

**South Somerset District Council**  
*Notice of Meeting*



# Area North Committee

*Making a difference where it counts*

**Wednesday 25 June 2014**

**2.00pm**

**The Village Hall  
Main Street  
Chilthorne Domer  
BA22 8RD**

(disabled access is available at this meeting venue)



The public and press are welcome to attend.

**Please note: Planning applications will be considered no earlier than 3.30pm.**

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, Becky Sanders on Yeovil (01935) 462462.

email: [becky.sanders@southsomerset.gov.uk](mailto:becky.sanders@southsomerset.gov.uk)

website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

This agenda was issued on Tuesday 17 June 2014.

*Ian Clarke, Assistant Director (Legal & Corporate Services)*

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



INVESTOR IN PEOPLE



## Area North Membership

Pauline Clarke  
Graham Middleton  
Roy Mills  
Terry Mounter  
David Norris

Patrick Palmer  
Shane Pledger  
Jo Roundell Greene  
Sylvia Seal

Sue Steele  
Paul Thompson  
Barry Walker  
Derek Yeomans

### Somerset County Council Representatives

Somerset County Councillors (who are not also elected district councillors for the area) are invited to attend area committee meetings and participate in the debate on any item on the agenda. **However, it must be noted that they are not members of the committee and cannot vote in relation to any item on the agenda.**

### South Somerset District Council – Council Plan

Our focuses are: (all equal)

- Jobs – We want a strong economy which has low unemployment and thriving businesses.
- Environment – We want an attractive environment to live in with increased recycling and lower energy use.
- Homes – We want decent housing for our residents that matches their income.
- Health & Communities – We want communities that are healthy, self-reliant, and have individuals who are willing to help each other.

### Scrutiny procedure rules

Please note that decisions taken by Area Committees may be "called in" for scrutiny by the council's Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.

### Consideration of planning applications

Consideration of planning applications for this month's meeting will commence no earlier than 3.30pm, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

### Highways

A representative from the Area Highways Office will normally attend Area North Committee quarterly in February, May, August and November – they will be usually be available from 15 minutes before the meeting venue to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset Highways direct control centre on 0845 345 9155.

### Members questions on reports prior to the meeting

Members of the committee are requested to contact report authors on points of clarification prior to the committee meeting.

## Information for the public

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

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

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

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

Meetings of the Area North Committee are held monthly, usually at 2.00pm (unless specified otherwise), on the fourth Wednesday of the month (except December) in village halls throughout Area North (unless specified otherwise).

Agendas and minutes of area committees are published on the council’s website [www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions](http://www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions)

The council’s Constitution is also on the web site and available for inspection in council offices.

Further information about this committee can be obtained by contacting the agenda co-ordinator named on the front page.

### Public participation at committees

This is a summary of the protocol adopted by the council and set out in Part 5 of the council’s Constitution.

### Public question time

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

## **Planning applications**

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the public question time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to 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.

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

### **If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest**

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

# Area North Committee

## Wednesday 25 June 2014

### Agenda

#### *Preliminary Items*

1. **To approve as a correct record the minutes of the meetings held on 15 May 2014 and 28 May 2014.**
2. **Apologies for absence**
3. **Declarations of interest**

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9. In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

#### *Planning applications referred to the Regulation Committee*

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

Councillors Terry Mounter, Shane Pledger, Sylvia Seal and Paul Thompson.

Where planning applications are referred by this committee to the Regulation Committee for determination, in accordance with the council's Code of Practice on Planning, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as members of that committee and not as representatives of the Area Committee.

4. **Date of next meeting**

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 23 July 2014** at the **Village Hall, Norton Sub Hamdon**.

5. Public question time
6. Chairman's announcements
7. Reports from members

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***Items for Discussion***

8.	Flood Recovery and 20 Year Flood Action Plan Update .....	1
9.	Area Development (North) – Review of 2013-14 and Priorities for 2014-15 .....	2
10.	LEADER Programme for Rural Economic Development (Executive Decision).....	20
11.	Area North Committee Working Groups and Outside Organisations – Appointment of Members 2014/15 (Executive Decision) .....	24
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**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.**

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## 8. Flood Recovery and 20 Year Flood Action Plan Update

*Strategic Director:* Rina Singh, Place and Performance  
*Assistant Director:* Kim Close/Helen Rutter, Communities  
*Service Manager:* Charlotte Jones, Area Development Manager (North)  
*Lead Officer:* As above  
*Contact Details:* [charlotte.jones@southsomerset.gov.uk](mailto:charlotte.jones@southsomerset.gov.uk) or (01935) 462251

The Area Development Manager (North) will provide a verbal update on the latest situation regarding the 20 Year Plan and recovery plan, including:

- Progress of the Thorney Ring Bank Scheme
  - Communications about the progress of the 20 Year Plan
-



Area North Committee – 25 June 2014

## 9. Area Development (North) – Review of 2013-14 and Priorities for 2014-15

*Strategic Director:* Rina Singh, Place and Performance  
*Assistant Directors:* Helen Rutter / Kim Close, Communities  
*Service Manager:* Charlotte Jones, Area Development Manager (North)  
*Lead Officer:* As above  
*Contact Details:* charlotte.jones@southsomerset.gov.uk or (01935) 462251

### Purpose of the Report

To report on work undertaken by the Area Development (North) Service during 2013-14 and to look ahead to 2014-15

Councillors are asked to contact the Area Development Manager (North) or other named contacts in advance of the meeting with requests for further information.

### Public Interest

Area Development teams support the council's four Area Committees (North, South, East and West) to secure investment in local social, economic and environmental priorities for Yeovil, the market towns and rural areas of South Somerset.

This is our end of year report for 2013-14 which also looks ahead to 2014-15.

### Recommendations

- (1) Note and comment on the report and presentation highlighting any specific current issues within wards and parishes.
- (2) Endorse the proposed priorities and work programme for Area North for 2014-15 set out on page 5 and at Appendix A.

### 1. Area North Development - what was achieved – 2013-14

The work of the Area Development Service broadly falls into three areas designed to support the community leadership role of the Area Committees and local ward members:-

- locally led innovation and investment;
- local access to services and
- community engagement – including our work with town and parish councils.

**Local innovation and investment:** - we work with communities to make a difference to local social, economic or environmental well-being. We use the principles of 'Asset Based Community Development' to achieve this. This means building on what you've got and making the most of opportunities rather than a focus on 'gaps' and problems. The Area Development team can assist with (or find other sources of help for) community led project planning, consultation, securing resources, delivery and monitoring. This work can

include frequent contact lasting some years or be a very 'light touch' and this will depend on the needs of the group and significance of the project. We also work with other SSDC services to help deliver the Council Plan and other relevant strategies.

- During 2013-14 Area North awarded grants of £50,078 to 15 community led local projects, worth a total overall investment of £295,000 and supported around 65 further projects (in addition to the 'enquiries' noted below). This includes projects led by a community group or partnership, or directly by SSDC.
  - Appendix A lists projects supported ward by ward.
  - Appendix B is the list of community grants awarded. The average % of SSDC funding was 17%, this means that for every £1 of SSDC funding into community projects, a further £5 was invested through local fundraising, parish precepts and external grants.
- During the year the team handled over 120 different requests for information, project support, guidance, printing or hire of equipment from ward members, town and parish councils, local businesses, other public organisations and community groups. Some examples are:
  - The loan of display boards to parish councils for public consultation events.
  - Rapid printing of posters for a public meeting to discuss community ownership of the local shop / post office
  - Providing a set of useful contacts for a group researching for a proposal to take on the management and ownership of the village pub
  - Finding advice and support on complex employment matters for a parish council
  - Assistance to local residents to design and issue a consultation survey as part of reviewing the parish plan, and help to analyse the results.
  - Help to find help (!) to discuss local transport issues.
  - Help to arrange a local workshop for parish councillors to discuss planning matters
  - Providing an explanation of the Community Right to Bid
- We considered the impact of around 20 planning applications in Area North, and made consultation responses to provide additional local evidence where appropriate.
- The Localism Act 2010 introduced the 'Community Right to Bid' (CRTB). Nominations are assessed by the Area Development Manager. Area Development received a number of enquiries during the year relating to the CRTB and there are four properties registered on the Council's register of assets of community value in Area North. During the year two registered properties came onto the market and in both cases the six month moratorium period was triggered to provide time for a community led bid to be made to the landowner. Both periods have ended and neither has resulted in the asset being sold to date. CRTB assets are shown in Appendix A under the relevant parish.

**Local access to services:** - SSDC operates a network of community offices across South Somerset where residents can find face to face help with their enquiries and requests. In addition the Area North team work in partnership with other agencies and local communities to maintain and develop local access to services.

- In 2013-14 the Langport Community Office service handled 1222 requests for help and information from residents including 735 (61%) for help with council tax, housing and welfare benefits. The service is available from 9am – 2pm Monday, Tuesday and

Thursday and is co-located with the Local Information Centre, and Links Community Transport Service.

- Area North helped to fund and arrange additional face to face support from a Welfare Benefits Advisor during 2013-14. This service continues to be available, without additional funding, including regular surgery sessions in Langport and Somerton, together with the work of advisors handling individual cases across the area referred to them.
- The severe flooding events in the winter of 2013-14 had a significant impact on communities in Area North where many homes or businesses were flooded coupled with numerous road closures over many weeks. The Area North team worked alongside many other SSDC services and partners to help maintain access to services and day to day life. We also contributed to the creation of the 20 year flood action plan, and the evidence base for local economic impact.
- A £5000 grant (included in the total for community grants above) from Area North to the Somerton and Langport Links Community Transport service, helped purchase a new vehicle and the service as a whole provided 10,117 passenger journeys (71,134 total miles) during 2013-14. This is an increase of 305 passengers and 31000 miles on 2012/13. The Area Development team can find help to discuss local transport issues, or to help with locally led ideas for improvement.
- The four Local Information Centres in Area North (Somerton, Langport, Martock, South Petherton), fulfil an important role for visitors and residents alike. Area North maintains links with the volunteer / parish council groups who manage the LICs, through a service level agreement and a small annual contribution to running costs. During 2013/14 volunteers handled over 9500 enquiries. All groups continue to experience 'challenges' in recruiting volunteers, however all four remain positive about the future. All LICs have different issues and importantly are not standing still, by looking at ways to continue to improve their services.

#### **Community Engagement including town and parish council liaison**

- An Area North community event held in May 13 event was attended by around 60 local volunteers / councillors and included presentations on Superfast Broadband and planning for Civil Emergencies. A range of agencies provided face to face help and information including the local policing team. The event is a forum for discussion and networking and helps raise awareness of who can help in solving local problems or to develop new ideas including grant funding and other support.
- The SSDC Area North annual meeting with town and parish councils was held in October, and attended by 37 councillors representing 19 (out of 31 in Area North) town and parish councils. Discussion / presentations covered planning matters and developing 'community assets'. Good feedback and a number of follow up enquiries received.
- Area Development, Development Management and Spatial Policy teams provide guidance to communities including town and parish councils to re-fresh community plans through local consultation and research and to better understand the land-use planning system and local priorities for development. No formal applications to create a Neighbourhood Plan have been submitted to SSDC. Officers will help arrange discussion / workshops with parish councils on request.

## Looking ahead - Area North priorities and work programme for 2014-15

The current Area North priorities (Jobs, Affordable Housing, Local self-help and Flood & Water Management) are still felt to be relevant for the time and place – providing the framework for work supported or directly managed by the Area North team, underpinned by the Area Committee's influence and budgets.

- **Jobs** – *we will aim to add value to the economy in Area North, through promoting local economic development and the availability of local employment, promoting the availability of Superfast Broadband; and enhancing the offer to visitors to extend stay and spend.*
  - In the coming year this will specifically include actions to support the 20 Year Flood Action Plan (business resilience); the success of the future Leader programme for the Levels and Moors; completing the signage and marketing project; and further work to assess the current supply / demand for employment land in Area North.
- **Affordable Housing** – *we will promote the delivery of affordable homes in Area North, including support to test and develop new models.*
  - In the coming year this will specifically include work to secure as much progress as can be achieved in Norton, Compton Dundon and Ash. In addition assistance with local housing needs surveys can be provided, together with help understand how delivering affordable housing works, and to connect parishes with housing providers and vice versa.
- **Self-Help** – *we will promote greater levels of self-help to promote the sustainability of local services and facilities for all ages.*
  - In the coming year this will specifically include support to projects still to be completed from the 2013-14 programme, supporting progress in a variety of ways. We will continue to promote access to our general enquiries service to help residents; councillors; businesses and groups find the help and information they need. A number of new projects for 2014-15 have been added and these are shown in Appendix A.
- **Flood and Water management** – *we will promote locally led solutions which prevent unacceptable flood events in our communities; we will support the work of the Somerset Water Management Partnership including the task force for the Levels and Moors; we will seek to include past learning from the Parrett Catchment Project into future solutions and we will support the partnership of the 20 Year Flood Action Plan to deliver its objectives including a long term solution to flood relief and the return our rivers to their 1960's profile.*
  - In the coming year this will specifically include support to raise awareness of and engagement with the objectives and progress of the 20 Year Flood Action Plan, together with support for actions in the South Somerset / Somerset Flood Recovery Plan. This includes the completion of the Repairs and Renewal and Business Support Grants programmes; and construction of the Thorney Ring Bank.

**Attached:**

Appendix A - Area Development Programme 2013-14

Appendix B – Grants awarded under Community Grants programme 2013-14

**Financial implications**

In addition to the staffing budget and small support budgets, there is a revenue budget £16,680 to support community led projects through grants. There is £240,536 for future allocation to local priority schemes in the Area North Capital Programme for the next 2-3 years. The Area North unallocated reserve stands at £15,600.

**Council Plan Implications**

The recommended priorities are in line with the Council Plan (2012-2015). The service team considers the implications for the Council Plan when negotiating support for local projects, handling enquiries and assessing grants.

**Carbon Emissions and Climate Change Implications**

None directly from this report. There are a number of local initiatives designed to promote carbon reduction for example promoting sustainable tourism. In particular where we are asked to support buildings projects, applicants are expected to assess the business case for energy efficiency and carbon reduction. Opportunities for sustainable transport and promoting local self-containment are encouraged.

**Equality and Diversity Implications**

None directly from this report. Projects and initiatives will be designed or assessed for support using the principles of equality analysis, and many will make a direct contribution to the Council's Single Equality Scheme. For example projects for community facilities will be expected to demonstrate accessibility and other considerations to promote equalities and diversity objectives.

**Background Papers:** *SSDC Council Plan; Area Development Plan 2013-14*

## Appendix A

### Area Development Programme 2013-14

Project number	AN team contact	Ward	Parish	Action / Service / Project (work supported by SSDC in 2013-14)	What happened / what we helped with	2014-15
1	CJ	Area North	Area North	Continue to build SSDC engagement with Town & Parish Councils, including arrangements for the Annual Meeting.	Annual meeting with Town & Parish Council meeting held in October and was attended by 37 councillors representing 19 Town & Parish Councils, covered planning matters and developing 'community assets' - good feedback.	Continue
2	CJ	Area North	Area North	Support local community engagement and partnerships between agencies, raising awareness and encouraging innovation	Area North Community Event (May 13) was attended by 15 partner representatives and around 60 people consisting of councillors and representatives from community groups in Area North. The event consisted of 2 presentations and networking time and received good feedback. Regular contact with Neighbourhood Policing team takes place to review actions to support local priorities for crime reduction and community safety.	Continue
3	TO	Area North	Area North	Support creation and launch of South Somerset market towns "app" (and other local marketing initiatives)	Launched for 9 Market Towns (including Langport, Somerton & Martock) with an aim to promote businesses and local facilities within the towns. The app is free to download in Android & Apple formats. Further development is underway as part of wider marketing support to market towns.	Continue
4	TO	Area North	Area North	Support Community Youth project steering group (local employment of community youth workers)	Continuing to be successful supporting parishes of Somerton, Martock, the Hamdons, Tintinhull, Kingsbury Episcopi and the Charltons. Steering group establishing as Charitable Incorporated Organisation.	Completed (individual projects supported parish by parish).
5	PB	Area North	Area North	Implement Area North marketing and signage programme.	£20,000 allocated from Area North capital programme. Initial stage completed to encourage locally led initiatives and clarify / explain complex rules and procedures to erect / display signage. Councillor working group have agreed criteria and agreed initial applications.	Continue

Project number	AN team contact	Ward	Parish	Action / Service / Project (work supported by SSDC in 2013-14)	What happened / what we helped with	2014-15
6	SK	Area North	Area North	Support holiday programme of community play events	Playdays took place in August 2013 in Stoke Sub Hamdon, High Ham, Kingsbury, Seavingtons & Somerton with a theme around Zoo creatures. Around 240 children attended these community led play days. Plan being worked up with Community Health and Leisure for 2014 events.	Continue
7	CJ	Area North	Area North	Monitor progress of Devon & Somerset Broadband Programme and promote local involvement in community and business engagement programmes	Presentation made by Cosmic at the Area North Community Event in May. More details of planned 'roll-out' are becoming available, but limited positive news to date.	Continue
8	CJ	Area North	Area North	Monitor progress of flood/water management in Somerset and promote local involvement to address and mitigate the effects of flooding	£1,000 funding agreed to Levels & Moors Task Force. A shared 'vision' agreed. Severe flood events during January / February led to rapid agreement of a 20 year flood action plan for Levels and Moors, which is underpinned by the vision. Response and Recovery stages supported alongside many other services / agencies, together with preparation of 20 year plan.	Continue
9	CJ	Area North	Area North	Support 'Transition Year' for the Levels and Moors Leader Programme, and contribute to a revised funding bid for 2015-20.	Initial consultation on revised programme started. Executive group meeting. New workshop units at Barrington Court opened May 2014.	Continue
10	TO	Burrow Hill	Kingsbury Episcopi	Support improvements at Kingsbury Episcopi recreation ground	£750 grant awarded (12-13) - project completed - several pieces of outdoor 'gym' equipment installed.	Complete
11	SK	Burrow Hill	Kingsbury Episcopi	Support development of new build community facilities for sport, village hall and community shop / cafe	Planning consent granted for new pavilion combining community shop & café, community hall and changing rooms. Guidance for Stage One bid to the BIG Lottery successful.	Continue

Project number	AN team contact	Ward	Parish	Action / Service / Project (work supported by SSDC in 2013-14)	What happened / what we helped with	2014-15
12	TO	Burrow Hill	Barrington	Support Barrington Football Club to purchase freehold of football field.	Grant of £10,000 awarded, with special condition to secure long term ownership by community.	Continue
13	CJ	Burrow Hill	Barrington	Barrington Oak - Nomination as an Asset of Community Value	Barrington Oak added to Register of Asset of Community Value	Complete
14	SK	Curry Rivel	Curry Rivel	Support delivery of Curry Rivel community facilities investment programme at Westfield and SSDC play areas.	This includes funding from s106 agreements. Parish Council working on landscape design. Continuing to help/advise as necessary. Aim to complete work by Autumn 2014	Continue
15	SK	Curry Rivel	Curry Rivel	Support Robert Sewers Village Hall to carry out programme of improvements, including hearing loop	3 phases of the programme identified. Phase 1 completed- including complete re-decoration. Grant awarded for £8,000 at October Area North towards new entrance/extension. Continuing to work with the village hall committee who are awaiting outcome of other funding bids.	Continue
16	SK	Curry Rivel	Curry Rivel	Support Curry Rivel Play Day	Successful event held with guidance and small grant; plus help with planning and publicity.	Continue
17	SK	Curry Rivel	Curry Rivel	Support completion of Housing Needs Survey for Curry Rivel	Housing needs survey carried out in June/July 13. Large response! Results analysed and published.	Complete
18	SK	Curry Rivel	Drayton	Support Drayton Village Hall to make improvements to entrance/porchway.	£750 grant awarded. Project complete.	Complete
19	TO	Hamdon	Stoke Sub Hamdon	Support Stoke Sub Hamdon Recreation Trust to implement five year plan.	During the last year SSDC helped the trust review its 5 year plan, through local consultation. £750 awarded for new picnic tables. Further projects identified to be included in the next issue of the 5 year plan for further feasibility and design include: more adventurous equipment for older children; improved pitch training facilities; additional areas for games and sports. Charity Shop continues to exceed expectations.	Continue
20	TO	Hamdon	Norton Sub Hamdon	Work in partnership with Norton Parish Council to improve local pathway at Minchington Close.	Project plan agreed including an allocation of £13,000 from AN capital programme. Work started on site May 14.	Continue



Project number	AN team contact	Ward	Parish	Action / Service / Project (work supported by SSDC in 2013-14)	What happened / what we helped with	2014-15
21	CJ	Hamdon	Norton Sub Hamdon	Support Norton Community Land Trust to deliver local housing scheme.	Land, funding and planning consent all in place for ten affordable homes for local people to be managed by Yarlington Housing Group. Construction work has commenced on site and is well underway.	Continue
22	TO	Hamdon	Norton Sub Hamdon	Support further development of The Hamdons youth group (in association with the Community Youth Project)	Group operating successfully. Summer activities held based at Norton village hall & playing field.	Continue
23	TO	Islemoor	Ilton	Support delivery of Ilton community facilities investment programme, including refurbishment of play facilities at Copse Lane recreation ground.	Limited recent progress during the year due to review by landowner. S106 and other grants in place. Parcel of land agreed between PC and landowner for informal kick about area.	Continue
24	TO	Islemoor	Hambridge	Support improvements to access and facilities at Hambridge Village Hall	£750 community grant awarded to help complete refurbishment of kitchen	Complete
25	PB	Langport & Huish	Langport & Huish	Support the development of ideas to promote rowing / boating on the Parrett at Langport	Support available if this project can be led by the community. Limited progress during year, however local assessment of feasibility continues.	Continue
26	PB	Langport & Huish	Langport & Huish	Support Langport Town Council and local businesses to make improvements to Westover business estate signage and install gateway signage (MTIG)	Support given to get signage designed, planning consent obtained and installation arranged.	Continue
27	PB	Langport & Huish	Langport & Huish	Support Langport Town Council to deliver "Walk Langport" including new and improved pathways and access improvements.	Projects included new and refurbished pathways on Common Moor and Cockle Moor. Improved signage and marketing also under design.	Continue

Project number	AN team contact	Ward	Parish	Action / Service / Project (work supported by SSDC in 2013-14)	What happened / what we helped with	2014-15
28	CJ	Langport & Huish	Langport & Huish	Support to Memorial Playing Field Trust to create Multi-Use Court and complete improvements to open space.	MUGA now installed and project completed. Support to help promote increased use to be considered.	Complete
29	CJ	Langport & Huish	Langport & Huish	Support development of community facilities at Huish Leisure Centre including Artificial Grass Pitch (AGP)	Two councillors appointed to Huish Leisure Board. Feasibility completed; business plan agreed; planning consent granted for AGP.	continue
30	PB	Langport & Huish	Langport & Huish	Support operation of Langport Information Centre through service level agreement.	Support maintained during year.	continue
31	PB	Langport & Huish	Langport & Huish	Support Langport Town Council review of options for use of Langport town square for markets and other community events	Project plan agreed and works completed to alter "the island" to promote greater levels of community use. Funded via 'High Street Innovation Fund' held by Market Towns Investment Group. SSDC helped to develop a service level agreement between town council and markets co-ordinator.	Complete
32		Langport & Huish	Langport & Huish	Assess nomination to register Cocklemoor as an asset of community value	Cocklemoor added to the register of assets of community value	Complete
33	TO	Langport & Huish	Langport & Huish	Support Somerset Advice Network to trial "Info Hubs" project in Langport.	Staff / volunteer representatives from the Library, Information Centre, SSDC, Children's Centre and the Angel received training on advice & signposting services. Raised awareness of local sources of advice, and promoted networking between the groups involved. 'Info Hub' branding offered to each location.	Complete
34	SK	Langport & Huish	Langport & Huish	Support Ridgway Hall Management Committee to implement actions from access review	Limited contact, but support offered.	Complete

Project number	AN team contact	Ward	Parish	Action / Service / Project (work supported by SSDC in 2013-14)	What happened / what we helped with	2014-15
35	TO	Langport & Huish	Langport & Huish	Monitor / Support operation of SSVCA - Links Community Transport service. £5,000 Grant awarded towards new Links vehicle (capital programme)	£5,000 grant awarded in April by the Area North Committee towards a new community vehicle. Purchased and in use.	Complete
36	PB	Martock	Martock	Support to Martock Parish Council to complete lighting scheme and precinct enhancement project and support to Producers Market (MTIG)	Lighting scheme completed. SSDC High Street Innovation funding supported purchase of gazebos and trailer. Outline designs for enhancement to precinct underway.	continue
37	TO	Martock	Martock	Support operation of Martock Information Centre through service level agreement	£500 grant awarded and paid for 13-14 towards the service level agreement.	continue
38	CJ	Martock	Martock	Support M3 to develop Martock Growing Business programme	Support to Martock Business Forum to build participation. SSDC Chief Executive attended January 14 meeting to discuss use of business rates income for services. New signage agreed for business park.	continue
39	CJ	Martock	Martock	Support further development of Martock Job Club and local employment, training and skills programme.	Computer classes for older people to brush up their skills helped to move to Martock Primary School ICT suite. Grant provided to help purchase laptops for the Job Club. Job Club continues to develop well.	continue
40	CJ	Martock	Martock	Support Martock Youth Centre and Martock Parish Council to develop community facilities programme and business plan for new youth centre and pavilion at Martock Recreation Ground	MPC have established a steering group with terms of reference. Project manager to be appointed.	continue

Project number	AN team contact	Ward	Parish	Action / Service / Project (work supported by SSDC in 2013-14)	What happened / what we helped with	2014-15
41	PB	Martock	Martock	Support landowners and work with M3 to support progress of action plan (supported by a viable business plan) for historic buildings at risk at Parrett Works	Owners advised and supported to identify sources of external funding. Martock Community Partnership supporting principle of securing economic re-use and acting as accountable body for external grants to develop a business plan.	continue
42	CJ	Martock	Martock	Work with Martock Parish Council and Somerset County Council to complete feasibility study for improvement to recreation ground access at Stoke Road/ Water Street junction	£750 grant towards costs of feasibility study. SCC / MPC completed local consultation. Scheme is fully funded by SCC to be completed this year.	Complete
43	JD	Martock	Martock	Support Martock's 'Our Place' programme	SSDC supported the completion of an application to CLG for funding and support under the "Our Place" programme which aims to review and influence different ways of providing local services needed by residents. A special focus given to skills, employment and health & well-being. Stage 1 successful.	Continue
44	TO	Martock	Martock	Support towards Archie's Xtra refurbishment of trailer and purchase of additional equipment	£500 grant awarded. Project completed and grant paid.	Complete
45	TO	Martock	Martock	Support Martock Parish Council to refurbish the Parish Hall	£5000 grant awarded towards costs of replacement heating and kitchen refurbishment.	Complete
46	TO	Martock	Ash	Support progress of local affordable housing scheme for Ash.	Hastoe Housing Association has a scheme ready for further local consultation followed by a planning application. This will take place after the result of a bid for government funding known.	Continue
47	TO	South Petherton	South Petherton	Support operation of South Petherton Community Office through service level agreement.	£500 awarded for 13-14. LIC relocated to the Library.	Continue

Project number	AN team contact	Ward	Parish	Action / Service / Project (work supported by SSDC in 2013-14)	What happened / what we helped with	2014-15
48	CJ	South Petherton	South Petherton	Secure reuse for former Public Toilets at Prigg Lane car park.	Toilets were marketed by SSDC commercial agent for business or community use. SPPC expressed interest but no proposal received. Lease negotiated with small business; planning consent for COU granted.	Continue
49	JD	South Petherton	South Petherton	Support continued investment into community facilities at Lightgate Lane Recreation ground	MUGA completed and open plus refurbishment of play area. (Led by Community Health & Leisure).	Complete
50	TO	South Petherton	South Petherton	Support completion of memorial garden in South Petherton (MTIG)	This is on hold due to changes at the parish council.	Continue
(51 deleted) 52	SK	South Petherton	The Seavingtons	Support completion of pathways and access improvements at recreation ground / village hall / community shop	Help provided to complete project plan including guidance on funding sources. Application to Area North likely in 14-15.	Continue
53	SK	South Petherton	The Seavingtons	Support The Seavingtons community shop and café to continue to develop business plan	After a period of review - the business plan is well underway. The committee have re-formed with new members and making good use of the advice and support provided. Local re-payments on track. Various improvements made to the shop / café environment, and a chef employed.	Complete
54	SK	St Michaels	Chilthorne Domer	Support the Recreation Trust to make improvements to its community facilities	Funding advice and help with feasibility provided, including arrangements for an access review.	Continue
55		St Michaels	Montacute	Assess nomination for Montacute Working Mens Club as an asset of community value	Montecute Working Mens Club added to the register of assets of community value	Complete

Project number	AN team contact	Ward	Parish	Action / Service / Project (work supported by SSDC in 2013-14)	What happened / what we helped with	2014-15
56	TO	St Michaels	Montacute	Support completion of feasibility and business plan for new village hall in Montacute	Regular support offered to the village hall and parish council to help plan and agree on the siting and design of a future new or refurbished village hall.	Continue
57	JD	South Petherton	Shepton Beauchamp	Support the Cowleaze Project Group make improvements to the Cowleaze community garden	£750 grant awarded to enhance informal Cowleaze for informal play for young children. Project complete.	Complete
58	JD	St Michaels	Tintinhull	Support Tintinhull Parish Council to progress funding and design for new village hall.	A stage one application to the Big Lottery was submitted, but was unfortunately unsuccessful at this time. A revised submission planned.	Continue
59	JD	St Michaels	Tintinhull	Support Tintinhull Parish Council to secure further investment at recreation ground and monitor completion of refurbishment at Thurlocks play area	Play area refurbishment complete (Community Health and Leisure). Limited progress to plan further improvements for pavilion / MUGA, initial guidance provided.	Continue
60	TO	St Michaels	Tintinhull	Support Tintinhull youth club to be part of the Community Youth Project	The club meets regularly at the recreation ground, and is supported by the parish council.	Continue
61	JD	St Michaels	Chilthorne Domer	Support Chilthorne Domer to continue to improve facilities at Village Hall.	£6,000 from Area North SSDC North awarded to help complete new store room.	Continue
62	CJ	Turn Hill	Long Sutton	Monitor and support progress of two affordable housing schemes at Long Sutton.	YHG scheme at Parsons Close completed. Scheme at Martock Road (privately led) has planning consent, not started.	Complete
63	SK/JD	Turn Hill	Long Sutton	Support Long Sutton Village Hall to make improvements to access and facilities	Access review completed. £750 grant award towards hall improvements. New accessible toilet completed. Further improvements likely to take place during 2014 for which support has been offered. Friends of the Village Hall established. Focus will shift to outside areas - informal recreation and tennis facilities	Continue

Project number	AN team contact	Ward	Parish	Action / Service / Project (work supported by SSDC in 2013-14)	What happened / what we helped with	2014-15
64	JD	Turn Hill	Long Sutton	Support Somerton Beekeepers to develop business plan for club and education centre		NEW
65	JD	Turn Hill	Long Sutton	Support Long Sutton Cricket Club to develop their coaching programme and provide new equipment	£750 grant awarded together with help to gain match funding. Applications successful and project is well-underway.	Complete
66	JD	Turn Hill	High Ham	Support High Ham Playing Fields Committee to plan and install new recreation play equipment for over 8's on playing fields	Project supported to develop during the year. [£6000 grant awarded by Area North May 14].	Continue
67	TO	Wessex	Somerton	Support operation of Somerton Information Centre through service level agreement	New location in Library. SLA in place for 13-14, £500 grant.	Continue
68	CJ	Wessex	Somerton	Support delivery of SSDC Active Lifestyles programme (Community Health and Leisure).	Help with identifying local contacts and opportunities. Work has started via surgery participation group.	Continue
69	CJ	Wessex	Somerton	Monitor progress of new surgery for Somerton.	Planning consent granted. Surgery opened.	Complete
70	CJ	Wessex	Somerton	Support to the Edgar Hall to develop management and marketing plans	Support provided to consider options for alternative management arrangements. New arrangements agreed by STC, operating well to date.	Complete
71	CJ	Wessex	Somerton	Complete review of local car parking in conjunction with Somerton Town Council	Limited options considered. Current consideration by SSDC / STC of former surgery site. NB This is subject to further local consultation and is at a preliminary stage only.	Continue

Project number	AN team contact	Ward	Parish	Action / Service / Project (work supported by SSDC in 2013-14)	What happened / what we helped with	2014-15
72	CJ	Wessex	Somerton	Support Somerton Historic Buildings Preservation Trust to acquire and operate Old Town Hall for business/community use.	This project aims to secure a viable re-use for the Old Town Hall. A recent application to the Heritage Lottery fund was unsuccessful, which was then reviewed and resubmitted in May 14. The group have submitted a planning application for change of use to gallery / art space and continue to work on their business plan.	Continue
73	TO	Wessex	Somerton	Support Somerton Town Council to complete Jubilee Garden in Somerton (MTIG)	Some delay and ongoing project has been simplified.	Continue
74	TO	Wessex	Somerton	Support completion of car parking and gateway signage scheme for Somerton (MTIG)	Progress made, although some elements are not yet agreed in detail.	Continue
75	TO	Wessex	Somerton	Support towards new purchase of new building as the Roundabout pre school	£10,000 grant awarded at September Area North Committee. New building opened April 14.	Complete
76	CJ	Wessex	Compton Dundon	Support towards new equipment at the Cricket Club	£750 grant awarded towards purchase of new mowers. Youth coaching programme underway and well supported by local young people.	Complete
77	TO	Wessex	Compton Dundon	Monitor and support progress to secure completion of affordable housing scheme	Reviewed on a regular basis, in conjunction with parish council. No progress on site, but options remain.	Continue
78	CJ	Wessex	Compton Dundon	Support Compton Dundon Parish Council to complete local consultation on local priorities	Guidance and help with equipment / printing for two consultation events arranged by parish council.	Complete
79	CJ	Wessex	Compton Dundon	Assess Nomination to register Former School Playing Field as an asset of community value	Former School Playing Field added to Register of Assets of Community Value	Complete
80	SK	Curry Rivel	Curry Rivel	Support Curry Rivel Parish Plan group to complete local consultation and research for a new parish plan	Preliminary guidance offered to help design and carry out consultation.	NEW



Project number	AN team contact	Ward	Parish	Action / Service / Project (work supported by SSDC in 2013-14)	What happened / what we helped with	2014-15
81	TO	Hamdon	Norton Sub Hamdon	Support Norton Community Land Trust to develop business plan for acquiring shop and post office		NEW

Area North team contacts shown above are:

CJ	Charlotte Jones
JD	James Divall
TO	Teresa Oulds
SK	Sara Kelly
PB	Pauline Burr

## Appendix B

### Grants awarded to Area North projects under SSDC Community Grants programme

Group	Project	Total value of project	SSDC Grant awarded
SSVCA – Somerton and Langport Links Community Transport	Replacement vehicle for Links community transport	£10,000	£5,000.00
Archies Xtra (Martock)	Refurbishment of trailer and other equipment for community outreach	£995.00	£500
Stoke Sub Hamdon Sports & Recreation Trust	New picnic benches at the recreation ground	£8,046	£750
Long Sutton Parish Council	Village Hall improvements	£1,506.00	£750.00
Drayton Village Hall Management Committee	Refurbishment of village hall porch / entrance hall	£2,328.00	£750.00
Roundabout Pre-School, Somerton	New build of playgroup premises	£185,500.00	£10,000.00
Hambridge & Westport Recreation Trust	Refurbishment of village hall kitchen	£1,300.00	£650.00
Curry Rivel Village Hall Management Committee	Extension to village hall entrance lobby	£28,775.00	£8,000.00
Barrington Football Club	Purchase of freehold of football field.	£19,000.00	£10,000.00
Chilthorne Domer Village Hall Committee	Extension to village hall main storeroom	£19,200	£6,000.00
Martock Parish Council	Digital Martock – purchase of lap tops for Job Club	£3,383.00	£750.00
MuchThorn Flood Wings	Support for flood affected communities	£2,500	£500.00
Martock Parish Council	Refurbishment of Martock Parish Hall	£9,856.00	£4,928.00
Long Sutton Cricket Club	Promote sustainability at Long Sutton Cricket Club	£1,090.00	£750.00
Shepton Beauchamp Cowleaze Meadow Project Group	Enhancement of Shepton Beauchamp Cowleaze Meadow	£1,630.00	£750
		<b>£295,109</b>	<b>£50,078.00</b>

Area North Committee – 25 June 2014

## 10. LEADER Programme for Rural Economic Development (Executive Decision)

*Strategic Director:* Rina Singh, Place & Performance  
*Assistant Director:* Helen Rutter/ Kim Close, Communities  
*Service Manager:* Area Development Manager (North)  
*Lead Officer:* Helen Rutter- Assistant Director - Communities  
*Contact Details:* helen.rutter@southsomerset.gov.uk or (01963) 435012

### Purpose of the Report

To brief Area Committees on the new LEADER programme for rural economic development including the appointment of a councillor representative to the Levels and Moors Local Action Group Executive Board.

### Public Interest

At the current time most of South Somerset does not qualify for the LEADER programme which supports locally designed, rural economic development initiatives. Subject to funding, DEFRA may allow existing programmes to change their boundaries, including the possible incorporation of areas not presently covered, in a successor programme, to be launched in 2015.

### Recommendations

- (1) That Members consider and note the report including arrangements for member appointments to be made to each of the 3 prospective Local Action Groups' governing bodies from the Area with greatest coverage
- (2) Appoint one councillor from the Area North Committee to serve on the Executive Board of the Levels and Moors Local Action Group representing South Somerset District Council
- (3) Note that a further report will be brought to the Committee in autumn 2014 reporting on the outcome of applications for funding

### Background

This report is about proposals to extend coverage of the LEADER programme in South Somerset from 2014. LEADER is an investment programme funded by the European Union and DEFRA to assist with local economic development. It particularly applies to rural areas – which are defined as areas with a population of less than 10,000. This is generally assessed by parish boundaries.

Individual programmes are agreed by DEFRA and operate through a 'Local Action Group' (LAG) made up of a range of organisations and individuals covering local business and community interests. Each LAG has an accountable body which administers the programme and ensures public and financial accountability.

The last round of funding (2007-13) provided limited coverage of rural South Somerset by three 'Local Action Groups' including the area around Chard ("Making it Local"); most of Area North together with a small part of Area East (Levels and Moors) and a further 2 parishes in Area East ("Sowing Seeds"). The LEADER programme was also referred to as LARC – Local Action for Rural Communities.

When the new programme for 2014-2020 was announced last year by DEFRA, applicants to the programme were encouraged to ensure that all eligible rural areas were covered by a 'Local Action Group' and preferable by extending current boundaries rather than creating new groups.

For existing groups DEFRA provided financial support towards the costs of revisiting local priorities for investment and submitting a revised business plan.

### **The Next Programme- Local LEADER partnerships and closing the gaps**

*The Levels and Moors (Accountable body – Somerset County Council)* – stretches from the A303 to the coast. Boundary changes are proposed which will take in full coverage of Area North.

*Making it Local* – Is largely based on the Blackdown Hills taking in Chard and western parishes of Area West, proposes to expand to take in a little more of West including the Ilminster area.

*Heart of Wessex* proposes to follow the A303/A30 corridor area, which is a strong economic area due to the impact of these major transport routes into Wiltshire. It will cover the remaining, former 'white' areas, of East, South and West in the Crewkerne area (Yeovil is not eligible due to the size population.)

### **Next Steps**

- The accountable body for each Local Action Group is co-ordinating consultation within its area to establish a reviewed 'Local Development Strategy'. This is Somerset County Council for the Levels and Moors LAG.
- Bids will be submitted to DEFRA by 5<sup>th</sup> September. This is a national, competitive process for limited funding and successful applications can expect to be awarded funding in the order of £1.5m - 1.8m over a 5 year programme of support.

LAGs that have funded rural economy activities in the past will have to think carefully about how to continue to provide support to micro and small enterprises (address gaps and build upon learning and good practice from 2007-2013);

LAGs will need to align activities to Local Enterprise Partnerships (LEP), local authorities, Rural Growth Network Pilot areas, Rural and Farming Networks etc.

### **Appointment of Councillor Representatives**

Local Action Groups have an Executive Board which is made up of a combination of representatives of businesses, community / voluntary groups and appointed councillors from local authorities. Each has slightly differing terms of reference tailored to local circumstances.

SSDC expects to be able to appoint 1 councillor representative to each of the 3 prospective LAGs and this should be an appointment from the main Area of benefit:

Level & Moors - Area North; Heart of Wessex - Area East; Making it Local - Area West. It will be the responsibility of the Councillor representative and lead Area Development officer to ensure communications with other areas included in the LAG as appropriate.

### **Financial Implications**

Supporting the LEADER programme is met from existing budgets. In the last round of the LEADER programme in Area North a number of successful projects also received a community grant from SSDC, these are assessed individually and on their own merits.

### **Council Plan Implications**

The Council Plan states that: *We want a strong economy which has low unemployment and thriving businesses. One of the stated ways we will address this is to: Work in partnership to deliver investment and development that local people value*

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

None from this report. However a key assessment criteria for grants under the LEADER programme is to consider environmental impacts and promoting reduced reliance on fossil fuels.

### **Equality and Diversity Implications**

Rural communities are vulnerable to isolation from services and markets and face higher transport cost. The LEADER programme provides opportunities to support locally important economic initiatives.

***Background Papers: DEFRA guidance documents for LEADER programme***

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## Appendix A

### Explanatory notes on the LEADER programme

The European Union's (EU) Common Agricultural Policy (CAP) is a system of agricultural subsidies and programmes. It covers farming, environmental measures and rural development and is the EU's single largest common policy; accounting for more than 40% of the EU budget.

Pillar 1 provides direct payments to farmers and market control measures and Pillar 2 promotes rural development. Under Pillar 2, a minimum of 5% of each member state's rural development programmes are used to support the LEADER approach. In the last programme each LEADER area (most cover populations of 120,000 – 150,000 people) attracted around £1.8m, spread over 5 years. A similar sum pro rata is expected for the next round

Launched in 1991, LEADER delivers Rural Development Programme (RDP) funding at a local level. It is underpinned by seven key features: (i) area based Local Development Strategies, (ii) bottom-up implementation strategies, (iii) local public-private partnerships /Local Action Groups, (iv) integrated/multi-sectoral actions, (v) innovation, (vi) cooperation, and (vii) networking.

LEADER mobilises local resources in ways that do not happen with traditional 'top down' approaches – people use the funding to make the best of assets and development opportunities.

On 11 April 2014, DEFRA published 'A National Delivery Framework (NDF) for LEADER 2014-2020'. This document sets out the requirements and expectations for the next programming period and includes: (a) information about how to prepare a LEADER application and what the selection process will involve, (b) the roles and responsibilities of those involved with LEADER and (c) relevant regulatory and operational requirements. The NDF also explains the policy priorities and measures that Local Development Strategies (LDS) are expected to meet along with some project examples. A LDS is a document created by a Local Action Group (LAG) and wider partnership that describes what LEADER aims to achieve in a given area. DEFRA will assess LDS as part of the competitive application process to receive the next round of LEADER.

Projects funded under the new LEADER Programme (2014-2020) will need to focus on delivering jobs and growth, 70% of all projects funded under LEADER will directly support the rural economy (e.g. through creating and developing micro and small sized rural businesses) 30% of projects will also need to demonstrate that they are contributing to improving the rural economy. The new Programme has 6 priorities

(1) increasing farm productivity, (2) micro and small enterprise and farm diversification, (3) rural tourism, (4) rural services, (5) cultural and heritage activity, and (6) forestry productivity.

Area North Committee – 25 June 2014

## 11. Area North Committee Working Groups and Outside Organisations – Appointment of Members 2014/15 (Executive Decision)

*Strategic Director:* Mark Williams, Chief Executive  
*Assistant Director:* Ian Clarke, Legal and Corporate Services  
*Service Manager:* Angela Cox, Democratic Services Manager  
*Lead Officer:* Becky Sanders, Democratic Services Officer  
*Contact Details:* becky.sanders@southsomerset.gov.uk or 01935 462596

### Purpose of the Report

As the Council has entered a new municipal year, the Committee is asked to review its appointments to outside organisations and working groups within Area North, having regard to the policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies, which was adopted by District Executive on 1<sup>st</sup> May 2014.

### Recommendation

The Committee is asked to:

- (1) Agree the representatives to serve on the Area North Working Groups for 2014/15.
- (2) Review and appoint members to the outside organisations and groups for 2014/15 as set out in Appendix 1.

### Area North Working Groups

The following table indicates the internal working groups and their members, appointed by Area North Committee for the last municipal year 2013/14. The Committee is asked to agree the representatives to the working groups for the municipal year 2014/15.

Working Group & Purpose	2013/14 Representatives	Lead Officer
Area North Marketing Working Group – to support the Area North Marketing Project  (minimum of 3 members required)	Patrick Palmer Shane Pledger Pauline Clarke Sue Steele Derek Yeomans	Neighbourhood Development Officer (North - Economy) – Pauline Burr
Area North Community Safety / Neighbourhood Policing Liaison	Sue Steele	Area Development Manager (North) – Charlotte Jones

## Outside Organisations and Groups

The organisations and groups to which representatives are appointed by the Area North Committee for 2014/15 are indicated in Appendix A. Members will be aware that they reviewed this list of organisations in November 2013 and made some recommendations towards the final policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies, which was adopted by District Executive on 1<sup>st</sup> May 2014.

Members are now asked to review and appoint members to the outside organisations for 2014/15, having regard to the adopted policy (Appendix C).

Appendix B shows an extract of the SSDC Code of Conduct (adopted July 2012) - regarding prejudicial interests and outside bodies.

For an explanation of Observer Status – see points 10 to 12 (and point 8 of appx B) of the SSDC Policy - The Roles and Responsibilities of Councillors Appointed to Outside Bodies.

## Financial Implications

None for Area North Committee. Mileage claimed by councillors (across the district) attending meetings of outside bodies to which they are appointed is approximately £1,000 per annum and is within the existing budget for councillors travelling expenses held by Democratic Services. There may be a small saving resulting from any decision to reduce the number of SSDC appointed outside bodies, however, a number of councillors do not claim any mileage for their attendance at these meetings.

## Council Plan Implications

There are several of the Council's Corporate Focuses which encourage partnership working with local groups, including:-

- Work in partnership to deliver investment and development that local people value with particular emphasis on Yeovil and Chard;
- Work with partners to contribute to tackling youth unemployment;
- Work with partners to combat fuel poverty;
- Ensure, with partners, that we respond effectively to community safety concerns raised by local people and that the strategic priorities for policing and crime reduction in South Somerset reflect local needs;
- Work with and lobby partners to help communities to develop transport schemes and local solutions to reduce rural isolation and inequalities to meet existing needs of those communities.

## Carbon Emissions and Climate Change Implications

None

## Equality and Diversity Implications

Full consideration to equalities was given in producing the Policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies.



## Background Papers

- Minute 14, Area North Committee, 22 May 2013
  - Minute 184, District Executive, 1 May 2014
  - SSDC Policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies.
-

## Appendix 1

### Area North Outside Organisations and Groups – Appointments to be considered for 2014-15

\* Recommendation is by the Area Development Manager in the light of agreed SSDC policies for appointment to Outside Bodies

Organisation / Group (Lead officer contact)	Number of Council Reps.	Aims & Objectives	Frequency of Meetings	Existing status of representative	Recommendation *	Representatives last year
Somerset Levels and Moors Local Action Group Executive Board (Neighbourhood Development Officer - Pauline Burr)	1 (+ 1 officer)	To support the delivery of a local economic development programme for the Somerset Levels and Moors. Currently in a transition year between the previous and next round of DEFRA funding. (See separate report June 2014)	About 6 – 8 per year	Full Member	Make appointment on same basis	Paul Thompson
Langport Abattoir Liaison Group (Neighbourhood Development Officer – Teresa Oulds)	2	To provide a forum for liaison between the operating companies, the communities of Huish Episcopi and Langport and the local Authorities and other agencies responsible for the regulation of the site.	Twice a year	Observer / consultative only	Make appointment on same basis	Roy Mills Derek Yeomans
Martock Community Planning Partnership (Area Development Manager - Charlotte Jones)	1	To own the Martock Vision and monitor delivery of the Martock Local Community Plan.	Quarterly	Full Member	Make appointment on same basis	Graham Middleton

Organisation / Group (Lead officer contact)	Number of Council Reps.	Aims & Objectives	Frequency of Meetings	Existing status of representative	Recommendation *	Representatives last year
Somerset Waterways Advisory Committee (Area Development Manager - Charlotte Jones)	1	A joint advisory committee of the County Council, its membership includes co-opted members of the four Somerset District Councils in whose Districts there are existing or disused waterways.	Quarterly	Full member (advisory committee only)	Make appointment on same basis	Patrick Palmer
South Somerset Disability Forum (1 Member appointed from each area) (Equalities Officer - Jo Morgan)	1	To provide a framework where people with disabilities can be heard, challenge discrimination and inequalities, embrace and promote examples of good practice. Improve access to public buildings, shops and services.	Bi-monthly on first Tuesday of the month	Observer	Make appointment on same basis	David Norris
Langport and Somerton Links Service Steering Group ((Neighbourhood Development Officer – Teresa Oulds)	1	To provide transport to the people of Somerton, Langport and the surrounding villages who are currently unable to access public transport due to isolation, unemployment, disability or age. To provide access to transport where mainstream public transport services do not exist.	No longer meets	Observer / consultative	No appointment necessary (the group no longer required)	Derek Yeomans
Strode College Community Education Advisory Committee (Area Development Manager - Charlotte Jones)	1	Advisory Committee to Board of Governors. Committee reviews and promotes the development of the College's work with adult students and its role in supporting community work.	3 per year	Full member (advisory committee only)	Make appointment on same basis	Pauline Clarke

<b>Organisation / Group (Lead officer contact)</b>	<b>Number of Council Reps.</b>	<b>Aims &amp; Objectives</b>	<b>Frequency of Meetings</b>	<b>Existing status of representative</b>	<b>Recommendation *</b>	<b>Representatives last year</b>
Langport and District Community Youth Centre (Ridgway Hall) ((Neighbourhood Development Officer – Sara Kelly)	1	To assist and educate all young people, primarily in the 11-21 range, through their leisure and recreational activities, and to manage the centre in ways will achieve this objective and will also provide facilities for other groups within the Langport community.	4 to 5 per year	Full member	Discontinue formal appointment (or appoint as observer status only)	Roy Mills
Huish Episcopi Leisure Centre Board (Assistant Director Health and Well-Being Steve Joel)	2	Management Company for Huish Episcopi Leisure Centre.	Approx. 3	Full member	Make appointment on same basis (in accordance with legal agreement)	Terry Mounter Shane Pledger
Levels and Moors Task Force (Area Development Manager - Charlotte Jones)	1	To assist with the development of a shared vision for the Somerset Levels and Moors, under the auspices of the Somerset Water Management Partnership.	?	Full member (advisory only)	Defer - Update on status of group required in the light of the 20 year plan.	Sue Steele

## Appendix 2

### Extract of Code of Conduct (adopted July 2012) - regarding prejudicial interests and outside bodies

#### Prejudicial Interests

- 2.9 (1) Where you have a personal interest in any business of your Council you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business—
- (a) affects your financial position or the financial position of a significant person\* (other than another town parish district or county council of which you are also a member); or
  - (b) relates to determining any approval, consent, licence, permission or registration in relation to you or any significant person\* (other than another town parish district or county council of which you are also a member).
- (2) Subject to paragraph (3) and (4), where you have a prejudicial interest in any business of your Council—
- (a) You may not participate in any discussion of the matter at a meeting.
  - (b) You may not participate in any vote taken on the matter at a meeting.
  - (c) You must disclose the existence and nature of the interest to the meeting and leave the room where the meeting is held while any discussion or voting takes place on the matter. The exception to the requirement to disclose the detail of the interest is if the matter is a sensitive interest under paragraph 2.11. In these circumstances you need only state that you have a prejudicial interest and that the details are withheld because of the sensitive information involved.
- (3) Where you have a prejudicial interest in any business of your Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business and you leave the meeting room immediately after making representations, answering questions or giving evidence.

\* **“significant person”** in relation to personal and personal and prejudicial Interests means a member of your family or any person with whom you have a close association; or any body-

- (1) of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;
  - (2) exercising functions of a public nature;
  - (3) established for charitable purposes; or
  - (4) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management
-

**Appendix 3**



**South Somerset District Council**

**The Roles and Responsibilities of Councillors  
appointed to Outside Bodies**

## Guidance to Councillors appointed to Outside Bodies

This guidance has been produced in an effort to achieve good practice and to support Councillors who are appointed to serve on outside bodies by outlining their responsibilities and obligations in that role.

Service on outside bodies has always been an established part of a Councillor's role. An appointed Member on an outside body will be able to use their knowledge and skills as a Councillor to assist the organisation to which they are appointed.

The Council is now increasingly working in partnership with outside bodies and greater clarity is needed as to the role of Members appointed to these bodies. In situations where funding streams may benefit outside bodies and be channelled through the Council as the accountable body, or where the Council funds the outside body directly (e.g. CAB), questions of accountability and governance will arise.

### SSDC definition of an outside body:

**“An outside body (also known as an organisation), shall have formal governance, and shall not have been established, or be administered, by SSDC or have SSDC officers as the primary point of contact.”**

### Introduction

1. This guidance sets out the main issues which councillors should consider when appointed by the Council to serve on outside bodies.
2. In the context of this guidance 'outside bodies' include trusts, companies, charities, industrial and provident societies and community associations. Councillors may be involved as a director, trustee, governor, member or observer (with or without voting powers).
3. Councillors who are involved in the management of outside bodies have responsibilities to that body that must be acted upon. Their role, responsibilities and potential liabilities will depend upon the legal nature of the organisation and the capacity in which they have been appointed. Failure to act in a proper manner may give rise to personal liability or liability for the Council.
4. With the increasing emphasis on partnership working, councillors, as community leaders, have an important role to fulfil in supporting and advising outside bodies. However, this can give rise to conflicts of interest, particularly where the organisation is seeking or receiving funding from the Council. Councillors always need to be clear about their roles and alert to potential conflicts of interest in order to ensure transparency and public confidence in local democracy.
5. This guidance seeks to help councillors discharge their responsibilities on outside bodies clearly and effectively. It covers, primarily, the position of councillors appointed by the Council to serve on outside bodies, though much of the advice



applies equally to councillors who are involved with outside bodies in a private capacity. Councillors who are members of an outside organisation in a private capacity or in a Parish Council role, and not appointed by SSDC will not be covered by SSDC insurances.

6. Membership of an outside body does not include representing a political party.
7. Appointments made to any outside body should be drawn from current serving District Councillors only.
8. Training on the legal responsibilities, including declarations/conflicts of interest of Councillors appointed to outside bodies will be included in the initial induction programme of training for new Councillors. Councillors may also seek advice from the Monitoring Officer at any time.
9. This guidance is general and councillors should contact the Monitoring Officer for further advice if they have any particular issues of concern.
10. The remainder of this guidance includes the following:
  - issues to consider before appointment;
  - application of the Code of Conduct for Councillors;
  - legal status of outside bodies, capacity of appointment, duties and liabilities;
  - insurance and indemnity.
  - criteria against which it can be judged whether to accept a new proposition from an outside body for Councillor representation

### **Issues to consider before appointment**

11. Before accepting an appointment to an outside body councillors should check the following information which will be supplied by Democratic Services relating to the outside body:
  - the legal status of the organisation e.g. company, trust, charity, unincorporated association;
  - the capacity in which the councillor is to be appointed e.g. director, trustee, member with voting rights or member with observer status;
  - the purpose of the organisation and how this relates to the Council's functions and objectives;
  - the relationship between the Council and the body and the likelihood and extent of any conflicts of interest (known to the individual councillor);
  - the requirements of the organisation's governing instrument (e.g. constitution; trust deed; memorandum and articles of association), both as a member and generally;
  - the financial status of the organisation;
  - the governance and decision making arrangements, including the management of risk;
  - any code of conduct for members;

- potential liabilities;
  - the extent of any insurance cover for members.
12. Having checked the above matters, councillors should consider carefully whether they should be appointed to participate formally in the management of the external organisation e.g. as a director, trustee or voting member, or whether their role as a representative of the Council may be more effectively discharged as a non-voting member with observer status only. **Bearing in mind the potential liabilities that may be incurred through formal involvement in an organisation councillors are generally advised to seek appointment as members with observer status only, unless there are exceptional reasons for more formal participation.**
13. Councillors are encouraged to seek advice from the Monitoring Officer where any of the above issues are unclear.

### **Application of the Code of Conduct for Members**

14. The Council's Code of Conduct for Members in Part 5 of the Constitution places specific obligations on councillors when acting in that capacity in their dealings with outside organisations. The Code will, in particular, apply where a councillor is acting as a representative of the Council on an outside body.
15. Apart from the general duty to promote and support high standards of conduct the following duties of the Code are particularly relevant in this context:
- act solely in the public interest and never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate;
  - avoid placing yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;
  - make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit;
  - declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and take steps to resolve any conflicts in a way that protects the public interest.
  - comply with the statutory requirements on the registration and declaration of interests.
16. Councillors who have a disclosable pecuniary interest in any business at a meeting of the Council e.g. award of a contract, must not participate in any discussion of the matter or vote on it unless a dispensation has been obtained. Failure to comply with these requirements without reasonable excuse may result in prosecution.
17. Councillors that serve on more than one body, in particular, need to be mindful of potential conflicts of interest and always act in an open and transparent manner in carrying out their respective roles. For example, where a councillor is at a council meeting considering an application for a grant or a community asset transfer request from a parish council or other public body of which they are a member they should declare the existence and nature of their interest. Having done so, they may, generally, take part in the discussion of that item and vote, unless there are particular reasons why this would not be appropriate. It is also advisable as a matter of transparency to include details of the interest in their register of interests.

18. Councillors appointed to serve on outside bodies should be mindful of their legal obligations regarding disclosure of confidential information and in case of doubt should seek advice from the Monitoring Officer.
19. Councillors also need to comply with the duties and requirements of the Equality Act 2010 in their appointment to any outside body as well as their role as a District Councillor (see Appendix E).

### **Predetermination and Bias**

20. Aside from the Code of Conduct, under the common law councillors must be careful to avoid any pre-determination or bias in their decision making. Predetermination occurs where someone has a closed mind so that they are unable to apply their judgment fully and properly to the issue requiring a decision. This can lead to legal challenges and decisions being set aside.
21. The Localism Act 2011 has clarified the rules on predetermination. It makes it clear that a councillor is not deemed to have had a closed mind on an issue just because they have indicated what view they have taken or may take before the issue is decided. A councillor is not, for example, prevented from participating in discussion of an issue or voting on it if they have campaigned on the issue or made public statements about their approach to it.
22. The general position, however, remains that, whatever their views, members must approach their decision-making with an open mind in the sense that they must have regard to all material considerations and must be prepared to change their views if persuaded that they should.
23. Councillors need to be aware that decisions may be challenged and set aside on the grounds of bias. Under the common law bias involves some element of partiality or personal interest in the outcome of a case, as a result of a close connection with the parties, or the subject matter of the dispute, or because of a tendency towards a particular shared point of view.
24. The relevant test for bias is whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the decision maker was biased.
25. The risk of a successful challenge on these grounds may be overcome by proper observance of the requirements of the code of conduct and particularly the provisions set out in paragraph 14 above.

### **Legal status, capacity, duties and liabilities**

26. The specific responsibilities of councillors will depend upon the legal status of the outside body and the capacity in which they have been appointed. The position of councillors in relation to various types of outside body is summarised in the appendices to this note as follows:

Appendix A - Director of Limited Liability Company

Appendix B - Trustee of Trust or Charitable Trust

Appendix C - Member of Unincorporated Association

Appendix D - Member of Steering Group, Joint Committee or Partnership Body

The key point to note is that where councillors are carrying out their duties as a trustee, director, or management committee member, they may take account of the wishes of the Council, but their primary duty is to act in the best interests of the organisation to which they have been appointed.

### **Liability, Insurance and Indemnity**

27. Councillors can incur personal civil and criminal liability from formal participation in outside bodies.
28. However, under section 265, Public Health Act 1875 (as applied by Section 39, Local Government (Miscellaneous Provisions) Act 1976), councillors enjoy statutory immunity from civil liability where they act within the powers of the authority, in good faith and without negligence.
29. But this immunity does not apply where they act beyond the powers of the council or act in bad faith (i.e. with dishonest or malicious intent) or negligently, and it does not protect them from criminal liability, for example for fraud or for corporate killing where they exercise managerial responsibilities.
30. South Somerset District Council has insurance provision to protect its assets and liabilities. Within these provisions the Council has cover to protect its elected and co-opted members when carrying out duties in connection with the business of the Council. Those afforded the protection are;
- elected Members of the Council or co-opted members of any Committee or Sub-Committee.
  - members of committees, schemes or associations formed to assist in the activities of the Council.

### **Appointments at Committee**

31. All appointments to outside bodies will be made at the Annual Council meeting or at the relevant Area Committee meeting.

### **Criteria to accept a new proposition from an outside body for Councillor representation:**

32. The following should be considered before accepting any request from a new outside organisation for representation by an SSDC Councillor:-
1. Relevance to Council Plan
  2. Benefit to SSDC
  3. Benefit to Outside Organisation
  4. Organisation's expectations of the Councillor representative
  5. Does the organisation need Councillor or Officer representation?

### **Information required prior to accepting a new outside body for Councillor representation:**

33. The following information must be established by the Democratic Services team or relevant Area Development Manager prior to any Councillor appointment to an outside

organisation, and, be made available to any interested Councillor prior to their appointment:-

- Identify an officer point of contact
- Primary aims and objectives of the outside body
- Justification for the appointment
- Role of the appointed member
- Set out any legal and/or financial implications
- Indication of time commitment required
- Skills and/or experience required from the council representative

**Councillors representing outside bodies will be required to produce a small annual report or paragraph to be added to the members annual report. The report to include information on the activities and achievements of the outside body and the number of meetings attended.**

#### **Further Advice**

34. Further assistance on the issues covered in this guidance may be obtained from the Council's Monitoring Officer.

## Appendix A

**Councillors appointed as Directors of Limited Liability Companies****Legal Status**

1. Upon incorporation a company becomes a separate legal entity, which can hold property in its own right, enter into contracts and sue and be sued in its own name. In the case of a limited liability company the liability of members of the company is limited to the amount they paid or agreed to pay when they joined the company. This can be as little as £ 1.
2. Companies limited by shares are those which have a share capital e.g., 1,000 shares of £ 1 each. Each member holds shares and receives a share in the profits made by the company according to the value of the shares held. Shares can be sold. Liability in the event of a winding-up is limited to the amount unpaid on the shares held.
3. Companies limited by guarantee do not have shares. Instead, each member agrees that in the event of the company being wound up they will agree to pay an agreed amount eg £ 1. This is most common in the public and voluntary sector, particularly where charitable status is sought.

**Directors' Duties**

4. The role of a councillor who has been appointed as a director will depend upon the company's Memorandum and Articles of Association (its constitution). A company's constitution will vest most of its powers in the board of directors and the board will exercise these either directly or through managers appointed by the board. Directors must understand the requirements of the Memorandum and Articles of Association in order to fulfil their responsibilities properly.
5. Directors will need to be aware of the requirements of the "Combined Code on Corporate Governance" to the extent that this has been adopted by the company, including general management of the company, rules on directors' remuneration, internal financial and operational controls and risk management.
6. Directors, as agents of the company, must:
  - act in good faith in what they believe to be in the best interests of the company as a whole (not the Council).
  - act with reasonable care, diligence and skill;
  - exercise their powers reasonably and for the purpose for which they are given;
  - keep an open mind when making decisions on company business; in particular a councillor director must exercise independent judgment and not simply follow Council policy when voting on company matters;

- avoid placing themselves in a position where their private interests or their position as a councillor conflict with their duties to the company;
  - be aware of the company's financial position through attendance at board meetings and reading the accounts, agendas and minutes; it is not sufficient to assume that the other directors are doing a good job.
7. Some directors may be given special responsibilities under the company's constitution, for instance a managing director or finance director. Those with special roles will be expected to have the personal and technical skills to perform the duties associated with that role, which may be onerous.
8. The above duties apply to non-executive directors as well as executive directors.
9. There are other statutory requirements which may be relevant depending on the company's business. Directors will need to be familiar with these. For example, if the company is an investment vehicle which engages in fundraising activity, financial services legislation will apply.

### **Observer status**

10. The position of observer has no specific legal status in company or local authority law. Any person appointed as an observer should ensure that their role is clearly defined and avoid involvement in the management of the Company. If an observer acts beyond their remit and exercises real influence over the company's affairs and decision making the observer may be deemed to be a shadow director, with all the duties of an ordinary director.
11. Observers and others, such as professional advisors, may attend board meetings. Generally the minutes of the meetings will note the names of observers and the fact that they are "in attendance". Persons "in attendance" have no specific legal status and in itself the phrase does not indicate any particular level of participation in the company's affairs. The extent of the participation of a councillor described in board minutes as "in attendance" is a question of fact. They should, however, take care to avoid involvement in the management of the company so as to avoid being treated as a shadow director.
12. A director (or shadow director) may incur personal liability if they are in breach of the above duties. This may arise where:
- the company is found, in the course of winding up, to have been trading for fraudulent purposes. If a director has acted dishonestly this is also a criminal offence;
  - following liquidation, a director is found liable for wrongful trading, i.e. allowing the Company to continue to trade at a time when the director knew or ought reasonably to have known that there was no reasonable prospect that the company would avoid going into insolvent liquidation;
  - the company commits a breach of the criminal law, for example, health and safety legislation;

- a director acts negligently or in breach of their duty to the company (including the duty to maintain confidential any confidential information relating to the company that comes into their possession).
- a director knowingly causes the company to act beyond the activities authorised by its Memorandum of Association;
- there is a breach of trust, such as the misappropriation of company funds or property;
- a director uses their powers improperly or makes a personal profit from their position as director.
- there is a failure to comply with the requirements of companies legislation, such as the making of returns to the Registrar of Companies.

**Insurance**

13. Councillors appointed as directors should find out if the company maintains appropriate insurance cover against directors' liability. If this is not in place this should be requested, but this is a matter entirely for the board and the Council cannot insist upon this. It will be necessary to ensure that the company has the resources to maintain payment of the insurance premiums.
14. Further guidance on the responsibilities of company directors is available on the websites of the Institute of Directors and Companies House:

<https://www.iod.com/Home>

<http://www.companieshouse.gov.uk>



## Appointment of a Trustee to a Trust or Charity

### Legal Status

1. Trustees will be appointed under a Trust Deed. The role and responsibilities of a trustee will depend, therefore, upon the provisions of the trust deed and/or scheme (collectively referred to as its “governing documents”) and the general law relating to trusts and charities.
2. It is quite common for companies to be set up as trusts with charitable objects. In this case the trustees will also be directors of the company and will have the obligations set out in Appendix C as well as the obligations set out in this section. Councillors involved with charitable companies should ensure that they understand the capacity in which they have been appointed.

### Duties

3. The role of a trustee is generally to fulfil the objects of the trust and apply the income and, if appropriate, the capital of the trust in accordance with the provisions of its governing documents.
4. Trustees are subject to various duties, including the duty to:
  - act for the benefit of the charity and its beneficiaries;
  - preserve the capital of the charity (unless the trust deed gives the trustees the right to spend the capital or the charity is small and the trustees have resolved to spend the capital under the Charities Act 1993);
  - make sure income is spent only on the things authorised in the governing documents;
  - invest the capital only in authorised investments, having first taken professional advice;
  - produce annual accounts;
  - act with reasonable care and skill in administering the trust; and
  - to act unanimously (unless the trust deed allows majority decisions).
  - comply with the Charities Acts and other legislation affecting the charity.
5. The Charity Commission’s website - [www.charitycommission.gov.uk](http://www.charitycommission.gov.uk) - contains useful guidance, in particular Publication CC3 - “Responsibilities of Charity Trustees” which outlines the basic principles that should guide trustees when administering their charity:
  - the income and property of the charity must be applied for the purposes set out in the governing document and for no other purposes;
  - the trustees must act reasonably and prudently in all matters relating to the charity and must always bear in mind the interests of the charity. They should not let their personal views or prejudice affect their conduct as trustees;
  - trustees should exercise the same degree of care in dealing with the administration of their charity as a prudent businessman would exercise in managing his or her own affairs or those of somebody else for whom he or she was responsible; and

- where trustees are required to make a decision which affects a personal interest of one of their members that person should not be present at any discussion or vote on the matter.

### **Liability**

6. Trustees are jointly and severally liable to the charity for breaches of trust. They may incur personal liability for losses incurred if they:
  - act outside the scope of the trust deed;
  - fall below the required standard of care;
  - make a personal profit from the trust assets;
7. Trustees will incur personal liabilities under contracts they enter into in the name of the charity. They are, however, entitled to be reimbursed from the charity's funds for all liabilities and expenses properly incurred by them, provided this is authorised by the trustees in accordance with the trust deed.

### **Observer Status**

8. The Council may appoint a councillor to a trust or charity simply in the role as an observer. A councillor acting as an observer should avoid exceeding this role by becoming directly involved in the management of the charity or by being part of the formal decision making process as they may be deemed to be a trustee for the purposes of determining liability.

### **Insurance and Indemnity**

9. An indemnity can be given from the trust fund provided the trustee has acted properly and within their powers. Trustees may take out insurance to protect themselves against personal liability except criminal liability. Payment of the premiums must be authorised by the trust deed if they are to be met from charitable funds.
10. Accordingly, a Trustee will usually only be liable for his/her own activities or for losses arising from his/her "wilful default". The phrase "wilful default" has been held, in this context, as meaning knowingly committing a breach of duty or being reckless as to whether an act or omission is a breach of duty. It would be no defence that the Trustee was unaware of what was contained in the governing documents and was thus unaware of whether something was in breach of duty or not.
11. Officers will advise you whether the Charity has taken out any relevant insurance that covers you as a Trustee in the carrying out of your responsibilities as such. However where insurance is not provided you should raise this as an issue and ask the Charity to take out and maintain appropriate insurance against Trustees' liability. Councillors should be aware that the effectiveness of such insurance will depend on the Charity having the resources to maintain the insurance, which it may not if it becomes insolvent and ensuring that it is both regularly reviewed in terms of cover and renewed. Councillors can also rely on the limited immunity from legal proceedings provided by Section 265 Public Health Act 1875. The principles set out earlier apply equally to Members serving on Trusts, namely that the Councillor must be performing a statutory function and must be acting in good faith. It will not apply if there has been dishonesty by the Councillor.

## Appendix C

**Unincorporated Associations****Legal Status**

1. Most societies, clubs and similar organisations (other than companies, industrial societies and trusts), are unincorporated associations. This is an informal organisation, which may arise where several people join together, with the intention of creating legal relations, to carry out a mutual purpose otherwise than for profit.
2. There is no statutory definition of an unincorporated association but it has been described by the court as “an association of persons bound together by identifiable rules and having an identifiable membership”. Unlike a company it does not have a separate legal status distinct from its members.
3. The rules of an unincorporated association are found in its constitution, which sets out the roles and responsibilities of its members.

**Duties**

4. An unincorporated association will typically have an executive or management committee with its powers and composition defined by the constitution. Key decisions will usually be made by the members at general meetings. The day to day administration of an association is usually undertaken by the officers and members of the executive or management committee.
5. Broadly executive or management committee members must act within the constitution and must take reasonable care in exercising their powers.
6. Where an unincorporated association is a registered charity the members of the executive or management committee may also be charity trustees. As such, their role and responsibilities will be determined not only by the association’s constitution but also by the general law relating to trusts and charities, as set out Appendix B.

**Observer Status**

7. The Council may appoint a councillor to the executive or management committee of an unincorporated association as an observer. A councillor acting as an observer should avoid exceeding this role by becoming directly involved in the management of the association as they may be deemed to be an ordinary member for the purposes of determining liability.

**Liabilities**

8. Members of the management committee are generally liable, jointly and severally, for the acts of the organisation, but are entitled to an indemnity from the funds of

the organisation if they have acted properly. If there are insufficient funds the members are personally liable for the shortfall

9. Particular care should also be taken when entering into contracts on behalf of the association. If the individual lacks the authority to do so, they may find themselves personally liable for the performance of the contract.

### **Insurance**

10. Insurance may be available, but payment of the premiums must be authorised by the constitution if they are to be met from the association's funds.
11. If the association is a trust, as will be the case with any registered charity, the position with regard to indemnities will apply as explained earlier. Councillors can also rely on the limited immunity from legal proceedings provided by Section 265 Public Health Act 1875.
12. Officers will advise you whether the association has taken out any relevant insurance that covers you as a Councillor in the carrying out of your responsibilities as such. However where insurance is not provided you should raise this as an issue and ask the association to take out and maintain appropriate insurance against members' liability. As mentioned earlier Councillors should be aware that the effectiveness of such insurance will depend on the association having the resources to maintain the insurance, which it may not if it becomes insolvent and ensuring that it is both regularly reviewed in terms of cover and renewed.

## Steering Groups, Joint Committees and Partnership Bodies

### Duties

1. If a Councillor who is nominated or appointed as a committee member or as an observer to a partnership body (e.g. the LGA), s/he will not be exposed to the same liability as a Director or Trustee. Ideally, the duties and obligations of the Member or Officer concerned will be set out in the agreement or other documents regulating the committee or partnership.
2. Despite the fact that Officers from the Legal & Democratic Services' Team will be providing an overview of the body, it would still be sensible if the Councillor's role is still unclear to establish formally at the outset as to whether s/he is acting as a delegate/representative of the Council to promote its interest, or if s/he has an independent role to fulfil on behalf of the committee or partnership. If it is an independent role, s/he will have to uphold the Committee's or partnership's interests, even when the same may be in conflict with the policies and best interests of the Council whilst s/he is serving on the Committee or partnership **but not** whilst serving as a Councillor of the Council.
3. If the committee or partnership is seeking charitable status it will need to establish itself as a trust or incorporate to become a company limited by guarantee. Any Councillor becoming a Trustee or a Director will need to consider his/her duties as set out elsewhere in this guidance.

### Indemnities, Immunities and Insurance

4. Councillors appointed to a committee or partnership body can rely on the limited immunity provided under Section 265 Public Health Act 1875 unless they are there in an independent role. Officers will advise you whether the body has taken out any relevant insurance that covers you as a member in the carrying out of your responsibilities as such. However where insurance is not provided you should raise this with Legal & Democratic Services for further guidance and advice.

## Appendix E

**Equality Act 2010****Public sector equality duty**

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- (5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-
- (a) tackle prejudice, and
  - (b) promote understanding.
- (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- (7) The relevant protected characteristics are:-
- age;
  - disability;
  - gender reassignment;
  - pregnancy and maternity;
  - race;
  - religion or belief;

- sex;
- sexual orientation.

(8) A reference to conduct that is prohibited by or under this Act includes a reference to:-

- (a) a breach of an equality clause or rule;
  - (b) a breach of a non-discrimination rule.
-

Area North Committee – 25 June 2014

## 12. Area North Committee – Forward Plan

*Strategic Director:* Rina Singh, Place and Performance  
*Assistant Directors:* Helen Rutter & Kim Close, Communities  
*Service Manager:* Charlotte Jones, Area Development (North)  
*Lead Officer:* Becky Sanders, Committee Administrator  
*Contact Details:* becky.sanders@southsomerset.gov.uk or (01935) 462596

### Purpose of the Report

This report informs Members of the Area North Committee Forward Plan.

### Public Interest

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Area North Committee agenda, where members of the committee may endorse or request amendments.

### Recommendation

Members are asked to:

Note and comment upon the Area North Committee Forward Plan as attached at Appendix A and identify priorities for further reports to be added to the Area North Committee Forward Plan.

### Area North Committee Forward Plan

Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the Agenda Co-ordinator.

Items marked *in italics* are not yet confirmed, due to the attendance of additional representatives.

To make the best use of the 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 and SCC corporate aims and objectives.

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders.

**Background Papers:** None

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## Appendix A – Area North Committee Forward Plan

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders, [becky.sanders@southsomerset.gov.uk](mailto:becky.sanders@southsomerset.gov.uk)

Items marked in italics are not yet confirmed, due to the attendance of additional representatives. Key: SCC = Somerset County Council

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
Monthly	Somerset Levels and Moors Action Plan	A progress report on the Somerset Levels & Moors Action Plan, and Flood Recovery Plan	Charlotte Jones, Area Development Manager (North)
<i>25 Jul '14</i>	<i>Highways Update</i>	<i>To receive an update regarding grants received from central government, in response to the winter flooding and subsequent damage to the highway network.</i>	<i>Neil McWilliams, Assistant Highway Service Manager (SCC)</i>
<i>25 Jul '14</i>	<i>Arts and Entertainment</i>	<i>Service update report.</i>	<i>Adam Burgan, Arts &amp; Entertainment Manager and Pauline Burr, Arts Development Officer</i>
<i>25 Jul '14</i>	<i>Local Housing Needs in Area North</i>	<i>A report on the services provided by the Housing and Welfare Team and an update on housing need in Area North.</i>	<i>Kirsty Larkins, Housing and Welfare Manager</i>
<i>25 July '14</i>	<i>Flooding, land drainage and civil contingencies</i>	<i>General report providing an annual update.</i>	<i>Roger Meecham, Engineer and Pam Harvey, Civil Contingencies &amp; Business Continuity Manager</i>
25 July '14	Building at Risk (Confidential)	A report on a particular historic building at risk in Area North, with an assessment of the council's options for its longer term conservation.	Ian Clarke, Assistant Director (Legal and Corporate Services)

25 July '14	Community Safety	Update report on Community Safety and Neighbourhood Policing in Area North.	Sgt Dean Hamilton – Avon and Somerset Constabulary
24 Sept '14	Section 106 Monitoring Report	Update report on the completion of the terms of various s106 agreements, including the collection and re-investment of financial obligations from developers.	Neil Waddleton, Section 106 Monitoring Officer
<i>TBC</i>	<i>Community Youth Project</i>	<i>A presentation from the Community Youth Project, whose members include Martock, Somerton, Tintinhull, the Hamdons, and Kingsbury Episcopi.</i>	<i>Teresa Oulds, Neighbourhood Development Officer (North)</i>
<i>TBC</i>	<i>Economic Development in Area North</i>	<i>Presentation / discussion on opportunities to promote local economic development</i>	<i>TBC</i>

Area North Committee – 25 June 2014

### 13. Planning Appeals

*Strategic Director:* Rina Singh, Place & Performance  
*Assistant Director:* Martin Woods, Economy  
*Service Manager:* David Norris, Development Manager  
*Lead Officer:* As above  
*Contact Details:* david.norris@southsomerset.gov.uk or (01935) 462382

#### **Purpose of the Report**

To inform members of the appeals that have been lodged, decided upon or withdrawn.

#### **Public Interest**

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.

#### **Recommendation**

That members comment upon and note the report.

#### **Appeals Lodged**

13/04764/OUT – Land adjoining Fosse Way Farm, Stoke Road, Martock.  
Outline application for the erection of a detached dwellinghouse.

#### **Appeals Dismissed**

13/01338/FUL – Land south of Middle Way, Middle Street, Bower Hinton, Martock.  
The erection of a new house with a private drive serving a double garage, parking and turning area set to the rear of the house, together with associated site works. Removal of existing site frontage railings and hedging and replacement with new stone walls and railings.

#### **Appeals Allowed**

None

The Inspector's decision letter is shown on the following pages.

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## Appeal Decision

Site visit made on 25 February 2014

**by Kathrine Haddrell BA(Hons) BTP MRTPI**

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

**Decision date: 30 April 2014**

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**Appeal Ref: APP/R3325/A/13/2206348**

**Land to West of Bower Hinton Manor, Middle Street, Bower Hinton, Martock TA12 6LL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Tom Fleming against the decision of South Somerset District Council.
  - The application Ref 13/01338/FUL, dated 4 April 2013, was refused by notice dated 18 July 2013.
  - The development proposed is new house with a private drive serving a double garage, parking and turning area set to the rear of the house, together with associated site works. Also removal of existing site frontage railings and hedging and replacement with new stone walls and railings.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Tom Fleming against South Somerset District Council. This application will be the subject of a separate Decision.

### Main Issues

3. The main issues are;
  - whether the proposal would preserve or enhance the character or appearance of the conservation area,
  - the effect of the proposal on the setting of Bower Hinton Manor, a Grade II listed building,
  - the effect of the proposal on the living conditions of the occupants of Bower Hinton Manor with regard to loss of privacy and overlooking.

### Procedural Matter

4. Prior to the determination of the appeal, the Government's Planning Practice Guidance (PPG) came into force on 6 March 2014. The content of the Guidance has been considered but in the light of the facts in this case, it does not alter my conclusion.

## Reasons

5. The appeal site is adjacent to Bower Hinton Manor, a Grade II Listed Building and it is also within the Martock and Bower Hinton Conservation Area. There has been some dispute as to when the building was first listed, and confusion may have arisen from the change in name of what was Hurst (or Hirst's) Farmhouse to Bower Hinton Manor. From all I have seen, the building was first listed in 1961. In any event, I have paid special attention to the desirability of preserving the setting of the listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and also to the desirability of preserving or enhancing the character or appearance of the Conservation Area in accordance with section 72 of the Act.
6. The appeal site currently comprises an area of open space which is currently rough paddock. It is divided into two by a post and rail fence, and, due to changes in site levels, rises towards the rear of the site. The boundary with Middle Street comprises iron railings and there are a number of mature trees within the site.
7. The appeal proposal is for the erection of a new five bedroom dwelling together with a double garage and parking area, turning area and garden. The existing railings would be replaced with new stone walls and railings. An existing but dilapidated stone store towards the front of the appeal site would be restored and reused.
8. As the appeal site is within the village, it is also within the development limit of Bower Hinton, where development is acceptable in principle. However, Policy ST6 of the *South Somerset Local Plan (2006)* states that development that is otherwise acceptable in principle will be permitted subject to a number of design related criteria. The appeal site is not identified in the Local Plan as an area of open space covered by Policy EH10

*Whether the proposal would preserve or enhance the character or appearance of the conservation area?*

9. This part of Bower Hinton is of medieval origin and is now characterised by a number of seventeenth and eighteenth century former farmhouses and low density irregular development which used to be interspersed with paddocks and orchards. However, these open spaces have now largely been infilled with modern development, some of which is in close proximity to the appeal site. As a consequence, the appeal site itself is considered by the Council to be the last remaining open space in Bower Hinton and what was once locally characteristic is now scarce.
10. Notwithstanding the loss of other sites, this area of open space still exists. The loss of green space would amount to just over a quarter of the site. Whilst almost three quarters would remain undeveloped, the site would become more enclosed and more domestic in nature. It has been argued that the contribution of the open space could be reduced by neglect, different grazing regimes etc. That may be true, but that is not currently the case. Such an argument is not, in my opinion, sufficient to justify the loss of a site that, whether publically accessible or not, makes an important contribution to the character and appearance of the Conservation Area.

11. The proposed front boundary treatment, and in particular the introduction of the proposed gate would, in my view, be incongruous and would not make a positive contribution to local distinctiveness. Whilst there are examples of gates in close proximity to the appeal site, these clearly relate to the former agricultural uses of buildings, rather than the domestic scale proposed here.
12. The loss of the open space and the introduction of the proposed gate would not preserve or enhance the character or appearance of the Conservation Area. The proposal would not therefore conform with Local Plan Policies ST6 and EH1, which are in general accordance with the National Planning Policy Framework (the Framework) as they relate to the importance of good design and to heritage conservation.

*The effect of the proposal on the setting of the listed building*

13. Bower Hinton Manor is an attractive 17th Century farmhouse which is the most imposing building in this part of the village. In my opinion this is increased due to its proximity to the appeal site. It has been argued that the appeal proposal would restore the listed building to its historic setting, amongst 'lesser' buildings. Evidence shows that historically, there were buildings on the appeal site. It appears that the last of these, the smithy, was demolished in 1921. Therefore, for over 90 years, Bower Hinton Manor has been seen as a large dwelling adjacent to the open space and would have been seen in this context, without the 'lesser' buildings, at the time of listing.
14. It has also been suggested that a lapsed 1976 outline consent for a dwelling on the appeal site establishes a precedent for development on the appeal site. Although that decision post-dates the listing of Bower Hinton Manor, the consent was not implemented and the setting of the listed building has remained constant for almost 40 years. However, planning and conservation policy has evolved in the intervening years, not least through the introduction of the Framework which gives great importance to design, the integration of new development into the historic environment and to the conservation of heritage assets.
15. I do not agree with the suggestion that when seen from Middle Street the proposed dwelling would be subservient to the adjacent listed building, in terms of height. The appeal proposal would be set back from Middle Street and its roof slightly lower than that of Bower Hinton Manor, but in my opinion, the overall scale and mass of the proposal, a five bedroom dwelling, means that it could not be considered to be subservient. This would be exacerbated by the changes in site level, meaning that the garage roof would be almost level with that of the rear wing of the proposed dwelling. Bower Hinton Manor would no longer be seen almost in isolation as it is now, it would be seen in the middle of two dwellings and I consider that it would be seen as less, rather than more, imposing because of this.
16. Consequently, the siting, design and mass of the appeal proposal, in particular the rear wing and garage, including the retaining wall, combined with the proximity to Bower Hinton Manor would materially harm the setting of the listed building. Whilst the harm to the heritage asset would be less than substantial, the benefits of the proposal do not outweigh that harm. For these reasons, the proposal would conflict with Policy EH5. This policy is in general accordance with the requirements for heritage conservation aims of the Framework.

*The effect of the proposal on the living conditions of the occupants of Bower Hinton Manor*

17. Amended plans submitted during the course of the planning application show the use of opaque/obscured glazing in windows and doors that would face Bower Hinton Manor, the dwelling that would be most affected by the appeal proposal, and in particular a window at first floor level. The appellant offered to remove the first floor window if that was a determinative matter. I consider that this issue could be dealt with by condition in a way that would ensure no loss of privacy. However, I do not consider that this is the determinative matter in the consideration of this appeal and this measure would not overcome the harm that would be caused by the proposal to the setting of the listed building or the harm to the character and appearance of the Conservation Area.
18. Whilst I appreciate that the occupants of Bower Hinton Manor would have their outlook altered by the appeal proposal, including the area used for outdoor dining, I do not consider that the effect of the proposal would be materially harmful. There would be a sense of enclosure that does not currently exist, but it would not be untypical in a village of this nature. Consequently, I consider that this element of the proposal would accord with Policy ST6.

**Other Matters**

19. I have been referred to a number of other developments within the village, and whilst I am not aware of the precise circumstances of those developments, the appellant makes a salient point which is that these sites were not open spaces, even if they were undeveloped.
20. I do not consider that the development of the bungalow known as the Shambles set any precedent that would indicate that this appeal should succeed. I am not aware of the circumstances of that development and I have determined this appeal on its planning merits and against the relevant statutory tests and have found that the proposal would harm the setting of the listed building and the character and appearance of the Conservation Area.
21. Reference has also been made to an appeal (ref: APP/R3325/A/13/2196074). The circumstances between the two appeals are very different in terms of the numbers of dwellings proposed and the location of this site next to a listed building. The benefits arising from additional dwellings would not be justified by the harm caused to the setting of the listed building and the character and appearance of the Conservation Area.
22. A Protected Species/Habitat Survey accompanied the planning application, relating in particular to bats and badgers. However, these are not matters upon which this appeal turns. A number of other issues were raised in letters of objection from local residents including the possible presence of a non-conformist burial ground on the appeal site and the removal of a non-listed wall on the appeal site. However, nothing leads me to a different conclusion on the main issues as set out above.

**Conclusion**

23. I have found that the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area and would cause harm to the setting of Bower Hinton Manor, a Grade II listed building. Whilst the harm

to the setting of the listed building and the Conservation Area as a whole would be less than substantial I nevertheless attach considerable importance and weight to both the desirability of preserving the character or appearance of the Conservation Area and the setting of the listed building. Notwithstanding that the development would result in an additional dwelling, and the appellant suggests that further housing is needed in the Martock area, this is not sufficient to overcome the harm I have identified.

24. For the reasons set out above, and taking all other matters into account, I therefore conclude that the appeal should be dismissed.

*Kathrine Haddrell*

INSPECTOR



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## Costs Decision

Site visit made on 25 February 2014

**by Kathrine Haddrell BA(Hons) BTP MRTPI**

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

**Decision date: 30 April 2014**

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### **Costs application in relation to Appeal Ref: APP/R3325/A/13/2206348 Land to West of Bower Hinton Manor, Middle Street, Bower Hinton, Martock TA12 6LL**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Tom Fleming for a full award of costs against South Somerset District Council.
  - The appeal was against the refusal of the Council to grant subject to condition planning permission for a new house with a private drive serving a double garage, parking and turning area set to the rear of the house, together with associated site works. Also removal of existing site frontage railings and hedging and replacement with new stone walls and railings.
- 

### **Decision**

1. The application for an award of costs is allowed in the terms set out below.

### **Reasons**

2. The application for costs was made on the basis of Circular 03/2009 which has been superseded by the Planning Practice Guidance (PPG). However, having regard to the submission put to me, I am satisfied that no party's interests will be prejudiced by my judging the application and response against the PPG.
3. The PPG advises that costs may only be awarded where a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expenses.
4. The appeal site is within a Conservation Area and adjacent to a listed building, therefore special attention must be paid to the desirability of preserving the setting of the listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and also to the desirability of preserving or enhancing the character or appearance of the Conservation Area in accordance with section 72 of the Act. This is a statutory duty.
5. Given that I found that the appeal proposal would cause material harm to the setting of the listed building and would not preserve or enhance the character or appearance of the Conservation Area, I do not agree that the appeal proposal should clearly have been permitted. I do not agree that the Council behaved unreasonably in respect of the non-prejudicial pre-application advice that was provided. It appears that assistance was given to the appellant in

order to find a scheme that would be acceptable, but that fundamental issues relating to the loss of open space emerged through the consultation process.

6. I do not agree that the proposed development should have clearly been permitted having regard to the development plan and national policy, rather, detailed policies in the development plan and the Framework relating to design and the conservation of heritage assets outweigh the location of the appeal site within the village development boundary. For the same reason, I do not agree that the reasons for refusal were based on local opposition rather than on valid planning reasons.
7. I do not consider that the appellant was put to unnecessary cost in bringing the appeal in respect of the first two reasons for refusal. From the evidence that I have seen, including the officer's delegated report, the first two of the Council's reasons for refusal were not vague and in coming to a balanced decision, weight was given to a range of consultee responses, not all of which were available at the pre-application stage.
8. However, I do accept that the third reason for refusal, relating to overlooking and loss of privacy is inaccurate, given that amended plans showed that the window that would overlook Bower Hinton Manor would be obscure glazed and that this was capable of being dealt with by condition. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has been justified in respect of the third reason for refusal and that a partial award of costs is justified.

### **Costs Order**

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that South Somerset District Council shall pay to Mr Tom Fleming, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in relation to the issue concerning the third reason for refusal.
10. The applicant is now invited to submit to South Somerset District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

*Kathrine Haddrell*

INSPECTOR

Area North Committee – 25 June 2014

## 14. Planning Applications

**The schedule of planning applications is attached.**

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 1998 Issues

The determination of the applications which are the subject of reports in this plans list are considered to involve the following human rights issues: -

1. Articles 8: Right to respect for private and family life.
  - i) Everyone has the right to respect for his/her private and family life, his/her home and his/her correspondence.
  - ii) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.
2. The First Protocol

Every natural or legal person is entitled to the peaceful enjoyment of his/her possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Each report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

David Norris, Development Manager  
david.norris@southsomerset.gov.uk or (01935) 462382

**Background Papers:** Individual planning application files referred to in this document are held in the Planning Department, Brympton Way, Yeovil, BA20 2HT

## Planning Applications – 25 June 2014

### Planning Applications will be considered no earlier than 3.30pm

Members of the public who wish to speak about a particular planning item are recommended to arrive for 3.20pm..

The inclusion of two stars (\*\*) as part of the Development Manager's recommendation indicates that the application will need to be referred to the 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 Regulation Committee even if it has not been two starred on the Agenda.

Item	Page	Ward	Application	Proposal	Address	Applicant
1	63	CURRY RIVEL	14/01048/ FUL	Conversion of redundant building to one dwelling.	Land at Water Street, Curry Rivel.	Mr & Mrs N Oliver
2	70	TURN HILL	14/01206/ FUL	Erection of 2 detached dwelling houses.	Land South Of South Barton Martock Road Long Sutton.	Mr N Gould

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Area North Committee – 25 June 2014

## Officer Report On Planning Application: 14/01048/FUL

<b>Proposal :</b>	Conversion of redundant building to one dwelling (GR 338641/125528)
<b>Site Address:</b>	Land At Water Street, Curry Rivel
<b>Parish:</b>	Curry Rivel
<b>CURRY RIVEL Ward (SSDC Member)</b>	Cllr Terry Mounter
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	20th May 2014
<b>Applicant :</b>	Mr & Mrs N Oliver
<b>Agent: (no agent if blank)</b>	Mr Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at the request of the Ward Member with the agreement of the Area Chair to allow Members to fully debate the impact of the proposed development on the character of the surrounding area.

### SITE DESCRIPTION AND PROPOSAL





The application relates to the conversion of redundant building in open countryside to a dwelling. The site is located off Water Street, to the west of Curry Rivel and lies approximately 500m from the edge of the Curry Rivel defined development area. It comprises a single storey mixed brick, block, metal and timber clad structure with a metal roof and is located just off centre within an open field. There is an open fronted agricultural store to the east of the field, which is not within the application site.

The immediate vicinity of the application site is sparsely developed, although there is some low density development to the east and north along Water Street. The grade II\* Heale House is sited to the west and grade II listed Peel Barton and Heale Lodge are to the south. Of these, Heale Lodge is site in a roadside position, immediately to the south of the application site. Planning permission was granted in 2011 for the removal of a large group of buildings on land to the north and replacement with a dwelling.

This application is made for planning permission for the alteration and conversion of the existing building to provide a dwelling. The proposals replacing the existing roof with a zinc roof, with PV panels included to the south facing slope. It is also proposed to replace the existing metal and timber cladding with new timber cladding. The proposal also includes the provision of a new vehicular access to the west and a new drive with parking and turning area. The 0.3 hectare open field is to be sub-divided to form a residential curtilage for the proposed dwelling. It is proposed to plant the boundary with native hedge and carry out orchard planting to the south of the site.

## HISTORY

No history on application site.

## POLICY

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

### Relevant Development Plan Documents

South Somerset Local Plan 2006:

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EC3 - Landscape Character

EC8 - Protected Species

EH5 - Development affecting the setting of Listed Buildings

EH7 - The Conversion of Buildings in the Countryside

### Policy-related Material Considerations

National Planning Policy Framework (March 2012):

Core Planning Principles - Paragraphs 14 and 17

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

## CONSULTATIONS

**Parish Council:** The Parish Council has no objections to raise in respect of this planning application, subject to the permitted development rights for the rest of the site being removed.

**County Highway Authority:** County Council Standing Advice should be applied, specifically provision of appropriate visibility splays (2.4m x 43m), properly consolidated access, positive drainage arrangements to ensure no surface water runoff onto the public highway and appropriate parking and turning provision on-site.

**Natural England:** No objections.

**SSDC Ecologist:** No comments or recommendations due to insufficient potential roosting opportunities within the building.

**English Heritage:** No comment - The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

**SSDC Conservation Officer:** The Conservation Officer has no objection to the conversion of the barn itself, however it is noted that the barn sits in an open area with listed buildings close by. Concerns are raised in relation to the change in nature of the land around the building to a domestic use. The area of land shown for the garden is extensive and is opposite the listed buildings. The main concerns are that a domestic use of the land will have an impact on the setting of the listed buildings.



**SSDC Landscape Architect:** Two landscape issues have been raised. Firstly, it is noted that there will be hedge removal to create a visibility splay. It is expected that the majority of the splays are accommodated by facing-up the road-side face of the hedge, without impacting upon its structure, so that any change to the character of the lane can be minimised to an acceptable level. Any further removal of the core of the hedge would be unacceptable as this would represent a partial erosion of the narrow character of the lane.

Finally, in considering the principle of re-development, the site is divorced from the core of the village, to be considered as being sited in a countryside location. There is a sporadic scattering of individual dwellings in the vicinity, along with farmsteads that are interspersed by small paddocks and larger agricultural fields, but no strong residential context. The application structure lays some way into the field, with farmland to fore and rear. The change of the building from agricultural to domestic, with associations of car movement; domestic paraphernalia, and night light extends domestic use into the countryside, unrelated to the established domestic pattern. I regard this to be at variance with local character and thus not meeting saved LP policy ST5 para 4, to justify a landscape objection.

## REPRESENTATIONS

No comments received.

## CONSIDERATIONS

### Principle of Development

In terms of principle, the site is located beyond any defined development area, where residential development is normally strictly controlled by local and national planning policies. Paragraph 55 of the National Planning Policy Framework (NPPF) states that "Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances". These circumstances include:

- Where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting.

This application is made on the basis of making use of an existing building, which is redundant. Consideration has been given as to whether conversion could be carried out by applying the new permitted development rights that have come into force under Schedule 2 Part 3 Class MB of the Town and Country Planning (General Permitted Development) Order 1995, however there are a number of reasons why this proposal would not comply, with the principal one being that the building has been used in connection with the surrounding paddock and is therefore not considered to form part of an "established agricultural unit". Despite this, there is other general policy support for the conversion of existing buildings, which is to be considered in this proposal. Saved Local Plan policy EH7, which requires that every reasonable attempt has to secure a suitable business reuse of existing buildings, prior to their conversion for residential purposes, is still valid, however as this policy has not been replaced in the current draft Local Plan, it is considered appropriate to assess this policy in respect to the advice contained within the NPPF (paragraph 55).

In this respect the building is single storey agricultural storage building/workshop that has historically been used in conjunction with the surrounding field, however it is advised that the building has been disused for several years. It is constructed with solid walls on

three sides, comprising a mix of block work and an older brick gable with chimney, and is otherwise clad in timber and metal. Whilst dilapidated, the building is of permanent and substantial construction and is generally in sound structural condition and capable of conversion. It is necessary to replace the roof, with a simple zinc finish proposed, and it is also intended to re-clad with timber and insert aluminium frame windows and doors.

The proposed development is deemed to be capable of conversion in line with paragraph 55 of the NPPF, although consideration will still need to be given to other planning considerations such as impact on local landscape character, the setting of nearby listed buildings and highway safety.

### **Scale and Appearance**

The building retains the same height as existing and remains on the same footprint, with no extension, and the openings broadly correlate to existing opening positions, although there is inevitably a need to increase the number windows in the building. This creates a domestic appearance at odds with the simple functionality of this utilitarian rural building.

There is also concern relating to the land around the building and impact of domestication of this land. The site is located at distance from the edge of Curry Rivel, where the density of development reduces to very much an open countryside scale. There are a sporadic scattering of individual dwellings in the vicinity, with the main character of the area comprising the occasional farmstead interspersed with small paddocks and larger agricultural fields. There is however no strong residential context. The site itself comprises the building being considered for conversion and a large open field. The building sits to the centre of this field and is of a very simple agricultural form that assimilates well within the surrounding countryside. The Council's Landscape Officer has raised concerns on two parts, the first being potential impact on the roadside hedge due to the need to create a visibility splay for the proposed access, and secondly due to the increased domestic presence thorough, the new access, domestic paraphernalia, car movements and light intrusion, which is considered to lead to a development that fails to respect the form, character and setting of the locality.

While the applicant has indicated that the visibility splays can be provided with some cutting back and reinforcing of the roadside boundary hedgerow, without large scale removal, the domestication and associated intrusion into open countryside associated with the proposal is still of concern.

The applicant has proposed to carry out orchard planting within the proposed curtilage area and has also suggested the inclusion of a condition to remove permitted development rights for the addition of outbuildings and domestic paraphernalia. This is acknowledged, however it is not considered that it would adequately mitigate the inevitable domestication of the site and the loss of the openness of the land that would result from the formation of a residential plot in the middle of this field. Furthermore, it is pointed out that a dwelling of this nature would almost certainly generate pressure for ancillary outbuildings such as garages, stores, etc. Whilst such development would be subject to an application, it is considered very unlikely that the Local Planning Authority would be in a position to resist the principle of such a request, particularly where domestic use of the site has been permitted.

The Council's Conservation Officer has raised concerns in respect to the development as he considers the open character of the site and the surrounding area to be a key feature of the setting of the nearby listed buildings. It is considered that the change in nature of the land from a simple open agricultural form to a more enclosed and domesticated appearance, will adversely impact on the distinctive character of the area, which defines, and creates the setting for these listed buildings.

Finally, it is noted that to comply with paragraph 55 of the NPPF, the proposed reuse of redundant or disused buildings should also lead to an enhancement of the immediate setting. The applicant has argued that the building is rundown and overgrown, with a line of non-native conifers along the west side of the building, which are incongruous, and that the proposal offers the opportunity to enhance the appearance of the building and its immediate setting. The presence of the non-native specimens are acknowledged, however these are not considered to be so incongruous as to have a harmful impact on local landscape character. Also the building may be a little dilapidated but it is a simple low profile agricultural structure, commonly found in open countryside and in itself sits comfortably within the site, having little overall impact on its surroundings. Far from leading to an enhancement, it is considered that the subdivision of the field, provision of a new vehicular access, drive, parking and turning area, as well as the necessary amenity space and inevitable presence of domestic equipment, will adversely impact on the character of the area, having a negative impact to the detriment of the locality.

One of the criteria listed under paragraph 17 of the NPPF (Core Planning Principles), also reiterates the need to *"take account of different roles and character of different areas"*, including *"recognising the intrinsic character and beauty of the countryside"*. Again, the proposed development is considered to be contrary to this core planning principle of the NPPF, and therefore fails to accord with the presumption in favour of sustainable development within the National Planning Policy Framework.

### **Other Issues**

The application includes the provision of a new means of access and a parking and turning area within the site. The County Highway Authority have made no specific comments, instead referring to their standing advice. In this case, the proposed access arrangements incorporate the required visibility splay of 2.4m by 43m, of which all the necessary land is within the applicant's control or that of the Highway Authority.

The layout also shows adequate space for turning of vehicles and for the parking of 2 cars, which is sufficient to meet the requirements for a two bedroom dwelling in this location. Details of surface finish and drainage arrangements will be dealt with by condition. Overall, the proposal is considered to accord with the standing advice and there are no objections in respect to highway safety.

No bat survey has been carried out, however the Council's Ecologist has considered the proposal and is satisfied that there would be insufficient roosting opportunities within the building to present a constraint on development. A survey could be required by condition if deemed appropriate.

The site is in a relatively isolated location with a good distance from the nearest residential properties and as such there are no residential amenity issues.

### **Conclusion**

Overall, while it is considered that the building is capable of conversion to a residential unit, it is located towards the centre of an open field, where the subdivision of the site and introduction of domestic features associated with the proposed residential use of the site is considered to be unacceptable. Rather than offering an enhancement of the immediate setting, as required by paragraph 55 of the NPPF, the development is considered to detrimentally impact on the distinctive open character of the area, which also forms part of the setting of nearby listed buildings.

**RECOMMENDATION**

Refuse planning permission

**REFUSAL REASON**

01. The proposed conversion of this simple, functional, isolated rural building, sited centrally in this 0.3 hectare field, would, by reason of the addition of domestic doors, windows, eaves and fascia detailing, the creation of a substantial domestic curtilage, access track and parking and turning areas, result in an alien and incongruous form of development at odds with the open rural character and appearance of the locality and detrimental to the rural setting of the nearby listed buildings, that would not lead to an enhancement of this site. As such the proposal is contrary to saved policies ST5, ST6, EC3 and EH5 of the South Somerset Local Plan 2006 and the provisions of paragraph 17 and chapters 6, 7, 11 and 12 of the National Planning Policy Framework.
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Area North Committee – 25 June 2014

## Officer Report On Planning Application: 14/01206/FUL

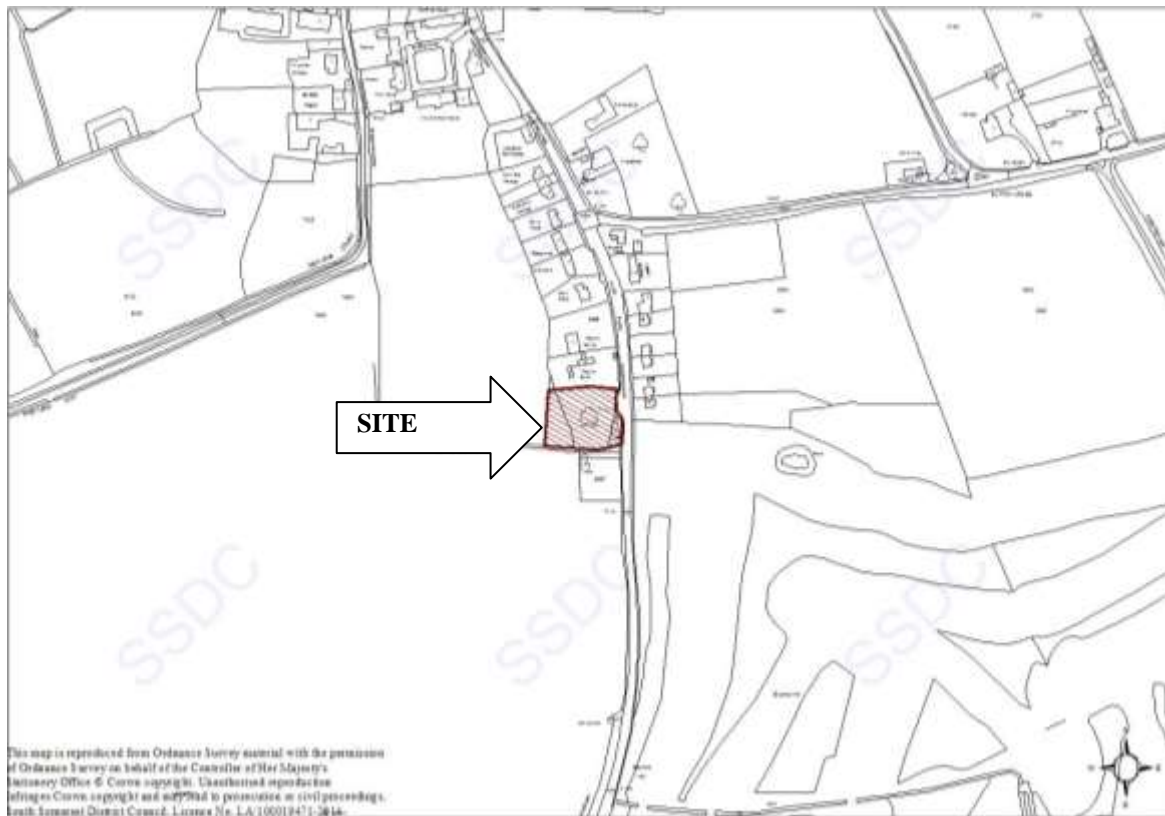
<b>Proposal :</b>	Erection of 2 detached dwelling houses (GR346949/124920).
<b>Site Address:</b>	Land South Of South Barton, Martock Road, Long Sutton.
<b>Parish:</b>	Long Sutton
<b>TURN HILL Ward (SSDC Member)</b>	Cllr Shane Pledger
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	14th May 2014
<b>Applicant :</b>	Mr Nicholas Gould
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application for two dwellings is outside settlement limits and is referred to committee as a departure from the saved policies of the local plan.

### SITE DESCRIPTION AND PROPOSAL





This application is seeking full planning permission to erect two, two-storey detached dwellinghouses.

The application site is greenfield land located outside but immediately adjacent to the defined development area for Long Sutton. The plot fronts on to Martock Road (Class B road) with housing opposite and to the north and backs on to open countryside to the west. The land to the south, which is also outside development limits, is undeveloped but has extant permission (10/05132/FUL) to erect three affordable houses. A public footpath passes between this site and that to the south. The site was, until quite recently, covered in fairly dense planting but has since been cleared of almost all the planting and only two trees now remain. Whilst the site is relatively flat and level with development to the north and east and the development to the south it drops away to the west and is quite exposed to views from the wider countryside in this direction.

## HISTORY

No recent relevant history

## POLICY

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

The development plan comprises the South Somerset Local Plan and the policies of most relevance to the proposal are:

ST3 - Development Areas  
 ST5 - General Principles of Development  
 ST6 - The Quality of Development  
 EC3 - Landscape Character  
 EC7 - Networks of Natural Habitats  
 EC8 - Protected Species  
 EU4 - Water Services

National Planning Policy Framework:

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

## CONSULTATIONS

**Long Sutton Parish Council:** Support the application subject to the withdrawal of permitted development rights and an appropriate landscaping scheme.

**County Highways:** Referred to their standing advice which sets out the following requirements:

- Visibility splays of 43m in either direction measured 2.4m back from the edge of the carriageway;
- Entrance gates to open inwards and set back a minimum of 5 metres from the carriageway edge;
- A minimum level of on-site parking of 3.5 parking spaces plus additional space for turning for each dwelling.

**County Rights of Way:** No objections.

**Natural England:** Raised no objection and noted the obligations of the LPA in relation to protected species, local wildlife sites, biodiversity enhancements and landscape enhancements.

**Landscape Officer:** Raised no landscape issues with the principle of development on this site given its close correspondence with existing village form and its location inside an established hedgerow that effectively demarcates the settlement edge. On a matter of detail I would advise that the rear boundary is not 1.8m high close board fencing, which presents a hard edge to the surrounds, but instead is demarcated by hedgerow planting.

## REPRESENTATIONS

None.

## CONSIDERATIONS

This application is seeking full planning permission to erect two detached, two-storey detached dwellings and includes the formation of two new accesses to serve each of the dwellings.

**Principle:**

The application site is located outside but immediately adjacent to the development area for Long Sutton as defined by the South Somerset Local Plan where, under the requirements of Policy ST3, new residential development is usually strictly controlled. Beyond this it should be acknowledged that the 2006 plan is now out of date and only those policies that are compliant with the aims of sustainable planning as set out within the NPPF have been saved. Whilst the emerging local plan has yet to be adopted Policy SS2 has not been queried by the local plan inspector or challenged in the course of the local plan suspension and is not due for debate during the local plan inquiry scheduled to take place on 10-13 June of this month. Accordingly for the purpose of this application it is considered that the general thrust of Policy SS2 and the NPPF's support for sustainable development should be balanced against the historic interpretation of Policy ST3 which weighs heavily against unwarranted development outside settlement boundaries.

Given these circumstances, the proposal to construct two dwellings should be considered on its own merits. From a sustainability perspective there is a pavement on the east side of Martock Road opposite the site which links into the centre of the village where services such as a village primary school, hall, shop and pub can be found within an easy walking distance of the site. The site physically abuts the development area with existing built development immediately to the north and east. Whilst the land immediately to the south is currently undeveloped there is extant permission (granted March 2013) to erect three affordable homes on this site. The current application site is not considered to be an important gap within the streetscene and its development raises no substantive landscape or visual amenity concerns. On this basis the proposed infill development is considered to represent a sustainable form of development that raises no other significant harm and to therefore be acceptable in principle.

**Visual amenity**

Given the close relationship of the site with the existing built form to the north and east the principle of developing this site raises no strong landscape objection. Overall given the proposed layout, orientation, size and design of the houses the scheme is considered to be in keeping with surrounding development. A number of amendments have been made to address concerns raised in relation to some of the detail of the scheme including revising the south boundary treatment to a hedge and the west boundary treatment to a low post and rail fence, in place of a high close-board fence. It is considered that provided an appropriate landscaping scheme is secured through a condition the development does not raise any significant visual amenity concerns.

**Residential amenity:**

Bearing in mind the position of the proposed houses, broadly in line with the existing houses to the north, their size and orientation they should not result in any significant loss of light or overbearing concerns. No first floor openings have been proposed within the north (side) elevation of Plot 2, which faces on to neighbouring land, as such the development raises no substantive loss of privacy or other residential amenity concerns.

**Highway safety:**

The scheme broadly accords with the highway authority's standing advice in that the level of visibility for emerging vehicles meets their 43m visibility splay requirement and incorporates onsite parking for four cars along with turning for each house. It is noted that the entrance gates are set only 4.5m back from the edge of the carriageway and so do not quite meet the 5m rule, however, this matter can be addressed satisfactorily by condition without adversely affecting the scheme. On this basis the proposal is not considered to be prejudicial to highway safety.



**Conclusion:**

Notwithstanding the location of the site outside defined development limits, by virtue of its close physical relationship to existing built form and easy walking distance to nearby services it is considered to meet the aims of sustainable development as set out within the NPPF. For the reasons set out above, the development raises no substantive landscape, visual or residential amenity concerns and is not considered to be prejudicial to highway safety, in accordance with Policies ST5, ST6 and EC3 of the South Somerset Local Plan, and is therefore recommended for approval.

**RECOMMENDATION**

Grant permission for the following reason:

The proposed dwelling represents an appropriate and sustainable form of development which will contribute to the council's housing supply without demonstrable harm to visual or residential amenity or being prejudicial to highway safety and therefore accords with the aims and objectives of the National Planning Policy Framework and saved policies ST5, ST6 and EC3 of the South Somerset Local Plan.

**SUBJECT TO THE FOLLOWING:**

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans:

- location plan received 18/03/2014;
- drawing number 4215 (P) 08A received 17/03/2014; and
- drawings numbered 4215 (P) 02B, 4215 (P) 03B, 4215 (P) 04B, 4215 (P) 05B, 4215 (P) 06B, 4215 (P) 07B and 4215 (P) 09 received 25/04/2014.

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

03. No works shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;

- a) particulars of the materials (including the provision of samples where appropriate) to be used for all external walls, roofs and chimneys;
- b) full details of all new walls and boundary walls, including the materials, coursing, bonding, mortar profile, colour and texture, to be provided in the form of a sample panel to be made available on site;
- c) details of the recess, design, materials and external finish for all external doors, windows, boarding and openings, including detailed sectional drawings where appropriate;
- d) details of lintels to all external openings;
- e) details of all roof eaves, verges and abutments, including detailed section drawings, and all new guttering, down pipes and other rainwater goods, and external plumbing;
- f) details of all gates, fences and the surface material for the parking and turning area.

Reason: In the interest of visual amenity to accord with Policy ST6 of the South Somerset Local Plan.

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

Reason: In the interests of visual amenity in accordance with Policies ST5 and ST6 of the South Somerset Local Plan.

05. The development hereby permitted shall not be commenced unless details of the internal ground floor levels of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policies ST5 and ST6 of the South Somerset Local Plan.

06. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the splay areas shown on drawing number 4215 (P) 09 received 25/04/2014. Such visibility splays shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

07. Before the dwellings hereby permitted are first occupied, the access over the first 5m of its length shall be properly consolidated and surfaced in tarmac, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to comply with Policy ST5 of the South Somerset Local Plan.

08. Before the dwelling is occupied and the access is first brought into use, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto any part of the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority and thereafter maintained in this fashion at all times.

Reason: In the interests of highway safety and to comply with Policy ST5 of the South Somerset Local Plan.

09. The area allocated for parking and turning on the submitted plan, drawing number 4215 (P) 02B received 25/04/2014, shall be kept clear of obstruction and shall not

be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

10. Any entrance gates shall be hung to open inwards and set back a minimum distance of 5m from the highway at all times.

Reason: In the interests of highway safety and to comply with Policy ST5 of the South Somerset Local Plan.

11. Prior to the development hereby approved being first brought into use the first floor windows within the north elevation of Plot 1 and the south elevation of Plot 2 shall be fitted with obscure glass and shall be permanently retained and maintained in this fashion thereafter.

Reason: In the interest of residential amenity to accord with Policy ST6 of the South Somerset Local Plan.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings (including doors) shall be formed above ground floor level within the north or south elevations of the dwellings hereby permitted without the prior express grant of planning permission.

Reason: In the interest of residential amenity to accord with Policy ST6 of the South Somerset Local Plan.