.30 per week because of the care and attention he needed throughout the day and night. Mum's £62.10 Carer's Allowance was reinstated, as was her Income Support of £45.60 per week and the severely disabled and disabled child element of Child Tax credits was reinstated at £4415 per annum.

The advice we provide helps our clients get back on their feet again and encourages them to be proactive as we try to empower and avoid over dependence.

This local face to face responsive support has become more essential as more and more services are rolled out digitally or through central processing centres.

This is highlighted in the feedback we receive from our clients:

We have had a courteous and caring set of people to deal with. Congratulations in the quality of your staff. Thank you.

Grateful to have Helen's support for a second time. I could not have completed the form myself. This service is invaluable for disabled people. Without the skilled advocate it would be easy to feel embarrassed but I felt comfortable.

Catherine was so kind and supportive when Christina failed her ESA assessment, made sure we knew how to challenge. She helped us challenge the ESA and get back into the support group, gave us prompt and relevant advice. I would like to thank Catherine and SSDC Welfare Advice Service for being there and supporting us we are so very grateful.

Thank you so much Gill. It was an absolute pleasure to meet you. Thank you so much for helping me fill the form in. You were so reassuring and a real lift to my spirits which have been so damaged by dealings with Somerset County Council previously. It meant a lot to me and I'm very grateful.

Very professional, couldn't have had a better result. Would use service again without a doubt. This service is a must as there are a lot of people in the community who will benefit from this.

Corporate Priority Implications

Council Plan 2016 - 2021:

Homes: Minimise homelessness and rough sleeping.

Health and Communities: Support residents through national benefit changes including universal credit.

Equality and Diversity Implications

The work within the Welfare Advice Team brings us into daily contact with vulnerable clients, people with disabilities and non-English speaking communities.

Financial Implications

None

Carbon Emissions & to Climate Change Implications

None

Background papers;

- (1) *'Tribunals and gender recognition certificate statistics quarterly: October to December 2016'* Ministry of Justice, March 2017
- (2) *The (changing) effects of universal credit'* from the IFS Green Budget 2016, edited by Carl Emmerson, Paul Johnson and Robert Joyce
- (3) *The Austerity Generation: the impact of a decade of cuts on family incomes and child poverty,* CPAG, November 2017
- (4) *Universal Credit: the impact on passported benefits,* Report by the Social Security Advisory Committee, DWP, March 2012

- (5) Somerset Community Legal Service Partnership: County Court Project
 - (6) *In-work Poverty In The UK, Problem, Policy Analysis and Platform for Action*, Rod Hick and Alba Lanau, Cardiff University, May 2017.
 - (7) *Annual Monitoring Poverty and Social Exclusion 2013* published by the Joseph Rowntree Foundation and written by the New Policy Institute (08/12/2013)
 - (8) *Social Welfare Advice services – A Review* by Graham Cookson, an economist at the University of Surrey
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Agenda Item 13

Planning Appeals

Director: Martin Woods, Service Delivery
Lead Specialist: Simon Fox, Lead Specialist - Planning
Contact Details: simon.fox@southsomerset.gov.uk or 01935 462509

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

17/00762/PAMB - Land Off Longstrings Lane Broadshard Road Crewkerne Somerset (Officer decision)

Prior approval for the change of use of agricultural buildings for 2 No. dwellings

17/04237/FUL - 18 Abbey Street Crewkerne Somerset TA18 7HY (Officer decision)

Demolish existing rear wing of building and open shelter. Erection of 2 storey rear extension comprising 4 No. one bedroom flats and 1 No. studio flat within the roof. Erection of two storey side extension comprising 1 No. one bedroom dwelling

17/02636/FUL - The erection of 2 No. dwellings, one for private residential use and one for holiday accommodation (Officer decision)

Sunnyside Pottery Road Horton Ilminster Somerset TA19 9QW

Appeals Dismissed

17/01175/OUT - Land Adjoining The Village Hall, Broadway Street, Broadway, Ilminster, Somerset (Officer decision)

Residential development of land by the erection of up to 5 dwellings with associated garages and parking, provision of new vehicular and pedestrian access (resubmission of application 15/05042/OUT)

Background Papers

Appeal decision notice attached



Appeal Decision

Site visit made on 9 January 2018

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 26th January 2018

Appeal Ref: APP/R3325/W/17/3181238

**Land adjoining the Village Hall, Broadway Road, Broadway, Ilminster
TA19 9RX**

- 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 Fifehead Farms against the decision of South Somerset District Council.
 - The application Ref 17/01175/OUT, dated 10 March 2017, was refused by notice dated 1 June 2017.
 - The development proposed is residential development of land by the erection of up to 5 dwellings with associated garages and parking, provision of new vehicular and pedestrian access (resubmission of application 15/05042/OUT).
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal was submitted in outline with all matters except for access reserved for subsequent approval. The appellant submitted a plan¹ with the application illustrating how the site could be developed with 5 dwellings. I have dealt with the appeal on this basis, treating that plan as illustrative insofar as it relates to the layout, appearance and scale of the dwellings and landscaping.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area including the setting of St Aldhelm and St Eadburgha, a grade I listed church.

Reasons

4. The appeal site comprises a field that fronts Broadway Road, adjacent to the village hall, medical centre and their car park, on an edge of the settlement of Broadway. There are hedges to 3 sides of the field with the boundary to the car park consisting of trees adjacent to a wire fence. The site is not within the Blackdown Hills Area of Outstanding Natural Beauty (AONB) or any other landscape designated area. It is around 3km from the boundary of the AONB.
5. The appeal proposal would involve the construction of up to 5 dwellings with associated garages and parking served from a new access off Broadway Road.

¹ Drawing No. SK1

The hedgerow at the front of the appeal site would be retained through translocation to the rear of the visibility splays.

6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
7. Paragraph 132 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and that the more important the asset, the greater the weight should be. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The glossary to the Framework states that the setting of a heritage asset comprises the surroundings in which it is experienced and that different elements of that setting may either make a positive, negative or neutral contribution to its significance.
8. The church of St Aldhelm and St Eadburgha is some distance from the appeal site along Broadway Road towards the A358 and sits relatively isolated from the settlement. Accompanying the church are a number of grave markers that the Council have stated are also listed and a churchyard cross that it states are grade II* listed and a Scheduled Ancient Monument. Broadway has developed as a linear settlement mainly along Broadway Road. The area in the vicinity of the appeal site is characterised by a variety of age and style of buildings and is reasonably flat. There is what appears to be converted farm buildings on the opposite side of Broadway Road and my attention has been drawn to an appeal decision² for residential development adjacent to these buildings. I have not been provided with the full details of that scheme or the evidence that was before that Inspector.
9. Based on the information before me and my observations I consider that the significance of the church largely derives from its age, architectural features, form, fabric and use. In addition, the significance of the grave markers and churchyard cross mainly comes from their age, fabric, relationship with the church and associations with local families. Consequently, I consider that the significance of the grave markers and cross stems from their immediate rather than extended setting.
10. The church tower is visible from the surrounding area rising above the rural landscape and it appears to have been a feature of that landscape for many centuries. The church is separate from the settlement and sits surrounded by agricultural fields. Even though the reasons why it is separated from the settlement are not known it seems that it has been mainly isolated since at least the 18th Century. The only evidence of any building close to it is that of an agricultural building that occupied the area presently used for parking. The church has served the settlement as the focal point for religious activities for many centuries. As such, there is a clear communal, historic and functional link between the church and the settlement.

² APP/R3325/W/16/3151168 – 26 September 2016

11. The Council have stated that there are very few other examples of churches in similar isolated positions in the District. Within the appellant's Statement of Heritage Significance it states that it is quite common for churches to be built outside of settlements but they tended to be on hills. Taking into account all of the above I consider that the relative isolation of the church within a pastoral setting makes an important contribution to its significance. There is no dispute that the site forms part of that pastoral setting.
12. The nature of the landscape and views of and from the church have changed over time. The edge of the settlement has moved towards the church as it has been developed along Broadway Road and Suggs Lane. The removal of the agricultural building and the construction of the village hall and medical centre carpark have opened up views of the church from the settlement. Whilst, they are not designed or historic views they are part of the way that the church is presently experienced. The carpark appears to be well used and provides one of the main views of the church from the settlement where the church's isolated position in its pastoral setting can be experienced. As such, the view from the car park makes a positive contribution to the heritage significance of the church.
13. The appeal site is part of a larger field historically that has been reduced in size by the construction of the village hall and medical centre. Nevertheless, the field has a visual affinity with the adjacent fields and makes an important contribution to this part of the rural landscape setting of the settlement and the church. The submitted Landscape and Visual Impact Assessment (LVIA) states that due to the site being within the fringes of the AONB that a high landscape value should be attributed to it. It goes on to state that the area is considered to be of medium susceptibility to changes brought about by a development of the type proposed. I consider that these findings are reasonable.
14. I am satisfied that through the controls that exist at reserved matters stage that the scheme could be designed to be in sympathy with the local vernacular and to resemble a converted group of farm buildings. Moreover the existing hedgerows would in the main be retained or translocated and the scheme would project a similar distance along Broadway Road as that approved by the appeal decision cited above. Nonetheless, the development of the field with dwellings would erode the openness of the site and it would have an inherent and harmful urbanising impact. Whilst it would be possible to design a scheme that would help to mitigate some of the landscape impact of the development there would be moderate harm to the character and appearance of the area in this respect.
15. In terms of the development's visual impact due to the topography and the hedgerows and trees in the existing landscape views of it would be restricted to a localised area. The development would extend the settlement to the east towards the church but as stated above this would be similar in distance to the scheme opposite. Due to the alignments of Broadway Road and Suggs Lane and the tall roadside hedges views of the church tower are not continuous when travelling along them. As a result, there are limited opportunities to view the site and the church together.
16. However, there is intervisibility between the church and the appeal site. As stated above, there are views of the church from the car park of the village hall and medical centre. The proposed scheme could be designed to be

sympathetic to the vernacular but it would be viewed at close range from the carpark. The inherent and urbanising impact of this built form would significantly erode the pastoral setting of the church when experienced from this carpark. Consequently, it would noticeably erode the ability to appreciate the significance of the listed building from this location. The LVIA states that the changes to the view from the car park would be moderate to substantial. Taking into account all of the above I consider that the effect would be at the higher end of that finding.

17. The development would also be visible from the church yard and it would extend the built form of the settlement towards the church. However, it would be an appreciable distance from the church and the intervening vegetation would reduce the visual impact to a limited degree. The village hall and medical centre, due to their functions, are slightly larger in scale than the domestic scale of buildings in the settlement. Their design and materials are not entirely sympathetic to the vernacular of the area.
18. Nevertheless, given that the scheme would be likely to be a similar scale to existing residential development in the settlement the overall scale and roofs of the village hall and the medical centre would still be apparent in these views. Whilst, the proposal would reduce the impact of these buildings when viewed from the churchyard overall its built form would still have a moderately harmful effect on this view.
19. Having regard to all of the above and notwithstanding limited harm in some respects, the effect on the setting of the church of the proposed scheme would be harmful. The Inspector, in the appeal decision cited above, states that the scheme before him would represent a barely perceptible change to the setting of the Church. Even though the schemes would be similar distances from the church the degree of intervisibility between the sites and the church and the impact on the ability to appreciate the significance of the church is noticeably different. As such, it is not directly comparable with the appeal case before me. In any case I am required to determine this appeal on the basis of its own individual merits and the evidence before me.
20. In summary the proposal would result in moderate harm to the character and appearance of the area. It follows that it would conflict with policy EQ2 of the South Somerset Local Plan (LP) which, amongst other things, seeks development that is designed to achieve a high quality and preserve the character and appearance of the district.
21. Furthermore, it would be harmful to the pastoral setting of the grade I listed church. Consequently, it would be contrary to the expectations of the Act. In the language of the Framework and in the context of the significance of the asset as a whole I consider that the harm would be less than substantial. In those circumstances, paragraph 134 of the Framework says that this harm should be weighed against the public benefits of the proposal. I will return to this matter below.

Other matters

22. Both parties agree that the Council cannot demonstrate a 5 year supply of housing land as required by paragraph 47 of the Framework. Where a local planning authority is unable to demonstrate a five-year supply of deliverable housing land, paragraph 49 of the Framework, which is a significant material

consideration, indicates that relevant policies for the supply of housing should not be considered up-to-date.

23. However, paragraph 49 of the Framework also states that all housing applications should be considered in the context of the presumption in favour of sustainable development. For decision taking purposes this means, as set out at paragraph 14 of the Framework that where relevant policies are out-of-date planning permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate that development should be restricted.
24. The Council's Officer Report states that "*It is considered that Broadway is a sustainable location for some housing development given the facilities that the village provides*". This is reinforced by the relevant findings in recent appeal decisions³ in the settlement. Taking into account the evidence before me and my observations I agree with these findings in this respect.
25. I acknowledge that the Council did not allege any harm in relation to highway safety, residential amenity, flooding, ecology, trees and hedgerows, archaeology and contamination. Moreover, the Parish Council did make a number of positive comments in their consultation response. However, the lack of harm in these respects is a neutral consideration.

Planning balance

26. The proposal would provide up to 5 new dwellings in a relatively accessible location in an area where there is an acknowledged shortfall in housing supply. There would also be economic benefits associated with the proposal including the provision of construction jobs, some additional local spend and New Homes Bonus and Council Tax receipts. Prospective occupiers would provide some support for and they would help to maintain the vitality of local services and facilities. A footpath would be created across the northern boundary of the site. Given the size of the development these social and economic public benefits would not be insignificant in scale.
27. Considerable importance and weight is to be given in the planning balance to any harm to the significance of a heritage asset. Even though I have found that the harm to the significance of the heritage asset is less than substantial it is not to be treated as a less than substantial objection to the proposal. The public benefits attributable to the proposal would be appreciable but in my judgement they would not outweigh the great weight to be given to the harm to the significance of the heritage asset. As such the proposal would not comply with paragraph 134 of the Framework and LP Policy EQ3 which, amongst other things, expects development to safeguard the significance, character, setting and local distinctiveness of heritage assets.
28. Having regard to my findings above and footnote 9 of the Framework, I consider that the final bullet point of paragraph 14 of the Framework is engaged, as specific policies in the Framework indicate that development should be restricted. In any case, even if it does not apply the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework

³ APP/R3325/W/16/3151168 – 26 September 2016 & APP/R3325/W/16/3161355 - 19 May 2017

does not indicate that permission should be granted. The presumption in favour of sustainable development does not apply.

29. In accordance with S38(6) of the Planning and Compensation Act 2004, and as set out in paragraph 12 of the Framework, development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

30. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR

Agenda Item 14

Schedule of Planning Applications to be Determined by Committee

Director: Martin Woods, Service Delivery
 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 West Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 7.00 pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.50 pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
15	EGGWOOD	17/03983/FUL	Alterations and change of use of former sunday school to cafe/restaurant (Use class A3) to include removal of 2m of natural stone wall to form pedestrian access and erection of covered walkway. Display of 2 No. fascia signs, 1 No. hanging sign and exterior lighting.	The Former Sunday School, Sandyhole Bull Bridge Lane Merriott, TA16 5PS	Mrs Louise Pearce
16	EGGWOOD	17/03984/LBC	Alterations and change of use of former sunday school to cafe/restaurant (Use class A3) to include removal of 2m of natural stone wall to form pedestrian access and erection of covered walkway. Display of 2 No. fascia signs, 1 No. hanging sign and exterior lighting.	The Former Sunday School, Sandyhole Bull Bridge Lane Merriott, TA16 5PS	Mrs Louise Pearce

Further information about planning applications is shown below 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 had been prepared.

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

Agenda Item 15

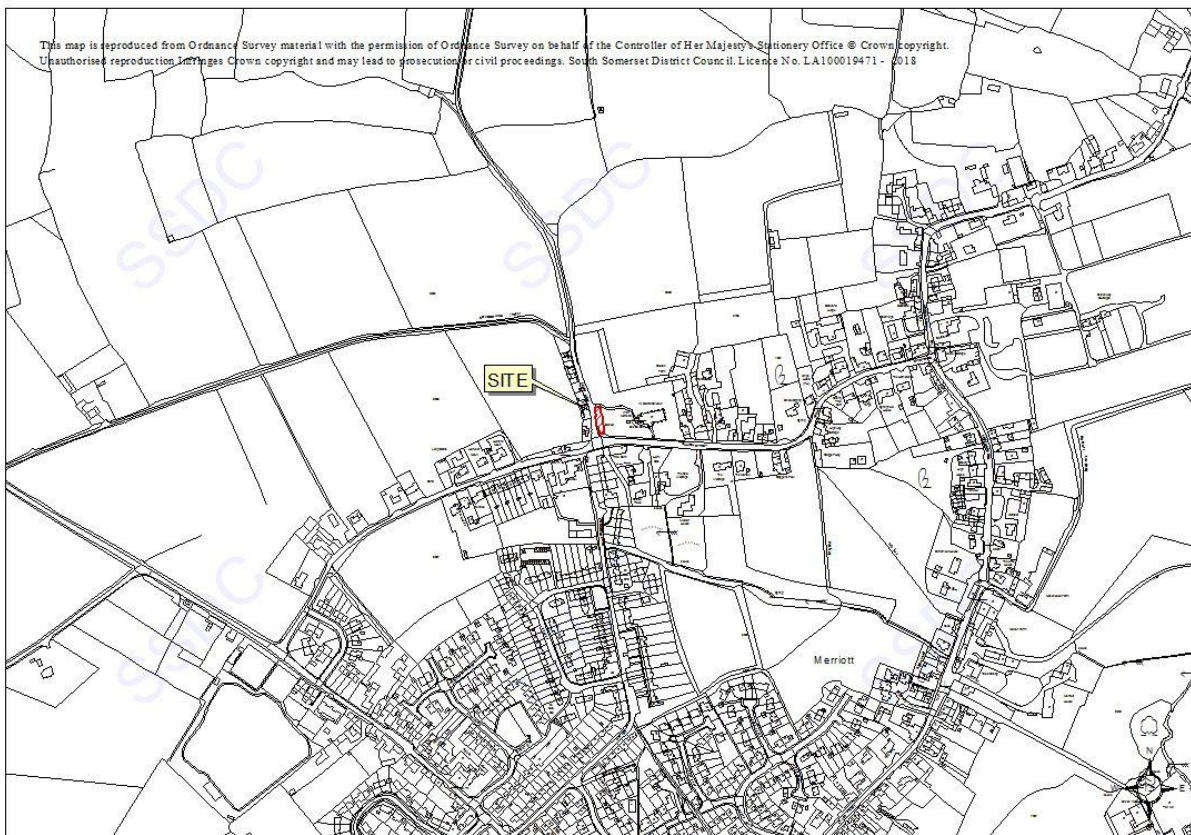
Officer Report On Planning Application: 17/03983/FUL

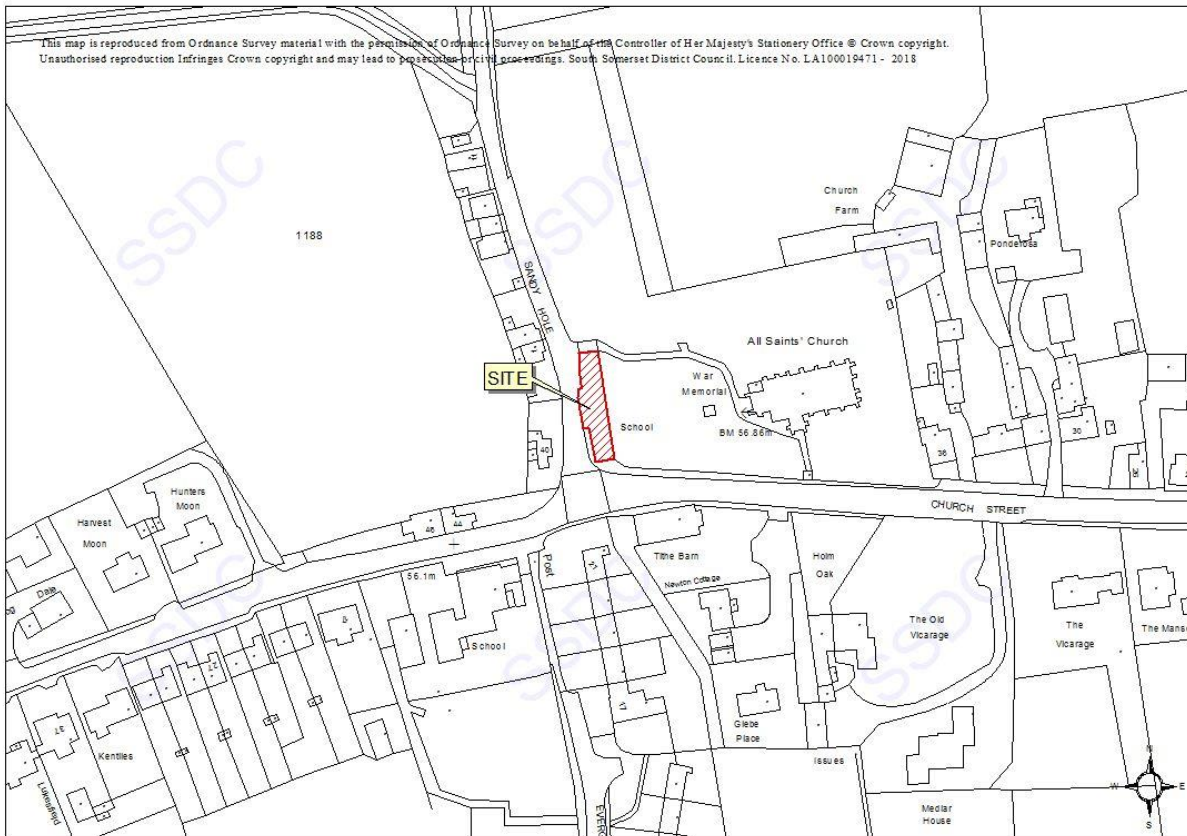
Proposal :	Alterations and change of use of former sunday school to cafe/restaurant (Use class A3) to include removal of 2m of natural stone wall to form pedestrian access and erection of covered walkway. Display of 2 No. fascia signs, 1 No. hanging sign and exterior lighting.
Site Address:	The Former Sunday School Sandyhole Bull Bridge Lane
Parish:	Merriott
EGGWOOD Ward (SSDC Member)	Cllr P Maxwell
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date :	1st December 2017
Applicant :	Mrs Louise Pearce
Agent: (no agent if blank)	
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is being considered by the committee at the request of the ward member to enable discussion of local concerns raised on matters such as car parking.

SITE DESCRIPTION AND PROPOSAL





The site consists of a Grade II listed disused, detached building located in Merriott. The building is located on the western edge of the church yard of All Saints Church which is Grade II* listed. The building is located within the Merriott Conservation Area. Church Street runs along the southern end of the subject building and the adjacent church yard and 'Sandy Hole' runs along the western side of the building meeting Church Street at a T junction. The building was previously used as a Sunday school and it has a D1 planning use class.

It is proposed to change the use of the building to a café and it is envisaged by the applicant that it would have a cyclist theme. The application proposes minor alterations to the fabric of the building to facilitate the use. A pedestrian entrance will be created to provide access into the yard area. This area would provide cycle parking, seating and W/C facilities. Minor demolition of less significant modern additions within the yard area is proposed. Various minor internal alterations are proposed.

During the course of the application various amendments have been made to the proposal including the removal of a covered walkway within the yard. Additional information was submitted in support of the application including a survey of available parking spaces within the vicinity, illustration of visibility splays at the junction of Sandy Hole and Church Street.

There is a concurrent application being considered for listed building consent under reference 17/03984/LBC. There was originally an application under the advertisement regulations, however following the removal of illumination for the advertisements they no longer require advertisement regulation consent and therefore the application was withdrawn.

HISTORY

There is no history of relevance to the proposal.

POLICY

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

For the purposes of determining current applications the Local Planning Authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the South Somerset Local Plan 2015. The Local Plan was adopted by South Somerset District Council in March 2015.

In relation to listed buildings Section 72 of the Listed Building and Conservation Areas Act places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving or enhancing the character and appearance' of the conservation area.

Section 66 of the Listed Building and Conservation Areas Act requires that planning authorities have 'special regard to the desirability of preserving the building or its setting'.

The National Planning Policy Framework (NPPF) is a material consideration.
The following chapters are of most relevance:

National Planning Policy Framework
Chapter 1- Building a strong, competitive economy
Chapter 3 -Supporting a prosperous rural economy
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 8- Promoting healthy communities
Chapter 12- Conserving and enhancing the historic environment

Local Plan (2006-2028)

The following Local plan policies are considered to be relevant:

SD1- Sustainable Development
SS2- Development in Rural Settlements
EP15 - Protection and provision of local shops, community facilities and services
EQ7- Pollution Control
EQ3 - Historic Environment
EQ2 - General development
SS2 - Development in rural settlements
TA5 - Transport impact of new development
TA6 - Parking standards

National Planning Practice Guidance:

The following sections have the most relevance:

- Determining an application.
- Conserving and enhancing the historic environment
- Design

Merriott Village Plan (2014)

The Merriott Village Plan is a material consideration.

Other Policy Considerations

Somerset County Council Parking Strategy (March 2012)

CONSULTATIONS

Merriott Parish Council:

They have concerns regarding parking in Sandy Hole and the potential for congestion in Church Street at busy times - e.g. church services, school pick ups etc.

They also have concerns over disturbance to the residential population and would not be in support of 7 days opening a week and extended opening hours.

No other comments.

Response to amended plans:

No additional comments to make.

SDDC Conservation Officer:

Response to amended plans:

Much better.

Gates still shown arched on elevation and flat on large scale drawings.

We need to detail the making good in the courtyard, and any alterations to the outbuildings. I suspect a lot of work may be required here. Also colour finish of gates. Etc.

First response:

I am generally supportive of the new use of this building.

I have commented separately on the signs and lighting.

Internally I am happy with the proposal.

Externally I am happy with the new gateway to form an access into the yard, but would question if this should be 2m wide and would look to have a wooden solid gate to maintain the wall line, rather than a metal gate with railings. I have since found a drawing of a wooden gate, but still question the width and the curved top.

There are two proposed drawings of the new door and service area. Drawing no FSS-PL-07 is much preferred over FSS-SK-07. We need to know the external colour finish for the doors.

There are no details of the covered walkway. These need to be submitted and I am concerned about the height and appearance of this as described. It may be better to route this around to the east side of the courtyard.

There is no detail of the alterations to the fireplaces to return them to be operational.

We need to condition making good, and the new east boundary trellis. This may be better as a fence.

Please ensure you copy HE regarding the setting of the Church.

Historic England:

No comments to make.

SDDC Environmental Health Officer:

First response:

As per our telephone discussion, I agree that the refuse store appears to be quite small and restrictive and I suggest the following paragraph is included as a comment in the planning response:

"The proposed new refuse store at the side of the courtyard is very restricted in size and therefore limited in the amount of waste that can be kept there. If this proposal is to remain in it's present form, great care must be taken to properly manage the storage of refuse on the premises, which may need more frequent collections to be arranged".

Second response:

I can confirm that I would recommend the removal of the provision of outdoor seating in order to protect the amenity of nearby residential properties.

Highway Authority:

Standing Advice applies

SSDC Highway Consultant:

You will recall my initial comments on this application as follows:

According to the SPS, given the location of the site and the type of use proposed (A3 use class), the scheme should provide parking for 11 cars and 9 cycles. Given the intention of the café to become a 'Feed Station' for cyclists the required level of cycle parking (using Sheffield type stands) should be seen as a minimum. No car parking would be provided. On road parking along the frontage of the church could be an option. The junction of Sandy Hole with Church Street should be assessed as it appears to be substandard. I would be concerned if vehicles seek to park along Sandy Hole as it could lead to a significant increase in use of the junction. It would be useful if an analysis could be carried out to assess the availability of on-road parking along Church Street.

Additional information, photographs and plans have subsequently been submitted by the applicant, including a car parking survey covering Church Street and Sandy Hole on a weekday (Tuesday 21 November) and weekend day (Saturday 18 November) and a plan showing the extent of visibility splays available at the junction of Sandy Hole with Church Street. The site has been visited both during the morning peak hour at the time when pedestrian and vehicular movements associated with the nearby primary school were at their peak, and also late morning when traffic movements in the area were lighter.

The main issues are as follows:

Parking - The proposed development is likely to lead to a demand for the parking of private vehicles by customers and staff of the proposed café. While the scheme offers no off-road parking, on-road parking particularly on Church Street, appears available on most days. I acknowledge that when services are taking place at the church, particularly weddings, christenings and funerals, on road parking will be limited. However, I understand that the extant use of the building falls under a D1 use class and that uses under this classification could give rise to a significant demand for parking. In my opinion, the level of car parking that could be required to accommodate events that could be held at the building under its extant D1 use is likely to be significantly greater than that for the proposed café use. I believe a café in this location is more likely to be used by local people who may walk to the premises and that customers arriving by car would be more sporadic than that which could occur under the existing D1 use. Therefore, on balance, I believe the lack of any off-road car parking is unlikely to cause a significant problem in this case. I have considered the level of movements that occur around the school peak hours, but I believe that the use of the café during these times, particularly during the morning peak hour period, is likely to be less intensive. From the car parking surveys that have been conducted, it would appear that Sandy Hole is already well used for the parking of existing vehicles and therefore if customers do arrive by car, I anticipate them using Church Street rather than Sandy Hole. I note that the development scheme would provide a significant number cycle parking facilities (in the form of cycle racks within the courtyard area) in order to accommodate its objective to become as 'Feed Station' for cyclists.

Junction of Sandy Hole/Church Street - When emerging from Sandy Hole, the visibility splay to the left is extensive, significantly in excess of the required standard. To the right, the sightline is below standard although some vegetation growing from the hedge fronting the property on that corner of the junction which could legitimately be cut back (as it appears to overhang the highway) would improve the splay slightly in that direction. The concern I have is for cyclists who have left the café then seeking to turn right at the junction having sufficient visibility to oncoming traffic travelling eastbound along Church Street. I am mindful that the highway authority has referred this application to its Highways Development Control Standing Advice document. That guidance sets out visibility criteria for new accesses and junctions. However, this is an existing junction. You will recall the appeal decision in Broadway where this issue was raised by the inspector. It would appear that there have been no recorded personal injury accidents

at the junction in at least the last 19 years. While it is acknowledged that the use of the junction would increase as a result of the proposed development, particularly by cyclists, the fact that no injury accidents have been recorded at the junction is compelling evidence given the use of the junction by existing traffic and the use of the building and subsequent use of the junction that could occur under the building's extant planning status. While not an over-riding factor in this case, I am also mindful that cyclists are likely to encounter other road junctions within the area that are equally as, if not more substandard. In addition, there is the opportunity to join Church Street from Sandy Hole by positioning yourself further to the east of the centreline of the junction to improve visibility to the west should cyclists seek a better view to on-coming traffic from the west.

In summary, therefore, I am minded to support the application, mainly on the basis that the traffic generation and demand for parking that could occur with the fall-back position, i.e. the continuation of the extant D1 use of the building, could in my opinion lead to a more significant parking demand and volume of traffic being generated, albeit perhaps not on a daily basis. The requirement for parking and the number of vehicles likely to be generated by the proposed café use may be more regular but, in my opinion, would be less intensive.

In the event that planning permission is required, I recommend conditions are imposed securing the details as shown on the submitted plans.

REPRESENTATIONS

Following consultation, representations have been received from 8 households, 6 objecting to the application and two in support. One of the letters of support is from the Parochial Church Council to All Saints Church. The following comments are made:

Highway impacts:

- Concerns over a lack of car parking- pressure from school, church services and associated activities etc.
- Concerns over highway safety due to the busy nature of the road/junction, substandard highway network and existing surrounding uses such as the school.
- Concerns over access/manoeuvring for delivery vehicles.

Other matters:

- Loss of privacy for people tending recent graves near to the building.
- No need for another café in the village given that there are other catering facilities within the village.
- Adverse impact on neighbour amenity- inappropriate commercial use in a residential area.
- Adverse impact on drainage system.
- Concerns over illuminated signs.

Support:

- Proposal will secure the future use of the building.
- General benefit to the community. Modest alterations- not detrimental to the building.
- Employment generation.
- Can there be a restriction on opening hours in the evening?
- Can the following highway mitigation measures be put in place:
 1. Single or double yellow lines on the opposite side of Church Street to ensure free flow of traffic.
 2. Introduction of a 20mph speed limit along Church Street.

CONSIDERATIONS

PRINCIPLE OF DEVELOPMENT:

There are a number of Local Plan policies and sections within the NPPF that are relevant to this proposal. As stated above, development proposals must be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy EP 15; 'Protection and provision of local shops, community facilities and services', states:

Provision of new community facilities and services will be supported. Proposals that would result in a significant or total loss of site and/or premises currently or last used for a local shop, post office, public house, community or cultural facility or other service that contributes towards the sustainability of a local settlement will not be permitted except where the applicant demonstrates that:

- alternative provision of equivalent or better quality, that is accessible to that local community is available within the settlement or will be provided and made available prior to commencement of redevelopment; or
- there is no reasonable prospect of retention of the existing use as it is unviable as demonstrated by a viability assessment, and all reasonable efforts to secure suitable alternative business or community re-use or social enterprise have been made for a maximum of 18 months or a period agreed by the Local Planning Authority prior to application submission.

Policy SS2 states (inter alia) that development in Rural Settlements will be strictly controlled to various types of development, including those that create or enhance community facilities and services to serve the settlement".

In addition there is general support for the development of community facilities within paragraphs 28 and 70 of the NPPF.

Having regard to the above, there is general policy support for the principle of the proposal, however the acceptability depends on the site specific planning considerations and compliance with the relevant development plan policies relating to matters such as neighbour amenity, highway and heritage impacts. These matters are assessed against Local Policies EQ2, EQ3, TA5 and TA6.

CHARACTER AND APPEARANCE/IMPACT ON THE LISTED BUILDING:

The proposal would necessitate relatively minor alterations to the listed building. The most noticeable external alteration would be the provision of signage. This is being dealt with under separate listed building consent application and are considered to be acceptable.

The Conservation Officer does not object to the amended plans and has requested conditions to deal with details. Other details such as the colour/finish of new doors, alterations to the fireplaces, external boiler vent can be conditioned.

Historic England have not provided detailed comments on the proposal. Having regard to the above it is considered that the proposal would respect the historic character of the listed building and the setting of the Grade II* listed church in accordance with Policy EQ3 of the South Somerset Local Plan (2006-2028)

RESIDENTIAL AMENITY:

Concerns have been raised by local residents about the impact on amenity by way of noise and general disturbance. It is considered that the proposal would be acceptable in this regard. The applicant has proposed opening hours of 08.00-18.00 Monday to Sunday. Within a residential area, some uses with these opening hours may not be considered appropriate, however given the use as a café it is considered that it would be sufficiently 'low key' so as to have an acceptable impact on neighbour amenity. It is acknowledged that the garden of the adjoining dwelling on the opposite side of the street is approximately 7 metres away, however the outdoor seating area is relatively small so the numbers of users would be limited. The Councils Environmental Protection department have recommended that

tables and chairs are not provided within this area, however in this instance it is considered that the potential impacts would not be sufficiently great to warrant a condition restricting tables and chairs within the yard. Additionally, regard is also given to the lawful use of the building which would allow uses such as creches, day nurseries, schools to operate within the site on an unrestricted basis. Given these considerations it is considered that there are insufficient grounds to warrant a restrictive planning condition preventing tables and chairs within the yard area. Notwithstanding these considerations it is considered appropriate to restrict amplified music within the exterior areas of the site and as such a condition is included within this decision.

An objection has been received on the basis of the impact on recent graves within the church yard and the implications for people tending to the graves as they are overlooked by existing windows within the building. These windows are directly adjacent to the graves and serve the seated café area and the kitchen/servers area. In planning terms the impact of these windows would normally be acceptable as they are existing windows and the building can currently lawfully be used for a variety of uses. On balance, in planning terms it is therefore not reasonable to insist in obscure glazing to these windows via a planning condition. Given the sensitivity of the issue, it has been raised in discussions with the applicant as internal curtains or blinds to the lower sections of the windows would mitigate the concerns.

Having regard to the above, it is considered that the proposal would have an acceptable impact on neighbour amenity and would therefore comply with Policy EQ 2 of the South Somerset Local Plan (2006-2028).

HIGHWAY SAFETY:

Concern has been raised by local residents about the highway and parking impact. The Councils highway consultant has considered the application in detail and has carried out an assessment on site. The Highway Consultants comments are included within the consultee section of this report.

In summary, the two main areas identified for consideration are the impact in relation to on street parking and the visibility splay at the junction of Sandy Hole and Church Street. In summary, it is considered that the impact on parking will not be significant to a degree that would warrant refusal. It is considered that a significant proportion of customers would be local and would walk to the site and that movements are likely to be spread throughout the day rather than having intense peak periods that would be generated by the buildings previous use as a Sunday school.

The safety implications of the adjacent junction have been considered and judged to be acceptable. There are numerous factors cited by the Highway Consultant including the existing extant lawful use of the building, the lack of recorded accidents and injuries at the junction and the fact that cyclists visiting the café are likely to encounter many similar and worse junctions over the course of a ride. Overall, given the above factors it is considered that the highway implications of the proposal would be acceptable and accordingly it is considered that the proposal would accord with Policies TA5 and TA6 of the South Somerset Local Plan (2006-2028).

RECOMMENDATION:

Grant permission subject to conditions

01. The proposed change of use would represent an appropriate reuse of the listed building and would not harm the setting of the Grade II* listed Church. It would provide a community facility within the village and would have an acceptable impact on neighbour amenity, highway safety and parking provision. Accordingly the proposal would accord with Policies EP15, EQ2, EQ3, TA5 and TA6 of the South Somerset Local Plan (2006-2028) and paragraphs 28 and 70 of the National Planning Policy Framework (2012).

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. Other than as required by conditions the development hereby permitted shall be carried out in accordance with the following approved plans:.FSS-PL-03A; 01A; 02D; 07A; 08A only.

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

03. The use hereby permitted shall not be open to customers outside the following times: 08.00-18.00, Mondays to Sundays.

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

04. The cycle storage detailed on plan No. FSS-PL-08A, FSS-PL-01A shall be installed prior to the commencement of the use hereby permitted. The approved cycle details shall be retained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable transport options in accordance with Policy TA6 of the adopted South Somerset Local Plan (2006 - 2028).

05. No system of public address, loudspeaker, amplifier, relay or other audio equipment shall be operated on any building or otherwise on any part of the subject land.

Reason: In the interests of residential amenity in accordance with Policy TA6 of the adopted South Somerset Local Plan (2006 - 2028).

Informatives:

01. The proposed new refuse store at the side of the courtyard is very restricted in size and therefore limited in the amount of waste that can be kept there. If this proposal is to remain in it's present form, great care must be taken to properly manage the storage of refuse on the premises, which may need more frequent collections to be arranged
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Agenda Item 16

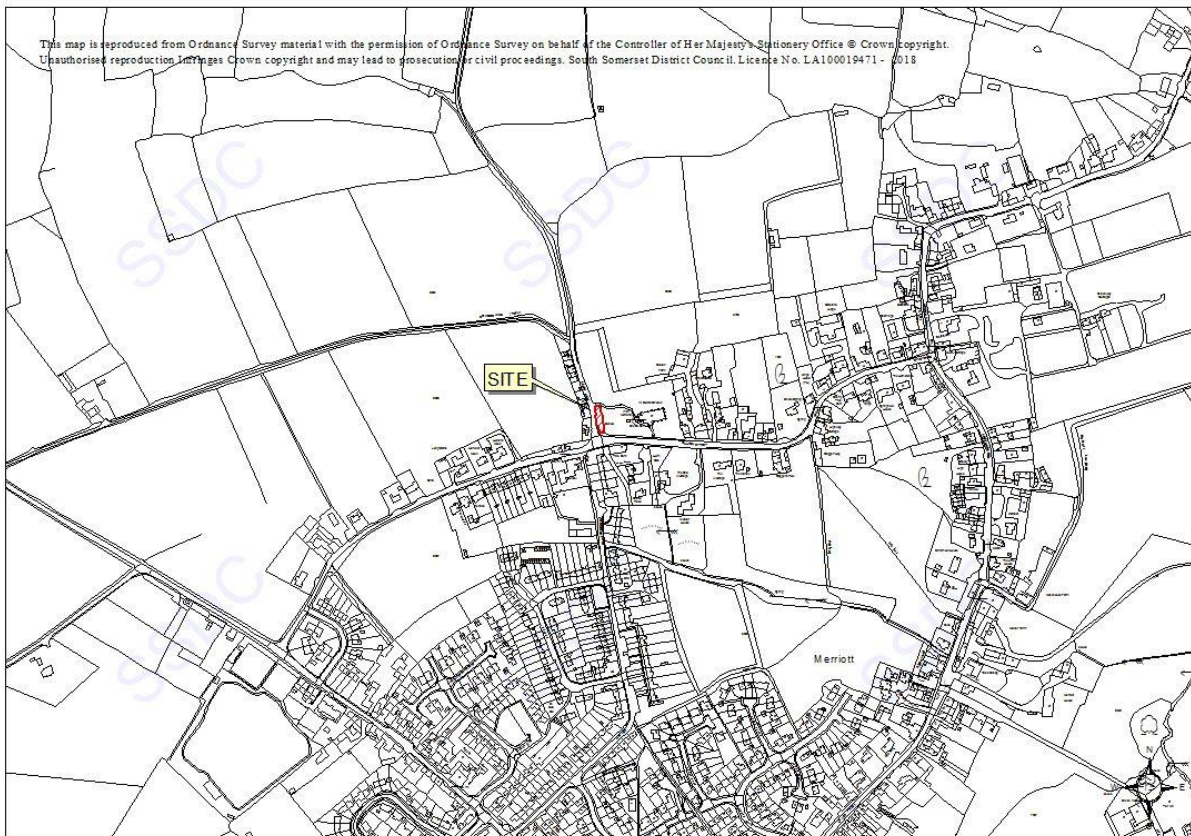
Officer Report On Planning Application: 17/03984/LBC

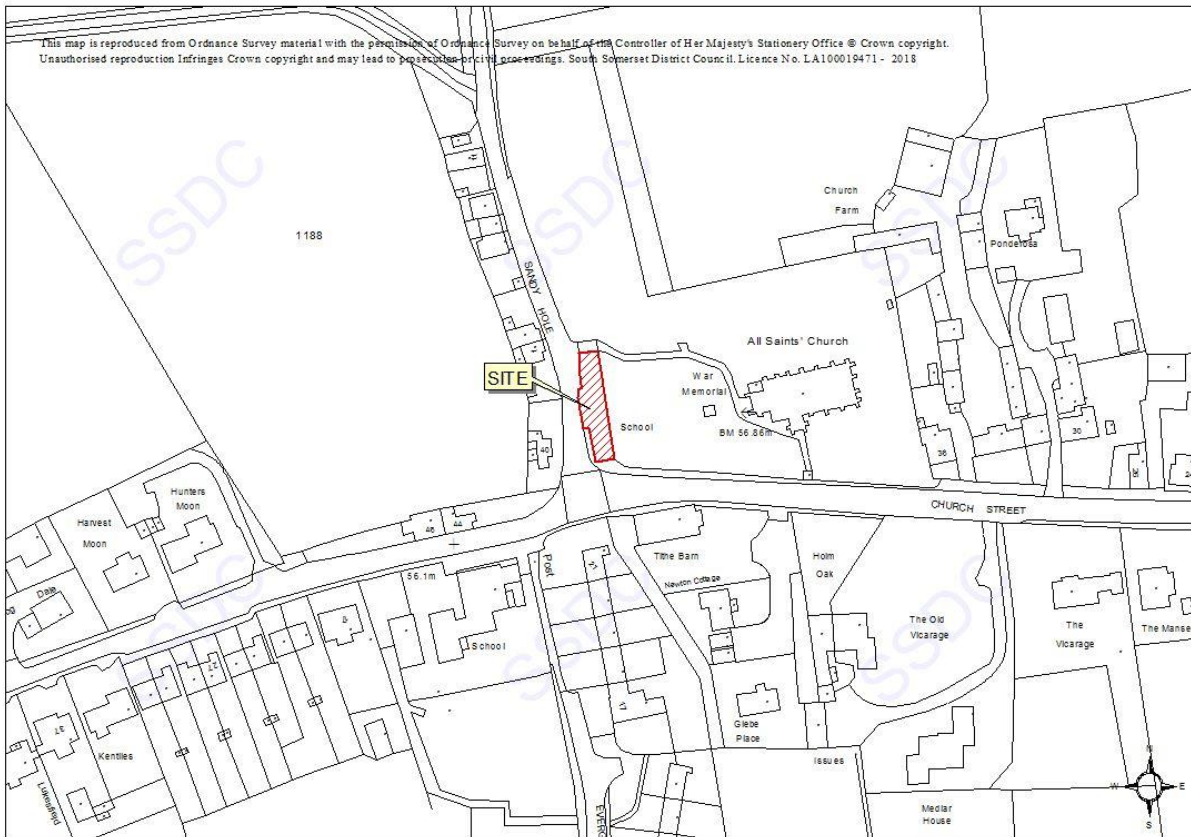
Proposal :	Alterations and change of use of former sunday school to cafe/restaurant (Use class A3) to include removal of 2m of natural stone wall to form pedestrian access and erection of covered walkway. Display of 2 No. fascia signs, 1 No. hanging sign and exterior lighting.
Site Address:	The Former Sunday School Sandyhole Bull Bridge Lane
Parish:	Merriott
EGGWOOD Ward (SSDC Member)	Cllr P Maxwell
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date :	1st December 2017
Applicant :	Mrs Louise Pearce
Agent: (no agent if blank)	
Application Type :	Other LBC Alteration

REASON FOR REFERRAL TO COMMITTEE

The application is being considered by the committee at the request of the Ward Member due to concerns expressed over the impact of the advertisements on the listed building.

SITE DESCRIPTION AND PROPOSAL





The site consists of a Grade II disused, detached building located in Merriott. The building is on the western edge of the church yard of All Saints Church which is Grade II* listed. The building is located within the Merriott Conservation Area. Church Street runs along the southern end of the subject building and the adjacent church yard and 'Sandy Hole' runs along the western side of the building meeting Church Street at a T junction. The building was previously used as a Sunday school and it has a D1 planning use class.

It is proposed to change the use of the building to a café and it is envisaged by the applicant that it would have a cyclist theme. This application seeks consent for minor alterations to the fabric of the building to facilitate the use. A pedestrian entrance will be created to provide access into the yard area. Demolition of less significant modern additions within the yard area is proposed. Minor internal alterations are proposed such as the reinstatement of fireplaces, demolition of stud partitions and in insertion of a 'bar' serving area. The application also seeks consent for the installation of two fascia signs and one hanging sign.

There is a concurrent application being considered for full planning permission for the change of use under reference 17/03983/FUL. There was originally an application under the advertisement regulations, however following the removal of illumination for the advertisements they no longer require advertisement regulation consent and therefore the application was withdrawn.

HISTORY

There is no history of relevance to the proposal.

POLICY

Section 16 of the Listed Building and Conservation Areas Act is the starting point for the exercise of

listed building control. This places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

National Planning Policy Framework: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

Whilst Section 38(6) of the 2004 Planning Act is not relevant to this listed building application, the following policies should be considered in the context of the application, as these policies are in accordance with the NPPF.

South Somerset Local Plan (2006-2028):
Policy EQ2- General Development
Policy EQ3- Historic Environment

National Planning Policy Framework (March 2012):
Chapter 7- Requiring good design
Chapter 12 - Conserving and Enhancing the Historic Environment

CONSULTATIONS

Merriott Parish Council:
No comments submitted.

SSDC Conservation Officer:
Response to amended plans:
Much better.
Gates still shown arched on elevation and flat on large scale drawings.

First comment:

I am generally supportive of the new use of this building.

I have commented separately on the signs and lighting.

Internally I am happy with the proposal.

Externally I am happy with the new gateway to form an access into the yard, but would question if this should be 2m wide and would look to have a wooden solid gate to maintain the wall line, rather than a metal gate with railings. I have since found a drawing of a wooden gate, but still question the width and the curved top.

There are two proposed drawings of the new door and service area. Drawing no FSS-PL-07 is much preferred over FSS-SK-07. We need to know the external colour finish for the doors.

There are no details of the covered walkway. These need to be submitted and I am concerned about the height and appearance of this as described. It may be better to route this around to the east side of the courtyard.

There is no detail of the alterations to the fireplaces to return them to be operational.

We need to condition making good, and the new east boundary trellis. This may be better as a fence.

Please ensure you copy HE regarding the setting of the Church.

We need to detail the making good in the courtyard, and any alterations to the outbuildings. I suspect a

lot of work may be required here. Also colour finish of gates. Etc.

REPRESENTATIONS

Following consultation, representations have been received from 4 households, 3 objecting to the application and one in support. Additionally a letter of support has been received from Merriott Heritage trust. It is noted that most of the comments submitted under this application are only relevant to the full application as opposed to issues relevant to this listed building consent application. The following relevant comments are made:

- Use will preserve the building.
- Concerns over signs not appropriate on a listed building in a conservation area, particularly with illumination.

CONSIDERATIONS

CHARACTER AND APPEARANCE/IMPACT ON THE LISTED BUILDING:

The sole consideration relates to whether the proposal would have an acceptable impact on the historic character, interest and fabric of the listed building. The proposal would necessitate relatively minor alterations and the Councils Conservation Officer has commented that the proposal would be acceptable. Conditions are required to secure details of various matters such as making good, the colour/finish of doors, external lighting etc. In terms of the advertisements, following amendments which removed the illumination and improved their size/form the advertisements are considered to be acceptable.

Following consultation, Historic England have not provided detailed comments on the proposal. Having regard to the above it is considered that the proposal would respect the historic character of the Listed building in accordance with Policy EQ3 of the South Somerset Local Plan (2006-2028).

RECOMMENDATION:

Approve with conditions:

01. The proposed works are considered acceptable, and do not adversely affect the character and setting or the historic and architectural interests of the listed building, in accordance with the aims and objectives of saved policies EQ3 And EQ2 of the South Somerset Local Plan 2006 and the provisions of chapter 12 of the National Planning Policy Framework (2012).

SUBJECT TO THE FOLLOWING:

01. Notwithstanding the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 this consent shall be deemed to have been implemented in June 2017, as prescribed by Section 8 of the above Act.

Reason: To comply with section 8 of the above Act.

02. Other than as required by conditions the development hereby permitted shall be carried out in accordance with the following approved plans: FSS-PL-03A; 01A; 02D; 07A; 08A only.

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

03. No work shall be carried out in relation to all new services to the kitchen, and WC until full details of the said services including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details,

once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character of the listed building in accordance with policy EQ3 of the South Somerset Local Plan (2006-2028).

04. No work shall be carried out on site in relation to the removal of any building fabric unless details of any making good of any existing structure abutting any of those to be demolished, have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of the special architectural and historic interests of the listed building and in accordance with policy EH3 of the South Somerset Local Plan (2006-2028).

05. Prior to application to the building, details of the colour of all new external finishes (paint or limewash) shall be agreed in writing by the Local Planning Authority.

Reason: In the interests of the special architectural and historic interests of the listed building and in accordance with policy EH3 of the South Somerset Local Plan (2006-2028).

06. Prior to their installation, details of the slates (including the submission of samples where appropriate) to be used for the cladding of the lean to illustrated on plan no. FSS-PL-01A shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of the special architectural and historic interests of the listed building and in accordance with policy EH3 of the South Somerset Local Plan (2006-2028).
