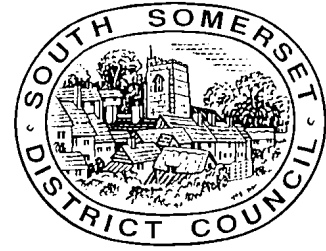


# South Somerset District Council

## Notice of Meeting



# Area East Committee

*Making a difference where it counts*

## Wednesday 11th February 2015

### 9.00 am

**Council Offices  
Churchfield  
Wincanton  
BA9 9AG**

(disabled access is available at this meeting venue)



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Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than **10.45am**

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Anne Herridge, Democratic Services Officer 01935 462570**, website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

This Agenda was issued on Tuesday 3 February 2015.

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



INVESTORS IN PEOPLE

# Area East Committee Membership

Nick Weeks  
Mike Lewis  
Mike Beech  
John Calvert

Tony Capozzoli  
Nick Colbert  
Anna Groskop  
Henry Hobhouse

Tim Inglefield  
Lucy Wallace  
William Wallace  
Colin Winder

## 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 and 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

Members of the public are requested to note that the Committee will break for refreshments at approximately **10.30 am**. Planning applications will not be considered before **10.45 am** 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 formal written report from the Area Highways Officer should be on the main agenda in May and November. A representative from the Area Highways Office should attend Area East Committee in February and August from 8.30 am to answer questions and take comments from Members of the Committee. Alternatively, they can be contacted direct 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 3 minutes on agenda items; and
- see agenda reports.

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

Agendas and minutes of Area Committees are published on the Council's website <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 and questions about planning applications will be dealt with at the time those applications are considered, when planning officers will be in attendance, 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 3 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/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 East Committee

**Wednesday 11 February 2015**

## Agenda

### *Preliminary Items*

- 1. Minutes of Previous Meeting**
- 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.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 15<sup>th</sup> May 2014, where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council. If you have a prejudicial interest you must comply with paragraphs 2.9(b) and 2.9(c) of the Code.

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 Tim Inglefield and William Wallace

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. Public Participation at Committees**

a) **Questions/comments from members of the public**

b) **Questions/comments from representatives of parish/town councils**

This is a chance for members of the public and representatives of Parish/Town Councils to participate in the meeting by asking questions, making comments and raising matters of concern. Parish/Town Council representatives may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town. The public and representatives of Parish/Town Councils will be invited to speak on any planning related questions later in the agenda, before the planning applications are considered.

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

#### **6. Feedback on Reports referred to the Regulation Committee**

#### **7. Date of Next Meeting**

Members are asked to note that the next scheduled meeting of the committee will be held at the Council Offices, Churchfield, Wincanton on Wednesday 11th March 2015 at 9.00am.

#### **8. Chairman Announcements**

##### *Items for Discussion*

9. **Exclusion of Press and Public** (Page 1)

10. **Historic Buildings at Risk in Area East - Confidential** (Pages 2 - 3)

11. **SSDC Welfare Benefit Work in South Somerset** (Pages 4 - 10)

12. **Village Halls update** (Pages 11 - 14)

13. **Area East Committee Forward Plan** (Pages 15 - 17)

14. **Items for information** (Pages 18 - 46)

15. **Schedule of Planning Applications to be Determined by Committee** (Pages 47 - 48)

16. **14/02896/OUT - Land adjacent Light House, Barton Road Keinton Mandeville Residential development of land for up to six dwellings.** (Pages 49 - 60)

17. **14/03661/FUL Corton Denham Road The development of a shared electronic communications base station** (Pages 61 - 74)
18. **14/05070/LBC 4 Upper Street, Castle Cary - Retrospective to retain replacement windows** (Pages 75 - 80)
19. **1/404978/FUL 5 Priory Villas Station Road Wincanton. Installation of a dormer window in main roof.** (Pages 81 - 85)

**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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# Agenda Item 9

## **Historic Buildings at Risk - Confidential and Legally Privileged**

As this report is confidential, a full copy of this item is attached to the members' agenda.

### **Confidential - Exclusion of Press and Public**

By virtue of the Local Government Act 1972, Schedule 12A under paragraph:

- 3, information relating to the financial or business affairs of any particular person (including the authority holding that information).

Members are asked to pass a resolution to exclude the press and public during consideration of this item as the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.



# Agenda Item 10

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

# Agenda Item 11

## **SSDC Welfare Benefit Work in South Somerset**

*Strategic Director:* Vega Sturgess, Strategic Director (Operations and Customer Focus)  
*Assistant Director:* Steve Joel, Assistant Director (Health and Well Being)  
*Service Manager:* Kirsty Larkins, Housing and Welfare Manager  
*Lead Officer:* Catherine Hansford, Welfare Benefits Team Leader  
*Contact Details:* [catherine.hansford@southsomerset.gov.uk](mailto:catherine.hansford@southsomerset.gov.uk) or 01935 463737

### **Purpose of the Report**

To update and inform Members on the work of the Welfare Benefit Team, for the financial year 2013/14.

### **Public Interest**

The report gives an overview of the work of the SSDC Welfare Benefit Team.

### **Recommendation**

Members are invited to comment on the Report

### **What is the Welfare Benefit Team?**

The Welfare Benefits Team consists of 3.1 full time equivalent staff responsible for undertaking casework for clients across the whole of South Somerset. We provide specialised advice and advocacy; preparing claims, representing clients at Appeals, up to and including First-Tier and Upper Tier Tribunals.

The Team is based at Petters House and provides advocacy and advice by telephone, appointments at Petters House and the Area Offices and carries out home visits where appropriate.

In 2013-14, funding was in place to provide additional outreach surgeries in Areas North and East.

### **Annual Statistics**

During 2013 the Welfare Benefit Team undertook casework for 680 clients across South Somerset achieving an Annual Income for clients of £1,148,952.00. In addition clients received a total of £213,423.00 in Lump Sums. Combined total: £1,362,375 (at 14/01/2015).

We undertook casework for 103 clients in Area East, achieved an annual income of £107,185.00 and lump sums of £8,349.00, combined total of £115,534.00.

Please note that these figures are provisional due to the time lag involved in benefits being awarded/clients confirming their award. This lag is longer than in previous years due to the extended delays with existing and new benefits (one year for new claims for Employment and Support Allowance (ESA) – although a basic rate is paid until that time). We would expect these figures to show a further increase as 110 cases remain open awaiting outcomes.

Personal Independence Payment (PIP) and ESA processing delays are largely due to the backlog of medical examinations with the Healthcare Providers (ATOS).

Out of the 680 clients we worked with we helped take 71 to appeal. This is a drop in last year's figures as fewer decisions are being made and because October 2013 also saw the introduction of the Mandatory Reconsideration process. 42 appeals were successful and the unsuccessful appeals automatically proceeded to a tribunal.

We took 28 cases to Tribunal and won 27 of them – a 96% success rate so far which is way above the national average of represented cases.

Sometimes we pick up cases that are already at Tribunal stage.

Unfortunately there are no timescales for processing Mandatory Reconsiderations and we have some cases that have been open, awaiting outcomes for up to 7 months or longer and once decisions are made they may still progress to appeal, leading to further delays.

### **Where We Are Now.**

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

### **Passported Benefits**

The impact of completely redesigning the whole system of means tested benefits and tax credits goes beyond those just immediately affected by losing a benefit.

Over time a whole raft of secondary benefits have been developed and eligibility depends on receiving Income Support, income based Jobseeker's Allowance, income related Employment and Support Allowance and Child Tax Credits.

These are known as 'passported benefits' and include free school meals, school travel, prescriptions, dental treatment and other reductions in prices for services, e.g. leisure, Careline etc.

The Social Security Advisory Committee, a statutory independent committee which advises Department of Work and Pensions (DWP) on the operation of the benefits system, has recently produced a report (1) which raises clear concerns about the loss of these passported benefits.

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

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

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

The application of the Spare Room Subsidy to Social Housing Tenants (known as the Bedroom Tax) was also rolled out from April 2013 and, as of March 2014, 2,651 tenants in

Somerset experienced a reduction in Housing Benefit as a result of this, with South Somerset having the highest number affected at 793.

From September 2013, the Benefit Cap (the total amount of benefit that working-age households can receive) was implemented and whilst there were a relatively small number of households affected in Somerset (around 100 by April 2014), South Somerset again had the highest number of affected households at 38 (by April 2014).(2)

Figures from Mendip DC, South Somerset DC and Taunton Deane BC indicate that more than 6,700 households have been affected by reductions in Local Housing Allowance rates (the Housing Benefit paid to tenants who rent from private landlords).

There has been an almost three fold increase in the households in Somerset receiving extra help with housing costs through Discretionary Housing Payments (DHP) in 2013-14 compared to 2012-13. DHP's in South Somerset have risen from 230 to 487. (2)

### **Saved and Maintained Tenancies**

The figures for Saved and Maintained Tenancies for 2013-14 stand at 7 and 35.

Saved Tenancies are those cases which would have resulted in the loss of the tenancy but for the intervention of the Welfare Benefit Team. Maintained Tenancies are those where the Welfare Benefit Team have undertaken a significant amount of work with the clients towards assisting in the successful maintenance of the tenancy.

The cost to SSDC of dealing with a homeless application is estimated at £2,630 per family. The 7 tenancies saved by the intervention of the Welfare Benefit Team equates to a potential saving of £18,410.00. Further savings were made by the 33 x Maintained Tenancies, as it is highly probable that a number of these would have progressed to the stage of loss of tenancy without early intervention, which is key in the current financial climate.

The need for support for people to retain their homes has never been greater than now given the consequences of Welfare Reform.

### **Housing Benefit**

More recent research from the National Housing Federation (3) shows that middle-income households earning between £20,000 - £30,000 a year accounted for two thirds of all new Housing Benefit claims during the last six years, as the struggle to afford a home gets tougher.

With the proportion of households having to claim Housing Benefit despite being in work doubling to 22 per cent (one in five) since 2008, the National Housing Federation predicts that this figure could rise to one in three in the next five years. (3)

Here in South Somerset, out of a Housing Benefit caseload of 10,065, working claimants make up 2,513 of these which, at 25%, is higher than the national average. This does not include those in receipt of passported benefits who also work.

In 2004 the estimated cost for a 2 child family if an eviction took place without a homeless application being made was £3,563. The wider social costs in relation to education and health services were estimated to be £4,896. (4) In addition the emotional impact on clients' health will be considerable.

Becoming homeless is of course the very last resort for families and experience has shown that considerable financial pressure will be absorbed and debt accrued by families before they accept it. The impact of this can be widely felt in families; children and vulnerable adults in these families can be particularly at risk.

Nationally, the number of Housing Benefit claimants who are in work in 2013-14 broke the *one million* barrier for the first time. DWP statistics published in November 2013 show that 1,013,822 people in employment were claiming Housing Benefit in August 2013.

## **Unemployment**

Unemployment is not so much an issue in South Somerset as underemployment - few people realise just how many in work rely on HB to pay their rent, not to mention earnings top up's such as Working Tax Credits due to typically low wages in the area.

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

## **The Value of Welfare Advice**

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

The Low Commission, in May 2014, published a major follow up work on the economic value of social welfare advice (6) and presents compelling evidence from different sources that social welfare advice saves public services money. So apart from putting money in the pockets of those who need it, there is also widespread added value from our work.

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

Different studies done in the UK, US, Canada and Australia have all demonstrated similar findings that for every pound or dollar invested, there's a multiple of 10 in the savings produced by, for example, keeping people their homes with jobs and incomes intact rather than having to utilise expensive crisis and emergency services. The review shows that advice across different categories of law result in positive outcomes for clients and their households. (6)

Commenting on the findings Lord Colin Low said:

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

## **Partnership Work**

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

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

Our partner agencies include South Somerset CAB, Age UK, Yarlinton Housing Group, South Somerset Mind, Village Agents, South Somerset Alliance – a lottery funded project – and many more.

### **Case Studies and Feedback**

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

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

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

*“Best Council office ever. Catherine has been brilliant and together with Phil they put so much effort to get us sorted and assisted us all the way through. Top service.”*

*“I really couldn't have managed this on my own. It was making me so ill with worry. Please keep this support going it is vital to those of us who are ill/disabled and can't fight our way through the benefit hurdles on our own.”*

*“Both Nadine and Andy were excellent. Thank you for the help. It has made my recovery a little bit easier”*

*“Helen was wonderful. If it wasn't for her excellent service we would have given up long ago. Can't thank her enough for her efforts. She was a true professional. She helped us so much with everything especially when we were under immense pressure due to a serious family illness. We really would not have been able to continue with the claim at this point. Helen was there for us, really supportive and fighting our claim she was amazing.”*

*“Just like to say a big thank you for your services. We don't know what we would do without your help. A big thank you for Andy. We would be lost without him.”*

*“Nadine has worked tirelessly for me. It was a huge comfort knowing that she was there if I needed her.”*

*“Helen was very professional and helpful and had a very knowledgeable approach to the case. She was so supportive and kept me informed of what was happening. She attended the tribunal with my wife and I and helped us through a very difficult time. Thank you and well done Helen!”*

*“Excellent! Both Andy and Catherine were great and re-assuring. They stood by me and we got through this together. Words cannot describe how grateful I am. They both deserve*

*recognition for their hard work and patience. They're manager needs to see what stars they have on the team!"*

*"Helen who handled my case was brilliant and I am incredibly grateful to her for all she did for me. I am extremely happy, it has meant that I was able to stay in my home. Helen helped save my independence and I will be forever thankful to her for that. There's no way we could have fought this case on our own and Helen never gave up - even when things looked very bleak."*

### **Case Study**

Mr Jones is in his mid-50's and has worked all his life in the building trade. Sadly, he has developed lower back, hip and knee problems and had to cease work earlier in the year due to the physical nature of his job. He has already had a hip replacement and is awaiting a knee replacement operation.

His wife works 15 hours per week. They have two young children and receive Child Tax Credit. They live in rented accommodation.

Mr Jones claimed Contribution-based Employment and Support Allowance (ESA) in March 2014 but this was only paid for 26 days, because of the 365 day limit which was linked to a previous claim that he had made due to surgery, which had ended Jan 2013.

Several months later Mr Jones spoke to a SSDC customer adviser, because he and his partner, were struggling financially. The customer adviser felt that something was not quite right about his ESA and referred his case to the Welfare Benefits Team in September 2014.

Mr Jones showed us his ESA decision letter and we rang the DWP who confirmed that he had a previous contribution-based ESA award from Jan 2012 to Jan 2013 when he took time off work for his surgery (although returned to work as soon as he was fit and able). This been paid for 339 days. It was evident that the DWP had used the wrong tax years to apply the two qualifying conditions with regards to National Insurance contributions.

We helped Mr Jones with challenging the decision, and his contribution based ESA was reinstated in November 2014 and arrears paid accordingly. The DWP also acknowledged that maladministration (their words) of his claim – paying Mr Jones a special payment as compensation. His partner now has the option of claiming WTC if she can increase her working hours from 15 to 16+ hours.

Mr Jones is still awaiting his ESA medical assessment so we continue to keep an eye on his case.

### **Corporate Priority Implications**

Council Plan 2012-2015:

Focus 3: Homes

Focus 4: Health and Communities

### **Equality and Diversity Implications**

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

## **Financial Implications**

None

## **Carbon Emissions & Adapting to Climate Change Implications (NI188)**

None

## **Background papers;**

- (1) *Universal Credit: the impact on passported benefits*, Report by the Social Security Advisory Committee, DWP, March 2012
- (2) Somerset Welfare Reform Impact Monitoring 2013-14
- (3) *Broken Market, Broken Dreams*, Home Truths 2014/15, report by the National Housing Federation 2014
- (4) Somerset Community Legal Service Partnership: County Court Project
- (5) *Annual Monitoring Poverty and Social Exclusion 2013* published by the Joseph Rowntree Foundation and written by the New Policy Institute (08/12/2013)
- (6) *Social Welfare Advice services – A Review* by Graham Cookson, an economist at the University of Surrey



# Agenda Item 12

## **Village Halls Update**

<i>Portfolio Holder</i>	<i>Cllr Nick Weeks</i>
<i>Strategic Director:</i>	<i>Rina Singh, Place &amp; Performance</i>
<i>Assistant Director:</i>	<i>Helen Rutter, Communities</i>
<i>Service Manager:</i>	<i>Helen Rutter, Area Development Manager East</i>
<i>Lead Officers:</i>	<i>Tim Cook, Neighbourhood Development Officer</i>
<i>Contact Details:</i>	<i>tim.cook@southsomerset.gov.uk or (01963) 435088</i>

## **Purpose of the Report**

This report brings the Committee up to date on recent improvements to village halls in Area East, and the support provided by SSDC.

## **Public Interest**

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

## **Recommendation**

To note and comment on the report

## **Background**

There are 36 village halls in Area East, and there has been a strong tradition of SSDC working closely with village halls to improve their usage through both capital improvements and support for village hall management committees.

## **Area East support for halls**

Members last received a detailed report of the support that the Area Development team has provided to halls in the area in March 2014. The table below gives some details about halls supported financially over the last year and halls with ongoing improvement projects.

Village Hall	Project	Support received	Update
North Cadbury Village Hall	New toilets and chair store	£12,284	Work started on 5 <sup>th</sup> Jan 2015 and is due to be completed mid-February
Templecombe Village Hall	Refurbishment of front exterior of the hall.	£2,738	The work has been completed.
Galhampton Village Hall	Replacement hall.	£12,500	Revised application submitted to The Big Lottery. Outcome will be known in February and a review of SSDC support will happen at this point. Local fundraising total now stands at over £90,000.
Sutton Montis Village Hall	Extension and refurbishment to existing facilities.	To reapply once Planning permission for the new scheme has been secured.	Revised planning application to be submitted. Application for funding likely to come back to AEC in June.

### Other support available

The Community Council for Somerset (CCS) continues to provide advice and support to halls in the area on a range of issues and the Hallmark scheme continues.

### Community Buildings Loan Scheme

CCS has operated a Loan Scheme for community building management committees for a number of years. Loans can be awarded, up to a maximum of £3,000 to subscribing community building members, towards the cost of a specific project. Interest is charged at 3% and loans are repaid over a three or five year term.

### Hallmark

Many halls in South Somerset are working towards achieving 'Hallmark' status – a scheme developed by the Community Council in partnership with the District and County Councils, to encourage good practice and management. Volunteer 'inspectors' (from other village halls) visit applicants to look at how their hall is running, and using an agreed set of criteria, judge the hall to be either Hallmark Level 1, 2 or 3.

- **Hallmark 1** Focuses on the management and administration of the charity
- **Hallmark 2** covers health, safety, security and licenses

- **Hallmark 3** Focuses community and social awareness, forward planning and development. It also includes disabled access, communication, promotion of the hall

Halls in Area East with Hallmark 1	Halls in Area East with Hallmark 1 and 2	Halls in Area East with Hallmark 1,2 and 3
Barton St David	Blackford Reading room	Caryford Hall
Corton Denham Village Hall	Charlton Musgrove Village Hall	North Cadbury Village Hall
	Cucklington Village Hall	
	Davis Hall, West Camel	

The table above presents Information obtained from CCS website. Hallmark awards are time limited and work to promote the scheme is ongoing.

### **Future of Village Hall support**

The Community Council for Somerset is part of the 'Action with Communities in Rural England' (Acre) network which exists to support communities to help themselves. Acre receives funding from the Department for Environment, Food and Rural Affairs (Defra) as part of a four year agreement and this agreement is due to end in March 2015. Acre has been working on plans to become more sustainable and identify new generated income streams which it has been working towards. There has been some uncertainty about the future funding from Defra and every indication was that Acre should expect no more funding for 2015/16. This would have had a significant effect on the Community Council for Somerset as Defra funds amount to 67% of their costs.

A campaign to encourage Defra to continue the funding which included a petition was organised. A letter, signed by Cllr Ric Pallister on behalf of the authority was been sent to Defra to raise concerns about the loss of a valuable service and to object to the withdrawal of funding.

Defra has confirmed that it will fund the ACRE Network for 2015/16 although amounts have not been confirmed.

### **Securing contributions towards community buildings from planning obligations**

Members will be aware that during 2009/10 we undertook a comprehensive survey with the Sports, Arts & Leisure team to establish the levels of demand and supply for community facilities across South Somerset, with a view to ensuring that when new development takes place, a contribution is made towards improving community buildings where possible.

The first example of improvements to a community building funded, directly from a developer contribution is likely to be in Barton St David. The hall has applied for funds to install replacement windows and an improved heating system.

### **Financial Implications**

None

## **Corporate Priority Implications**

Supporting Village Halls helps to 'maintain and enhance the South Somerset network of leisure and cultural facilities, optimising opportunities for external funding to promote healthy living.' (Focus Four: Health & Communities)

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

Providing access to good quality, local activities through maintaining a local hall reduces the need to travel which therefore reduces carbon emissions.

## **Equality and Diversity Implications**

Supporting Village Halls and Community facilities increases access to activities for all. Promoting Hallmark Scheme helps to encourage good practice in terms of accessibility and inclusion.

# Agenda Item 13

## **Area East Committee Forward Plan**

*Head of Service:* Helen Rutter, Area Development Manager  
*Lead Officer:* Anne Herridge, Democratic Services Officer  
*Contact Details:* anne.herridge@southsomerset.gov.uk or (01935) 462570

### **Purpose of the Report**

This report informs Members of the agreed Area East Forward Plan.

### **Recommendation**

Members are asked to:-

- (1) Comment upon and note the proposed Area East Forward Plan as attached;
- (2) Identify priorities for further reports to be added to the Area East Forward Plan, developed by the SSDC lead officers.

### **Area East Committee Forward Plan**

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

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

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

To make the best use of the Area Committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC corporate aims and objectives.

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

**Background Papers:** None

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## Appendix A

### Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
11 Mar 15	Update on work with Young People in Area East	Update of work being done to support young people and youth activities and facilities in Area East.	Tim Cook SSDC
11 Mar 15	Marketing Area East update	To update members on the latest position.	Pam Williams SSDC
11 Mar 15	Local Housing Needs in Area East	To provide an update on housing need in Area East	Kirsty Larkins SSDC
11 Mar 15	6 monthly Streetscene Update	To provide an update of the service and the winter achievements.	Chris Cooper SSDC
8 April 15	<i>Transport support for community and public transport and SSCAT</i>	<i>Annual report on corporate support for community and public transport and SSCAT Bus</i>	<i>Nigel Collins SSDC  Andy Chilton - sscatingride@ yahoo.co.uk</i>
8 April 15	Out turn report for the ADP (Area Development Plan)	To inform Members of progress on activities and projects contained within the ADP	Helen Rutter ADM
<b>There will be no meeting of the Area East Committee during May 2015 due to the elections.</b>			
10 June 15	Community Health & Leisure Service	Annual update on the service	Lynda Pincombe SSDC
10 June 15	Community Leisure & Grant applications	To consider any SSDC community grant applications	Tim Cook/ Pam Williams/ Steve Barnes
10 June 15	AE Community Capital Grant programme 2014/15	To give a summary of community projects and activities from across the area supported with grants during 2014/15	Tim Cook/ James Dival/Pam Williams SSDC
10 June 15	Appointment of members to outside bodies	Annual appointments report	Angie Cox SSDC

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background and Purpose</b>	<b>Lead Officer</b>
<b>10 June 15</b>	Development Control Scheme of Delegation – Nomination of Substitutes for Area East Chairman and Vice Chairman – 2014/15	To nominate two members to act as substitutes for the Chairman and Vice Chairman in their absence.	Martin Woods SSDC
<b>10 Jun 15</b>	Highways report	To update members on the total works programme and local road maintenance programme.	John Nicholson SCC

# Agenda Item 14

## **AREA EAST COMMITTEE**

**11<sup>th</sup> February 2015**

### **ITEMS FOR INFORMATION**

Should members have questions regarding any of the items please contact the officer shown underneath the relevant report. If, after discussing the item with the officer, and with the Chairman's agreement, a member may request the item to be considered at a future committee meeting.

- 1. Appeals**
- 2. Report on the Annual Parish Meeting held on 27<sup>th</sup> January 2015**



## Planning Appeals

Head of Service

*Martin Woods, Assistant Director (Economy)*

Lead Officer:

*Dave Norris, Development Control Manager*

Contact Details:

*Dave.norris@southsomerset.gov.uk or (01935) 462382*

### Purpose of the Report

To inform members of the decisions of the planning appeals lodged, dismissed or allowed as listed below.

### Appeal Dismissed\*

Parish/Town	Application No.	Description and Location	Applicant(s)	Officer's Recommendation	Committee Decision
South Cadbury	13/03803/OUT	Outline application for the erection of a dwelling house on Land adjoining 2 Rush Close Folly Lane South Cadbury Yeovil	Mr M Davey	Refusal	N/A

### Appeal Allowed Subject to Conditions\*

Parish/Town	Application No.	Description and Location	Applicant(s)	Officer's Recommendation	Committee Decision
Wincanton	13/03318/OUT	Outline application for the erection of up to 47 dwellings, provision of public open space ,access and other ancillary development on Land South of Bayford Hill Wincanton	Hopkins Developments Ltd	Approval	Refusal

\* Papers Attached

### Financial Implications

None

### Background Papers

Planning Application files

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## Appeal Decision

Site visit made on 20 January 2015

**by Jacqueline Wilkinson Reg. Architect IHBC**

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

**Decision date: 26 January 2015**

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**Appeal Ref: APP/R3325/A/14/2217968**

**Land adjoining 2 Rush Close, Folly Lane, South Cadbury, Yeovil, Somerset BA22 7ES**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Malcolm Davey against the decision of South Somerset District Council.
  - The application Ref 13/03803/OUT, dated 12 September 2013, was refused by notice dated 14 November 2013.
  - The development proposed is the erection of a double storey timber oak framed house for domestic use only.
- 

### Procedural matters

1. Notwithstanding that the description of development states that the proposed dwelling would be two storey and oak framed, the application was made in outline only with all matters reserved. The submitted plans and the description are therefore indicative only. I have assessed this appeal on this basis

### Decision

2. The appeal is dismissed.

### Main Issues

3. The main issues are the effect of the proposal on i) the setting of the Scheduled Ancient Monument, and ii) the character and appearance of the area.

### Reasons

4. The appeal site is set on rising land in close proximity to the base of the Scheduled Ancient Monument known as Cadbury Castle hill fort. This monument is of national significance and is a popular destination, given the connections made to it in Arthurian legends.
5. The village of South Cadbury is focussed on an informal crossroads, from which Folly Lane strikes westwards, around the base of the Scheduled Ancient Monument. I stood in the approximate locations of photos taken by the appellant, and other locations on the northerly approaches to the village. From these points the lower slopes of the hill fort, which are in pasture, can be clearly seen. In these views the land rises sharply to the lower and upper earthworks and the distinctive profile of the monument is highly visible. It is a

unique feature seen in a wide area of countryside, only interrupted in the medium distance views by the post war houses along Folly Lane.

6. I also viewed the appeal site from the north ramparts of the upper earthworks, where the appeal site and the adjacent modern houses were highly visible down through the tree canopies, although I accept that summer views would be more screened. These modern houses constitute a visual intrusion into of modern development into the immediate landscape setting of the hill fort. The proposed dwelling would increase this intrusion, which would adversely affect the significance of the monument.
7. The area around the appeal site is deeply rural and dominated, as would be expected, by the hill fort towering above the slopes. Folly Lane is a narrow rural road, which reduces to a track just after the appeal site. It is part of a circular route around the base of the hill fort from which the hill fort is viewed and its scale and significance is appreciated. A dwelling on the appeal site, with its necessary access and hard standing would increase the presence of suburban development along the lane and would harm the distinctive landscape dominated character of the area.
8. The appellant refers to other developments recently approved in the village, which he considers to have affected the setting of the hill fort. He also points out that some of these have been approved outside the development area. However, details of these have not been put before me, and I have assessed this appeal in the light of the specific circumstances relating to the appeal site.
9. I therefore conclude that the proposed development would harm the setting and significance of the Scheduled Ancient Monument, and it would also fail to respect the character and appearance of the area.
10. It would therefore be contrary to the aims of policy ST5 of the adopted South Somerset Local Plan 2006, (the Local Plan), which requires that development conserves the historic heritage of the district and respects the character of the locality. Policy EH11 also requires that development should not have a significant effect on the setting of archaeological remains.
11. These policies accord with similar aims set out in the Framework, in Section 12 *Conserving and enhancing the historic environment* and in paragraph 17, which sets out the *Core planning principles*, amongst which is the principle that development should take into account the different roles and characters of different areas, recognising the intrinsic character and beauty of the countryside.

### **The planning balance**

12. Policy ST3 of the South Somerset Local Plan 2006 states that development will be strictly controlled outside the defined development areas and will be restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. However, the Council does not dispute that a five year supply of housing cannot be identified in the District and I can only give this policy, which would restrict the supply of housing, limited weight.
13. Paragraph 14 of the National Planning Policy Framework (the Framework) states that there should be a presumption in favour of sustainable development. Where the development plan is out of date, as in this case,

permission should be granted unless any adverse effects would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

14. The Framework, in paragraph 132, requires that great weight is given to the conservation of heritage assets. In this case I have found that the significance of the Scheduled Ancient Monument would be adversely affected by the visual intrusion of built development into its landscape setting.
15. The appellant suggests that the appeal site is within the curtilage of the existing dwelling, and so he could build structures on it without the need for planning permission. I saw that a number of small scale sheds, chicken coops and polytunnels had been erected, which to my mind are all part of the rural village character of the area. I do not have sufficient information to assess whether the land, which is detached from the main house and separated from it by another dwelling, is within the curtilage of the dwelling and the Council has made no comment on this. Nevertheless, he would only be able to build a single storey structure, with size limits, which was ancillary to the main dwelling. This does not persuade me that a permanent dwelling should be permitted on this plot of land.
16. Paragraph 134 of the Framework requires me to balance the harm I have identified against any public benefit arising from the proposal. A single dwelling would make a small contribution to the supply of housing. Whilst I note that the appellant wishes to live in the proposed dwelling in order to release his current dwelling for other members of his family, this local connection could not be secured by condition, and there would be nothing to prevent either dwelling being sold on the open market. I therefore give this suggested benefit limited weight.
17. The small benefit of one additional dwelling would not outweigh the harm caused to the significance of the Scheduled Ancient Monument through the incursion of built development into its setting. The harm I have identified to the open rural character of the area adds to this harm.

### **Conclusions**

18. I therefore conclude that permission should not be granted because the adverse effects of doing so would significantly and demonstrably outweigh the relatively small benefit of one house.
19. For the reasons given above I conclude that the appeal should be dismissed.

*Jacqueline Wilkinson*

INSPECTOR

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## Appeal Decision

Hearing held on 9 January 2015

Site visits made on 8 and 9 January 2015

**by Roger Pritchard MA PhD MRTPI**

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

**Decision date: 27 January 2015**

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**Appeal Ref: APP/R3325/A/14/2223834**

**Land South of Bayford Hill, Wincanton**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Hopkins Developments Ltd against the decision of South Somerset District Council.
  - The application Ref 13/02318/OUT, dated 12 August 2013, was refused by notice dated 26 February 2014.
  - The development proposed is the erection of up to 44 dwellings, provision of public open space, access and other ancillary development.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 44 dwellings, provision of public open space, access and other ancillary development at Land South of Bayford Hill, Wincanton in accordance with the terms of the application, Ref 13/02318/OUT, dated 26 February 2014, subject to the conditions attached as a Schedule to this Decision.

### Application for costs

2. At the Hearing an application for costs was made by Hopkins Developments Ltd against South Somerset District Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The original application, as made to the Council in August 2013, was in outline with only access to be considered at this stage, and was for *'...up to 47 dwellings...'* However, as a consequence of discussions between the appellants and Council officers, a revised, illustrative master plan (Ref 13036 \_002 Rev A) was submitted in February 2014 reducing the proposed development to a maximum of 44 dwellings. The Council considered the proposed development on this reduced number of dwellings and so have I. The description of development has thereby been amended.
4. The Council's reasons for refusal of the original application rely on Policies ST5 ST6 of the adopted South Somerset Local Plan. However, the day before the Hearing the Council received the Inspector's Report on the Examination, held in 2013 and 2014, of the new Local Plan 2006 – 2028. The Report concludes that the Local Plan *'...provides an appropriate basis for the planning of the District...'* subject to the making of a number of modifications, as proposed by the Council and recommended by the Inspector. The Council intends to adopt the new Local Plan, as modified, in March 2015. Given the advanced stage that the new

Local Plan has now reached, I conclude that its provisions should be given substantial weight and I have made reference in my decision to those policies that I consider most relevant to the proposed development.

### **Main Issues**

5. I consider the main issues to be –
- 1) The principle of residential development on the appeal site; and
  - 2) Whether the maximum scale of development proposed can be achieved without –
    - a. Prejudicing the views of the Blackmore Vale that exist across the site; and
    - b. Resulting in unacceptable material harm to the living conditions of the occupants of adjacent residential dwellings in Greenway Close.

### **Reasons**

#### *The principle of residential development on the site*

6. The principle of residential development on the appeal site is intimately associated with its history. An outline application (Ref 931191) for a much larger area, but including the appeal site, was allowed on appeal in November 1993. The greater part of this permission, now known as Deansley Way, has been developed with the last stages now for sale. As a consequence, however, the appeal site remained undeveloped and was effectively severed from this larger site. Some Councillors and local residents suggested that the appeal site could and should still be developed on the basis of the 1993 outline permission – which I understand would have led to around 15 dwellings being constructed at its western end. However, both the appellants and the Council accept that, because of the manner in which the Deansley Way development has been carried out, the 1993 permission can no longer be implemented so far as it applied to the appeal site. There is therefore no fallback position deriving from that permission and any residential development on the site requires a new permission.
7. In 2009, an outline application (Ref 08/01374/OUT) for the erection of 24 dwellings on the appeal site was made but was refused and subsequently dismissed at appeal. Although the main issues I have identified above were relevant to the determination of this appeal, other national and local policies were cited in the appeal decision that have subsequently changed. Nationally, a significant factor in the consideration of the 2009 appeal appears to have been the then Government commitment to specific minimum housing densities. This was effectively abandoned with the publication of the National Planning Policy Framework ('the Framework') in 2012.
8. Locally, the policy context has moved on with the preparation and imminent adoption of the new Local Plan as described in paragraph 4 above. Paragraph 100 of the Inspector's Report deals with future employment and housing growth in Wincanton. Acknowledging the high level of residential commitments in the town (698 dwellings out of a total requirement of 703 being already committed), the Inspector recommended a modification to the text of the Local Plan. This would commit the Council to a review of employment and housing policies for Wincanton within three years. In the interim, a 'permissive

- approach' towards the consideration of housing proposals should be taken prior to the adoption of any Site Allocations Development Plan Document (DPD).
9. The text that the Council proposes to include in the Local Plan is set out in Main Modifications MM5 and MM12 as appended to the Inspector's Report and would follow paragraph 4.103 of the Local Plan. The text reads, '*Prior to the adoption of the Site Allocations Development Plan Document, a permissive approach will be taken when considering housing proposals in Yeovil (via the SUEs) and 'directions of growth' at the Market Towns. The overall scale of growth ....and the wider policy framework will be key considerations in taking this approach, with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements.'*
  10. The Council explained at the Hearing that for a site, such as that before me, which was within the development boundary of a Market Town (Wincanton) and where there was a past commitment to the provision of housing, residential development would be acceptable in principle but would be subject to the other policies of the new Local Plan. The Council considered the critical policy in considering the proposed development should be Policy EQ2: *General Development*. The more significant criteria of this policy for the appeal development would be the conservation and enhancement of landscape character; the reinforcement of local distinctiveness and respect for the local context; and the protection of the residential amenity of neighbouring properties. Accepting my premise in paragraph 4 above, I give Policy EQ2 substantial weight, although I also note that it largely reflects and incorporates the provisions of both Policies ST5 (criterion 4.) and ST6 (criteria 1., 2., 4., 5., and 6.) of the currently adopted Local Plan as referred to in the reasons for refusal.
  11. The consequence of the above history, including the provisions of the modified and soon to be adopted Local Plan, is that the principle of residential development on the appeal site is firmly established. The Council accepts this and no one at the Hearing, though many are opposed to this particular proposal, dissented from that position. It is equally my presumption that residential development is acceptable in principle on the appeal site.
  12. I am, nevertheless, aware of the concerns put forward by both local residents and local Councillors that growth in Wincanton had been too rapid in recent years and that an imbalance had developed between employment opportunities and new housing. They suggested that this issue had become especially acute in the last two or three years. However, Council officers conceded that the latest substantive evidence, from the 2011 Census, suggested that there was no support for the view that Wincanton had an excessive ratio of out commuters or a major deficit in employment. I therefore conclude that the Council's interim policy, as set out in paragraph 10 above, is a reasonable approach and that the proposed development should be considered in the terms there set out.
  13. The questions raised by this appeal are therefore the quantum of development and, to some extent, its layout and form in relation to the main issues that I have identified in paragraph 5 above. I shall initially examine these two issues independently but I recognise, and the Council emphasised to me, that there is a relationship between them that must also be considered.

*The views of the Blackmore Vale*

14. The appeal site is on the south side of Bayford Hill, the road which, prior to the construction of the A303 by-pass, was the main access to and from Wincanton to the east. The road climbs steeply from the eastern end of the High Street and, until the latter half of the last century, was lined with small groups of late Victorian/Edwardian houses, often separated by substantial gaps in the development frontage. More recent residential development has occurred on the north side of Bayford Hill but also extensively to the south over a broad swathe of land that lies between the former edge of the town and the A303. The Deansley Way development represents the latest manifestation of this.
15. Two significant gaps in the southern frontage of Bayford Hill remain. One is the appeal site, where there is a gap of around 200 metres between Hillside, a Victorian villa that forms the western edge of the gap, and Panorama, a much extended 1960s bungalow that is at the eastern end. The other is a slightly smaller gap some 150 metres to the east. Both gaps offer panoramic views to the south which are emphasised by the fall in the ground to the south. These views are over the late 20<sup>th</sup> century development and beyond the A303 towards Blackmore Vale which stretches away to the south and east.
16. The views southwards from the remaining open frontages on Bayford Hill are an important and defining characteristic of Wincanton's topography. The construction of the A303 by-pass has obviously largely eliminated through traffic but Bayford Hill remains a significant vehicular access into the town. The scale of recent development in the vicinity may also have generated more cyclists and pedestrians using Bayford Hill, although the links from the recently built housing estates direct such users westwards towards the town centre along the lower ground to the south. The current lack of any footway on the southern side of Bayford Hill along the appeal site frontage may also dissuade some pedestrians from using this route.
17. Nevertheless, local residents stressed the value that they attach to the views south across the appeal site and suggested that these had become a feature in the town's attractiveness to visitors. I note that a seat has already been placed on the smaller of the two open frontages to facilitate views to the south, whilst the appellants have suggested a similar facility could be associated with the proposed development.
18. The appellants did not dissent from the importance that the local community and the Council place on the views across the site towards Blackmore Vale. Indeed, they stressed that the protection of these views had been a principal concern in drawing up the illustrative master plan for the proposed development and how this had generated early and major inputs from their commissioned landscape architect. Although illustrative in the context of the outline application before me, the appellants' latest master plan (Ref 13036 \_002 Rev A) sought to retain the greater part of the road frontage as public open space. Proposed new housing closer to Bayford Hill would be concentrated at the eastern and western ends of the appeal site, whilst housing in the centre would be further down the slope towards existing residential development in Greenway Close.



19. At the Hearing, appraisal of the impact of the proposed development on views across the site of the current version of the illustrative master plan focused on Computer Generated Images (CGI) that had been produced by the appellants' landscape architect. CGI is now a common means of illustrating the possible effects of development on the landscape. Those produced by the appellants have been generated in line with protocols and standards commonly approved for such images and were agreed with the Council's officers. I afford these images significant weight, but tempered with reservations as to the different impressions that the same image may still create on observers. They are a tool, the evaluation of which remains inherently subjective.
20. Notwithstanding those reservations, I draw certain broad conclusions from the CGI, especially when taken in the context of my two visits to the site. The first on the afternoon before the Hearing was in conditions of good weather and visibility with the long-distance views to the south and east being exceptionally clear. The second at the end of the Hearing was in conditions with low cloud cover and the threat of rain, although still with decent visibility. Emphasis must also be placed on the different impressions that would occur depending on whether one was in a car or on foot and if one were travelling eastwards up the hill or westwards down it into the town centre.
21. For the motorist, I consider the impact of the proposed development, if carried out in accordance with the current illustrative master plan<sup>1</sup>, would be greater when travelling east than when dropping down Bayford Hill westwards into the town centre.
22. When travelling westwards, views to the south east are already initially closed off by Panorama. As one continues towards the town centre, drivers can see over the site towards the hills to the south west but this vista is very much in the context of the approaching urban landscape. This view would be constrained to a degree by new housing on higher ground at the western end of the appeal site (e.g. plots 42 – 44) but not, in my view, to the degree that would fundamentally alter the visual experience of a driver approaching Wincanton from the east.
23. For the motorist travelling east, views to the south and east are already initially constrained by Hillside but would open up as one climbed Bayford Hill with the proposed housing being sited further down the slope (e.g. plots 19 – 23) and separated from the main road by the proposed area of public open space. As one approached the eastern end of the site's frontage, views to the south, and especially the south east, would again be progressively closed off, especially after passing the proposed access to the site before finally disappearing when blocked by the existing development at Panorama.
24. Notwithstanding the differences depending on whether travelling eastwards or westwards, for drivers I doubt that the views would be substantially altered. None of the proposed dwellings would breach the skyline and the combination of the distance between the carriageway and the edge of built development and the intervention of any likely boundary treatment would not produce a fundamental alteration in the motorist's impression of the vista before them. Whether leaving or entering the town, motorists would continue to have the

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<sup>1</sup> When plot numbers are referred to in this Decision these are the plot numbers as set out on the revised illustrative master plan (Ref 13036 \_002 Rev A).

benefit of the wider perspectives over Blackmore Vale that are offered by the gap between Hillside and Panorama. Both these existing properties would continue to be the major reference points between which these views would be available. I therefore conclude that for motorists the impact of the proposed development on the visual impression currently produced when looking south from Bayford Hill would not change to the extent that would represent significant material harm.

25. For pedestrians (and to a lesser extent, cyclists), the visual impact of the development could be significantly greater. Not only would pedestrians take far longer than motorists to traverse the appeal site's frontage but on the south side of Bayford Hill in particular they would be immediately adjacent to the site boundary with presumably unrestricted views across it. (Pedestrians on the north side of Bayford Hill would be further away from the site boundary and thereby would probably not be able to see directly down the slope but that greater distance from the site boundary would be partly offset by the raised footway on the north side of the road.)
26. For pedestrians, the impact of the proposed development would be to amend substantially the foreground of the views that they could obtain from the Bayford Hill boundary of the site. The longer distance perspective towards Blackmore Vale would remain but the context in which there were seen would be altered.
27. In mitigation of the changed impact, the appellants make the point that views looking down from the site's boundary along Bayford Hill are already seen in the context of the substantial residential development immediately to the south of the site. I agree but housing on the appeal site would significantly change the foreground of these views, intensifying the impression of urban development, even if they did not block the long-distance vistas to the south and south-east. Nevertheless, and notwithstanding the above conclusion, I also consider that almost any significant residential development on the appeal site would produce visual changes of a similar form.
28. Some local residents have come to a similar conclusion to the extent that, whilst not opposing the principle of residential development on the appeal site, they favour only minimal levels of development, concentrated in its south-western corner where they believe the visual effects would be most limited. I do not go so far. My assessment is that it is the longer distance views to the south and south east that have the greatest value and the topography of the appeal site undoubtedly offers opportunities to build at both the western and eastern ends without significantly compromising those views across the site. Furthermore, changes to the foreground views are not only inevitable if any development goes forward on the site but would, nonetheless, be acceptable provided they do not overwhelm the longer distance vistas.
29. Concern was expressed both by the Council and local residents that the gradients that the highway authority required for the access roads within the site would result in some of the proposed dwellings having to be positioned in a manner that would cause them to intrude excessively into the views of Blackmore Vale. Whilst the highway authority would require shallow gradients for that stretch of the access road immediately adjacent to Bayford Hill, the discussions between the highway authority and the appellants persuaded me

that appropriate arrangements for the access roads could be achieved without undue difficulties in positioning individual properties. Furthermore, the CGI to which I have already made reference have been constructed on the assumption of access road gradients to which the highway authority would agree.

30. My overall conclusion on this matter is that if the proposed development went ahead on the basis of the revised illustrative master plan (Ref 13036 \_002 Rev A), the long distance views to the south east towards Blackmore Vale would not be fundamentally compromised. In terms of motorists' impressions the visual changes would not be significant but pedestrians would see the long distance views in the context of foreground development that would alter their overall perspective. For many local people, who regularly walk up and down Bayford Hill, that change would represent significant material harm.
31. The appeal before me is in outline with all matters but access reserved. There must therefore be opportunities to amend the development when details are considered by the Council. The appellants argue that the process by which the revised illustrative master plan has emerged has already secured the objective of affording the greatest possible protection to the views of Blackmore Vale. I am not completely convinced that this is so. Some alternative mix of the types of dwellings and some further variation in layout could secure a better outcome. However, before I give further consideration to this matter, I need to look at the second reason for refusal.

*The living conditions of the occupants of adjacent residential dwellings in Greenway Close*

32. The other reason for refusal advanced by the Council is the impact of the proposed development, presumably if it were implemented in line with the revised illustrative master plan, on the living conditions of the occupants of neighbouring residential dwellings.
33. The Council clarified its concerns at the Hearing as being the effects, in terms of overlooking and overbearing, of the line of properties that would be provided along the southern edge of the proposed development on the facing elevations and rear gardens of the properties in Greenway Close. There were some suggestions in both the written representations and at the Hearing that other properties, for example in Common Road, might be adversely affected. No substantive evidence to this effect was put to me, however, and I am clear that in terms of potential material harm it is the properties in Greenway Close that must most concern me.
34. I appreciate that residents of Greenway Close may be unhappy at the prospect of houses being constructed at the rear of their properties after many years of seeing only an open field. The appeal site has, however, been accepted as a prospective location for additional residential development since the early 1990s and, as I have concluded in paragraph 11 above, the principle of residential development here remains generally agreed. I cannot therefore concede that additional dwellings must in principle be unacceptable simply because they may be seen from the rear of the properties in Greenway Close. On the contrary, there must be significant and demonstrable material harm, as suggested in paragraph 14 of the Framework, for this to be an acceptable reason for dismissing the appeal.

35. The appellants pointed out that the separation distances suggested by the revised illustrative master plan generally exceed the 21 metre guideline that many local planning authorities apply to facing rear elevations. Moreover, they also emphasised that other recent housing developments in Wincanton had frequently adopted separation distances that were not only less than provisionally proposed here but were also significantly less than the 21 metre guideline.
36. Notwithstanding the above, the issue of overbearing and overlooking is complicated by two issues. The first is that conventional separation distances are for immediately facing elevations. At either end of the development, the revised illustrative master plan suggests that proposed dwellings would site at an angle to those in Greenway Close (i.e. plots 12 – 18 at the eastern end of the development and plots 26 – 29 at the western). In these cases, the potential for overlooking is significantly reduced. However, set against that matter is the fact that existing dwellings in Greenway Close would be at a significantly lower elevation than the proposed dwellings on the appeal site. In general terms, the gradient of the appeal site becomes steeper as one proceeds to the east. As a result, although houses built at the western end of the site (e.g. plots 22 – 27) would still be above those in Greenway Close, the effect would be substantially less than those at the eastern end of the appeal site (i.e. plots 12 and 13 and plots 19 – 21). I saw this for myself when visiting the rear garden of 36 Greenway Close. However, plots 12 and 13 are turned at a significant angle away from the houses in Greenway Close, whilst plots 19 – 23 all have separation distances in excess of 30 metres.
37. I therefore conclude that the interaction between the proposed development, as would be implemented in terms of the revised illustrative master plan, and the neighbouring properties in Greenway Close would not result in significant and demonstrable material harm. The relationship between the proposed development and Greenway Close would be within the parameters that could normally be expected in a residential area and would be comparable to those that have proved acceptable elsewhere within the town on other developments which the Council have permitted.

*The interaction of the two reasons for refusal*

38. I recognise, and it was accepted by the parties at the Hearing, that the two reasons for refusal interact with one another. The views across Blackmore Vale might be best protected by locating as many of the proposed dwellings as possible as far down the slope as practicable. Yet the further down the slope new dwellings are built, the greater the chance that their interaction with the existing properties in Greenway Close may become unacceptable in terms of the effects on the living conditions of the occupants of the latter.
39. In this context, there was considerable discussion at the Hearing about the advantages of building bungalows on the site. Some local residents suggested that the development should comprise nothing but bungalows. Irrespective of their advantages in terms of the main issues I have identified, it was contended that a bungalow development would have the advantage of catering for what some saw as a particular, unmet need in Wincanton. However, the evidence put to me on this point was preponderantly anecdotal and I am loath to afford

significant weight to the suggestion that more bungalows should be provided on housing need grounds alone.

40. I do not consider that the whole of the proposed development should or needs to comprise bungalows. The outcome could be an incongruous uniformity of form over the site when compared with the mix of house types characteristic of other recent developments in the vicinity. Furthermore, there are clear opportunities on the appeal site for two storey dwellings to be constructed in locations which would neither fatally compromise the views across and beyond the site to Blackmore Vale nor the living conditions of the occupants of the adjacent dwellings in Greenway Close.
41. Nevertheless, providing a greater proportion of bungalows on the site, especially along the southern boundary that faces the properties in Greenway Close could reduce local residents' concerns about overlooking or overbearing on the latter. It might also assist the protection of the vistas over the Blackmore Vale so far as these could be seen across the public open space suggested for the centre of the site.

*Conclusions on the main issues*

42. I have already concluded that the critical factors here are whether the quantum of development proposed by the outline application, i.e. up to 44 dwellings, can be achieved in relation to the layout of the site and the form of the properties to be built without compromising the views of Blackmore Vale or resulting in unacceptable material harm to the living conditions of the occupants of Greenway Close.
43. Council officers concluded that the revised, illustrative master plan (Ref 13036\_002 Rev A) would achieve the above objectives and recommended approval. Members disagreed - as they have every right to do.
44. In relation to the material harm to the living conditions of the occupants of those properties in Greenway Close, I conclude that the outcome would not be the scale of significant and demonstrable harm as would outweigh the provision of additional housing on a site where the principle of residential development has long been accepted. In this respect, I consider that the proposed development could be carried out whilst meeting the provisions of criterion 4. of adopted Policy ST5 and criterion 6. of adopted Policy ST6 as well as the relevant aspects of emerging Policy EQ2.
45. In respect of safeguarding the views across and beyond the site to Blackmore Vale, I am a little more cautious. I consider that the impact of the development in terms of drivers' experience whether entering or leaving the town via Bayford Hill would not be significant. However, I accept that pedestrians' views across the site would be changed to the extent that the long-distance views whilst being maintained would be seen in the context of a changed foreground of additional development. Many local residents consider that would represent unacceptable material harm. I do not go that far, but I do consider that there could be opportunities in the consideration of reserved matters to amend the detailed layout and form of the development further to limit its effects on the vistas that are so valued.

46. On the assumption that the parties seize those opportunities, I conclude that the proposed development could be delivered in terms that meet the relevant criteria of adopted Policies ST5 and ST6 as well as the provisions of emerging Policy EQ2.

### **Other Matters**

#### *The Unilateral Undertaking*

47. The appellants submitted to myself and to the Council a signed and dated Unilateral Undertaking made under section 106 of the Town and Country Planning Act 1990. The Undertaking commits the appellants to provide 35% of the housing on the site as affordable housing and to provide financial contributions to offset the impact of the proposed development on education, community, health and leisure services in the local area. The Council has accepted the Undertaking in the terms made and I conclude that the Undertaking has been properly made, meets the requirements of Section 122 of the Community Infrastructure Levy Regulations 2010 and the advice in paragraph 204 of the Framework.
48. There was some suggestion at the Hearing that if the appellants came forward with a lower quantum of development on the appeal site, the Council might waive the 35% affordable housing contribution – at least in part. Although this idea was promoted by some local residents and by local Councillors, it does not represent to the Council's official position and I have therefore set it aside.
49. In the context of the Unilateral Undertaking, both local residents and local Councillors suggested that services in Wincanton were overloaded and that the town required '...a rest...' to absorb the consequences of development already approved and underway. However, as Council officers conceded, the education and health authorities had raised no objection to the proposed development provided appropriate contributions were made.

#### *Access and traffic*

50. It was suggested that some 40+ additional houses would generate sufficient levels of traffic exiting on to Bayford Hill as to constitute a significant additional risk to highway users. However, the highway authority has had extensive discussions with the appellants and is now content with the proposed development and the arrangements for access to and from the site. I therefore conclude that this is not a matter that should weigh against the appeal being allowed.

#### *Drainage and flooding*

51. I accept that there is a long-standing problem with surface run-off from the slopes of Bayford Hill down into the existing residential areas below. I saw illustrations of this issue on both my site visits, which took place during periods of heavy rainfall. However, the appellants are under no obligation to resolve existing issues and I am persuaded from the discussions that have taken place with the appropriate authorities that arrangements can be made to ensure that the proposed development does not aggravate current problems from surface water run-off. It may, indeed, be that existing issues would be ameliorated by those arrangements.

### *Ecology*

52. Although anecdotal evidence was put to me that protected species – slowworms and great crested newts – had been seen on the appeal site, previous surveys had suggested that its ecological value was limited. Nevertheless, recommendations as to measures to protect and enhance that ecological value have been put forward and could be delivered through an appropriate condition.

### **Conclusion**

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

### **Conditions**

54. I have considered the conditions put before me by the Council that it would wish me to impose were the appeal to be allowed in the light of policies towards conditions as now set out in the Government's recently published Planning Guidance and the model conditions included in the still extant Annex to Circular 11/95, *The Use of Conditions in Planning Permissions*.
55. In addition to the standard conditions setting a timetable for the submission of reserved matters and a time limit for the commencement of development after those matters have been approved, I agree with the Council that a condition should be imposed requiring all the reserved matters to be submitted as a single application in order for issues such as plot locations and the form of dwellings to be considered together. I shall impose such a condition together with a single condition requiring adherence to the location plan that defines the boundaries of the site.
56. Notwithstanding the reserved matters, conditions are needed at this stage to require prior approval of a scheme for the surface water drainage of the site, including the arrangements for its future maintenance. I shall impose such a condition to protect and enhance the ecological value of the site has already been discussed and I shall impose such a condition.
57. Access is a matter before me and conditions are thereby necessary to ensure that the access roads within and into the site are provided to appropriate standards and before any of the dwellings here approved are occupied. Those conditions also need to ensure that the access on to Bayford Hill has appropriate visibility splays and that the footway along the southern side of Bayford Hill is provided to form a continuous link with existing arrangements. I shall impose conditions in all these respects as well as to ensure that bus stops are provided in convenient locations on Bayford Hill and that the new pedestrian and cycle link from the site towards the town centre is in place before any new dwelling is occupied.
58. It will be realised from my conclusions above that the levels on the site are especially significant in terms of the main issues that I have considered. Details setting out all necessary levels should therefore be submitted before development begins. I shall impose a condition to that effect.
59. Finally, to protect the amenity of neighbouring residents, a Construction Management Plan is needed to ensure that development takes place in a manner that mitigates its impacts in line with the provisions of the Environmental Code of Construction Practice.

60. There is, however, one condition that the Council put before me that I consider unnecessary. This is the requirement for a Travel Plan to be submitted within a year of the first occupation of the development. This is a small development of private residential houses and I cannot see that such a Plan is necessary or would prove capable of being monitored or enforced. I shall not therefore impose such a condition.

*Roger Pritchard*

INSPECTOR



## APPEARANCES

### FOR THE APPELLANT:

Satnam Choongh	Of Counsel Instructed by Matthew Kendrick of Grassroots Planning Grassroots Planning
Matthew Kendrick	
Peter Richards	
Bill Hopkins	Hopkins Developments Ltd
Nathan Hopkins	Hopkins Developments Ltd

### FOR THE LOCAL PLANNING AUTHORITY:

Mike Muston	Consultant acting for South Somerset DC
Adrian Noon	Team Leader, South Somerset DC

### INTERESTED PERSONS:

Cllr Nick Colbert	Ward Members for Wincanton, South Somerset DC
Cllr Colin Winder	
Cllr Tim Carroll	South Somerset DC
Cllr John Hayden	South Somerset DC
Cllr Anna Groskop	South Somerset DC and Somerset County Council
Sam Atherton	Wincanton Town Council
C R Mahoney	}
Tim Carroll	}
Richard D'Arcy	}
Doug Castle	}
Chuck Downton	} All local residents
Shirley Hayward	}
Maureen Emery	}
Vic Southan	}
Victoria Vagg	}

Stephen Davy-Osborne	Western Gazette
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## DOCUMENTS PRESENTED AT THE HEARING

1. Signed Statement of Common Ground, dated 9 January 2015
2. Report on the Examination into the South Somerset Local Plan 2006-2028 by David Hogger BA MA MRTPI MCIHT, dated 8 January 2015
3. E-mail correspondence of 4 December 2013 between South Somerset DC and County Highway Authority *re* the appeal site
4. Policy EQ2 : General Development, final draft Local Plan
5. Statement by Cllr Tim Carroll
6. Statement by Richard d'Arcy

7. Statement by Cllr Colin Winder
8. Statement by Jim Eastaugh
9. Statement by Chuck Downton
10. Application for a full award of costs by the appellant

## **SCHEDULE OF CONDITIONS**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters specified in Condition 1) shall be made as a single application to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the reserved matters.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Location Plan 13035/001 as received on 15 August 2013.
- 5) No development shall take place until a detailed scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The scheme shall be in general accordance with the Flood Risk Assessment by Hydrock dated February 2013 (Ref. R/12605/001.02) and shall include measures to prevent the run-off of surface water from private plots on to the highway. Development shall be carried out in accordance with the approved details and the completed scheme shall be retained thereafter.
- 6) The development hereby permitted shall be neither occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage scheme approved under Condition 5) has been submitted to and approved in writing by the local planning authority. The approved surface water drainage scheme shall be thereafter maintained in accordance with the approved scheme.
- 7) The development hereby permitted shall be neither occupied or brought into use until a scheme for the safeguarding of the ecology of the appeal site has been carried out in accordance with the recommendations of the Ecological Survey by Michael Woods Associates, dated November 2013, and received by the local planning authority on 18 November 2013.
- 8) No development shall take place until details of the estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture have been submitted to and approved in writing by the local planning authority. Details shall include plans and sections, showing as appropriate the design, layout, levels, gradients, materials and methods of construction and development shall be carried out in accordance with the approved details.
- 9) No dwelling hereby permitted shall be first occupied until it can be served by properly constructed roads, footpaths and turning spaces consolidated and surfaced to at least base course level between the dwelling and the highway.
- 10) No development shall take place until details of the vehicular access to Bayford Hill have been submitted to and approved in writing by the local

planning authority. Details shall be in general accordance with Drawing 0158/PHL-001 Rev A, dated 4 December 2013 and shall include a minimum width of 5.5m and incorporate radii of not less than 6.0m at the access from Bayford Hill. The development shall be carried out in accordance with the approved details and the access as approved shall be completed before any dwelling hereby permitted is first occupied.

- 11) There shall be no obstruction to visibility greater than 300mm above the adjoining road level forward of lines drawn 4.5m back from the carriageway edge on the centre line of the proposed access and extending to points on the nearside carriageway edge of 90m at each side of the access extremities of the site frontage. Such visibility shall be provided before any other works commence on the development hereby permitted and shall thereafter be retained at all times.
- 12) No development shall take place until details of the footway to be provided along the Bayford Hill frontage of the site have been submitted to and approved in writing by the local planning authority. The footway shall have a minimum width of 1.8m, shall link to the existing footways and shall be completed before any dwelling hereby permitted is first occupied. The footway shall be retained thereafter.
- 13) No development shall take place until details of new pedestrian and cycle links through the site have been submitted to and approved in writing by the local planning authority. The approved links shall be completed before any dwelling hereby permitted is first occupied and shall be retained thereafter.
- 14) No development shall take place until details of two new bus stops in the vicinity of the access to the site from Bayford Hill have been submitted to and approved in writing by the local planning authority. The specifications for the bus stops shall include shelters and high access kerbs and shall be completed in accordance with the approved details before any dwelling hereby permitted is first occupied.
- 15) No development shall take place until details of all levels on the site 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.
- 16) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall specify construction operating hours, construction vehicular routes to and from the site, construction delivery hours, car parking for contractors and specific measures to be adopted to mitigate construction impacts in line with the provisions of the Environmental Code of Construction Practice. The development shall be carried out in accordance with the approved details.

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## Costs Decision

Hearing held on 9 January 2015

Site visits made on 8 and 9 January 2015

**by Roger Pritchard MA PhD MRTPI**

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

**Decision date: 27 January 2015**

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### **Costs application in relation to Appeal Ref: APP/R3325/A/14/2223834 Land South of Bayford Hill, Wincanton**

- 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 Hopkins Developments Ltd for a full award of costs against South Somerset District Council.
  - The hearing was in connection with an appeal against the refusal of the Council to grant planning permission for the erection of up to 44 dwellings, provision of public open space, access and other ancillary development.
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### **Decision**

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

### **The submissions for Hopkins Development Ltd**

2. The applicant relied on section 16-20140306 of the Planning Practice Guidance in respect of the circumstances of unreasonable behaviour by the Council that warranted a full award of costs against the Council.
3. The Council had advanced two reasons for refusing the original application – that the proposed development would fail to maintain important views across Blackmore Vale and that it could not ensure a suitable standard of amenity.
4. In respect of the first reason for refusal, the Council had failed to produce evidence to substantiate its concerns. The applicant had submitted detailed landscape and visual evidence and had entered into discussions with the relevant Council officers satisfying them that the proposed development could be delivered whilst maintaining the valued views. In rejecting their officers' advice, members were under an obligation to produce clear and cogent evidence as to why they disagreed with that advice. They did not do so. Instead, their evidence was restricted to a series of vague, generalised and inaccurate statements supported by no objective analysis.
5. Furthermore, the Council's evidence at no point acknowledges that many of its concerns could be dealt with at reserved matters stage when scale, layout and design could and would be dealt with in detail. The application was for '*...up to a maximum of 44 dwellings...*' and the Council would be able to exercise sufficient control to guarantee the protection of the important views when considering the reserved matters.
6. In respect of the second reason for refusal, the Council failed to specify its concerns, let alone support the reason with any objective analysis. There was

no explanation of why the proposal was unacceptable and an apparent lack of recognition that similar arrangements had proved acceptable elsewhere in the town. Only one specific relationship was quoted but no separation distances were provided and there was no analysis as to why the relationship was unacceptable. It was untenable to suggest that the entire scheme was undermined by a single relationship that could be amended at reserved matters stage.

7. In summary, where Councils choose not to follow the technical advice of their officers, they must show '*...reasonable planning grounds...*' for not doing so. The Council has not done so here and failed to provide relevant and reliable evidence to support its decision.
8. A full award of costs against the council was entirely justified.

### **The response by South Somerset District Council**

9. The Council refuted any suggestion that it had failed to put forward evidence to support its case. On the contrary, in respect of the first reason for refusal, it had fully substantiated its concerns, focusing on the widest interpretation of the views that it believed would be damaged. By contrast, the applicants had chosen to use the narrowest possible terms to define the areas of concern.
10. Its reasons for refusal were not vague and generalised in terms of responding to an outline application where many of the key issues were inevitably addressed in less than detailed terms. The CGI evidence put forward by the applicants had not reassured Councillors. Instead, it had highlighted their concerns. There had been some suggestion that the Council might have assuaged its concerns by imposing conditions on the application further limiting the numbers of dwellings, restricting the form of developments to bungalows etc. This was unrealistic and would have simply led to an appeal against such conditions.
11. The Council rejected any charge of inconsistency. Every case had to be decided on its specific merits and the particular topography of the site and its relationship to existing, neighbouring developments differed from the examples the applicants had quoted.
12. Finally, the Council's reasons for refusal should not have come as any surprise to the applicants. Although Council officers had recommended approval of the original application, they had also emphasised throughout the pre-application discussions that the matters on which the application was refused would concern members and that they would be looking for a low density, low level development.
13. The Council had not acted unreasonably and there was no justification for an award of costs against it,

### **Reasons**

14. This application for costs was made and responded to on the basis of the advice in section 16-20140306 of the Planning Practice Guidance, which has superseded Circular 03/2009. However, it remains the position that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

15. The first reason for refusal advanced by the Council hinged on a matter, the protection of views across the appeal site to Blackmore Vale, the appraisal of which was highly subjective. The applicant put forward evidence by way of CGI interpretations of the proposed development's impact that could be and was interpreted by different parties in very different ways. The applicants' case that the long-distance views valued by local residents and the Council were clearly maintained was set against the latter's concern that these views would be seen in so different a context that they would cease to maintain their value.
16. This was an outline application where only access was to be considered at this stage. Consequently, the applicants' case that amendments to the scheme could resolve detailed concerns at reserved matters stage was set against Council members' failure to be persuaded that the overall form of the development could be delivered satisfactorily. Ultimately, that seems to me to be a matter of planning judgment and the Council did not act unreasonably in refusing the original application in relation to the first grounds cited.
17. In respect of the second reason for refusal, the applicant seems to me to have greater grounds for suggesting that the Council was too vague in its explanation of what its concerns were. However, I was conscious throughout the discussion of the merits of the proposed development of how far the two reasons for refusal were interlinked. Greater efforts to protect the valued views might only be achieved at the expense of more harm to the amenity of existing residential neighbours.
18. I am therefore not particularly surprised at members taking a somewhat different approach to their officers. Furthermore, although I disagree with their conclusions and consider that they might have expressed their reservations more clearly, I conclude that neither their decision to go against officers' advice nor the reasons for refusal that they advanced sufficiently constitute unreasonable behaviour as to warrant an award of costs.

### **Conclusion**

19. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in section 16-20140306 of the Planning Practice Guidance, has not been demonstrated.

*Roger Pritchard*

INSPECTOR

## **Area East Annual Parish & Town Council Meeting Summary of Issues Raised – For information**

<i>Portfolio Holder:</i>	<i>Cllr Nick Weeks</i>
<i>Strategic Director:</i>	<i>Rina Singh, Place &amp; Performance</i>
<i>Assistant Director:</i>	<i>Helen Rutter, Communities</i>
<i>Service Manager:</i>	<i>Helen Rutter, Area East Development Manager</i>
<i>Lead Officer:</i>	<i>Helen Rutter, Area East Development Manager</i>
<i>Contact Details:</i>	<i>helen.rutter@southsomerset.gov.uk or (01963) 435012</i>

### **Purpose of the Report**

To inform Members of the topics discussed and the issues raised at the Annual Parish and Town Council Meeting

### **Public Interest**

All Area East residents are represented at the local level by their Parish Councillors. Issues that are not within their direct control can be taken up with the District Council, County Council and other public service organisations. This Annual Meeting covered topics of interest to Parishes and this year had a focus on parish led initiatives and Localism.

### **Recommendation**

That the report be noted

### **Background**

Each year the Area Committee hosts an Annual Parish Meeting. This enables the District Council to share information about topics we know to be of interest to parishes. It also enables parishes across Area East to come together to discuss locally important issues and raise matters of concern with the District Council. The Area East Committee receives a summary of the event with any issues raised and actions taken arising from the meeting.

### **The Event**

This was hosted at Churchfield on Tuesday 27 January 2015. Half an hour was allocated before the meeting started to enable informal discussions with Officers and invited drop-in guests from other services, including the Police, Leader Programme, Community Heat & Power Ltd., Streetscene, Cosmic and Area Development. This enabled some specific issues raised by parishes including:

- Provision of acceptable broadband service to rural communities
- To consider any possible action to address the proliferation of HGVs using routes through villages as short cuts as opposed to out of necessity
- The amount of housing in Wincanton & surrounding villages and the effect on the infrastructure eg: schools & hospitals

The event was well attended with 15 Parishes represented (25 people), 6 District Councillors and SSDC/Agency staff present. Cllr Nick Weeks welcomed Parishes. This was followed by presentations from invited speakers with a Q&A session after each presentation.



The event focused on:

**Community renewable energy schemes, getting a scheme that is right for your Parish – Julian Brooks - Community Heat & Power Ltd**

- Current Government has a community energy strategy, launched last year which offers considerable finance and support to communities wanting to develop and invest in a locally controlled scheme
- Neighbourhood Plans may want an element of renewable energy controlled by the community.
- UK is well behind some other EC countries such as Germany and Denmark
- The economics mean that local shareholders can get returns of 7% plus pa, social investment tax relief will make this particularly attractive. There are many community energy societies shooting up & some Local Authorities are setting these up as an income source, including community farms
- Commercial solar should also put aside some form of Community Benefit Fund of around £1,000/megawatt/year although this is via a unilateral
- Solar should only be approved on grade 3b or worse land where visual impact is low
- The technology is improving fast smaller panels generating more power. No subsidy will be required soon to make solar investment worthwhile.

In discussion the following main points were made:

- Concern about cumulative impact, it is the job of the LPA to control this and refuse poor proposals & run due diligence on developer claims about land classification
- Fracking is not a renewable energy source
- Communities can take advantage of local assets like water power,
- SSDC has advice & help available through Keith Wheaton-Green & Area Development Team

**Working with Streetscene – how the Parish Ranger scheme is helping Parishes to improve the local environment – Chris Cooper**

- Lengthsman schemes were popular but too costly to keep
- The Parish Ranger is an affordable package, offered by SSDC to allow parishes to buy cost effective, skilled help on a pay as you go basis
- It is popular with 20 parishes buying in and more joining
- £17/ hour +VAT for man and van, minimum half a day
- Anyone interested can contact Steve Fox for initial discussion

In discussion the following points were clarified:

- Manual drain clearance can target the 1 or 2 problem spots
- Service is quality assured with all insurance and risk assessments built in, including working on the roads
- In response to a question about why not use a local person? this method is very simple to use and costs are very competitive but of course a local contractor may be the best method for some parishes. That is a local judgment.
- Streetscene can work along-side community volunteers too, to make them more effective, address safety, loan equipment & so make limited funds stretch further

**How to use new technology to improve communication & marketing of your Parish – Lizzie Whitchurch, Cosmic**

- Despite low broadband speeds in rural areas parishes, community groups and businesses can make good use of web and mobile technology to help them deliver their message and interact with residents

- Cosmic are contracted as part of the superfast broadband programme to help communities and businesses develop these skills and reach the socially excluded
- Gmail account holders have a wide range of free tools to help with organisation and a responsive website that incorporates Dropbox and locks to enable individual organisations to update their records and news can reduce the burden on 1 or 2 people
- Parishes have been placed in small clusters and over the next 2 years (as SFBB roll out occurs) can request bespoke sessions to help develop digital skills, each cluster can have 2 business sessions and 2 community sessions without charge under the programme
- Parishes should initiate contact for their cluster. Queries and issues about the roll out of SFBB should be directed via the [www.connectingdevonandsomerset.co.uk](http://www.connectingdevonandsomerset.co.uk) website

### Some issues raised by Parish Councils

- a) Cucklington PM – Provision of acceptable broadband service to rural communities

*Response received from Connecting Devon & Somerset – update on Superfast Extension Programme (SFBB). Key points:*

- *All premises to have 2 Mbps broadband speed by Dec 2016*
- *Phase 1 to connect 90% of premises to SFBB (24+ Mbps) by end 2016 (funded)*
- *Phase 2 to connect a further 5% SFBB in more rural areas (funding in place in principle, SSDC up to £ 640 k) by end 2017*
- *100% SFBB by 2020*

*Fuller details on: [www.connectingdevonandsomerset.co.uk](http://www.connectingdevonandsomerset.co.uk)*

- b) Keinton Mandeville PC – To consider any possible action to address the proliferation of HGVs using routes through villages as short cuts as opposed to out of necessity

*Response received from Colin Fletcher, Traffic Engineer, SCC:*

- *We try to concentrate heavy vehicles onto 'A' class roads*
- *The B3151 and the B3153 link 'A' class roads giving access to central Somerset*
- *It would be unrealistic to consider formal weight limits on the B3153*
- *If HGVs use completely unsuitable minor roads we can consider imposing a restriction*

- c) South Cadbury/Sutton Montis – The amount of housing in Wincanton & surrounding villages and the effect on the infrastructure eg: schools & hospitals

*Response from Paul Wheatley, Principal Spatial Planner, SSDC:*

- *In Local Plan Wincanton one of 4 primary market towns*
- *Minimum of 703 homes between 2006 and 2028*
- *All South Somerset "rural settlements" to accommodate >2,400 homes to 2028*
- *Infrastructure delivery plan has assessed the impacts of this development – no major infrastructure issues which prevent this overall amount of growth*
- *Confirmed by the Inspector, Local Plan is sound*

- *SSDC keep the infrastructure delivery plan up to date, to understand the latest challenges & opportunities for infrastructure provision*
- *Updating it now, revised plan mid-2015*
- *Each planning application for housing is assessed for impact on infrastructure (roads, schools, hospitals, etc.) by responsible agency, SCC schools, NHS hospitals, etc.*
- *Where site specific impacts are identified the applicant must show how these can be overcome & what mitigation should be provided*
- *SCC and NHS England South have standard ways in which the impacts are dealt with, this can be to ask for money to help pay for expansion/upgrades (this is usually set out in a Section 106 Agreement)*
- *The appropriate solution is then agreed between the organisation, the applicant and SSDC*

## **Feedback on the event responses**

### Abbas & Templecombe PC

*"A lot of information was communicated. Perhaps reps from Somerset County Council could also be invited ie: Highways footpath, during the coffee time to take questions" (Tim Chapman)*

*"A very useful and interesting meeting. I would have liked contact details of the speakers rather than just names. The 'Spatial Planner' should have attended the meeting to address problems that affect probably all communities" (John Grierson)*

*"Interesting meeting but will anything change as a result? Things are happening slower year or year – not good enough!" (Martin Batchelor)*

### Ansford PC

*"Informative & broad based. Well informed speakers. Good to put faces to names. Good for networking" (Helen Moore)*

### Barton St David PC

*"Very useful event – all topics were interesting and the speakers were all informative." (J Powell)*

*"Excellent coverage of issues" (P Robinson)*

### Castle Cary TC

*"Very interesting information about a variety of issues/subjects. A great shame that members of the audience talked at the same time as the speakers" (Liz Stokes)*

### North Cadbury & Yarlington PC

*"I thought the meeting was valuable and contained much of interest. However, it ran late and had to be curtailed. The same happened last year. I suggest that the agenda needs to be limited to include only the major/weighty issues and that the time needs to be extended by 30 minutes ie 6:30-9:00pm" (Malcolm Hunt)*

## **Future Events for Town and Parish Councils**

An Annual Parish & Town Council Meeting is held in each of the 4 Areas. In between times the Area teams arrange other workshops and events for Parishes depending on need. Parishes enjoy a close working relationship with their Ward Councillors who will discuss and advise on how to take up matters of local concern. In addition they receive agendas for and are warmly invited to attend the monthly Area East Committee meetings where they can raise any topics of interest or concern to their residents.

At present officers are making arrangements for a Flooding Meeting for all parishes. The aim is to look at investment plans which have recently been adopted to reduce the impact of future flooding across South Somerset and enable parishes to consider how they can take steps to reduce flood risks in their own parish. The aim is for this to be held in late March date to be confirmed

### **Financial Implications**

There are no new financial implications as a direct result of this report

### **Corporate Priority Implications**

*This meets the following Corporate Aim:*

- *To deliver well managed cost effective services valued by our customers*

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

### **Equality and Diversity Implications**

**Background Papers:** *Notes of the Area East Annual Parish & Town Council Meeting held on 27<sup>th</sup> January 2015;*

# Agenda Item 15

## Schedule of Planning Applications to be Determined by Committee

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

### Purpose of the Report

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

### Recommendation

Members are asked to note the schedule of planning applications.

### Planning Applications will be considered no earlier than 10.45am.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 10.35am.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
16	NORTHSTONE	14/02896/OUT	Residential development of land for up to six dwellings	Land North Of The Light House, Barton Road, Keinton Mandeville	Mr & Mrs Keith Budd
17	BLACKMOOR VALE	14/03661/FUL	The development of a shared electronic communications base station	Land at Corton Denham Road, Corton Denham	Arqiva Services Ltd
18	CARY	14/05070/LBC	Retention of replacement windows on west and north elevations	4 Upper High Street, Castle Cary	Mrs Henderson
19	WINCANTON	14/04978/FUL	Installation of a dormer window in main roof, with internal staircase to provide additional accommodation. Internal alterations.	5 Priory Villas, Station Road, Wincanton	Mr Spencer Fabian

Further information about planning applications is shown below and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda has been prepared.

### **Referral to the Regulation Committee**

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

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

### **Human Rights Act Statement**

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

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# Agenda Item 16

## Officer Report on Planning Application: 14/02896/OUT

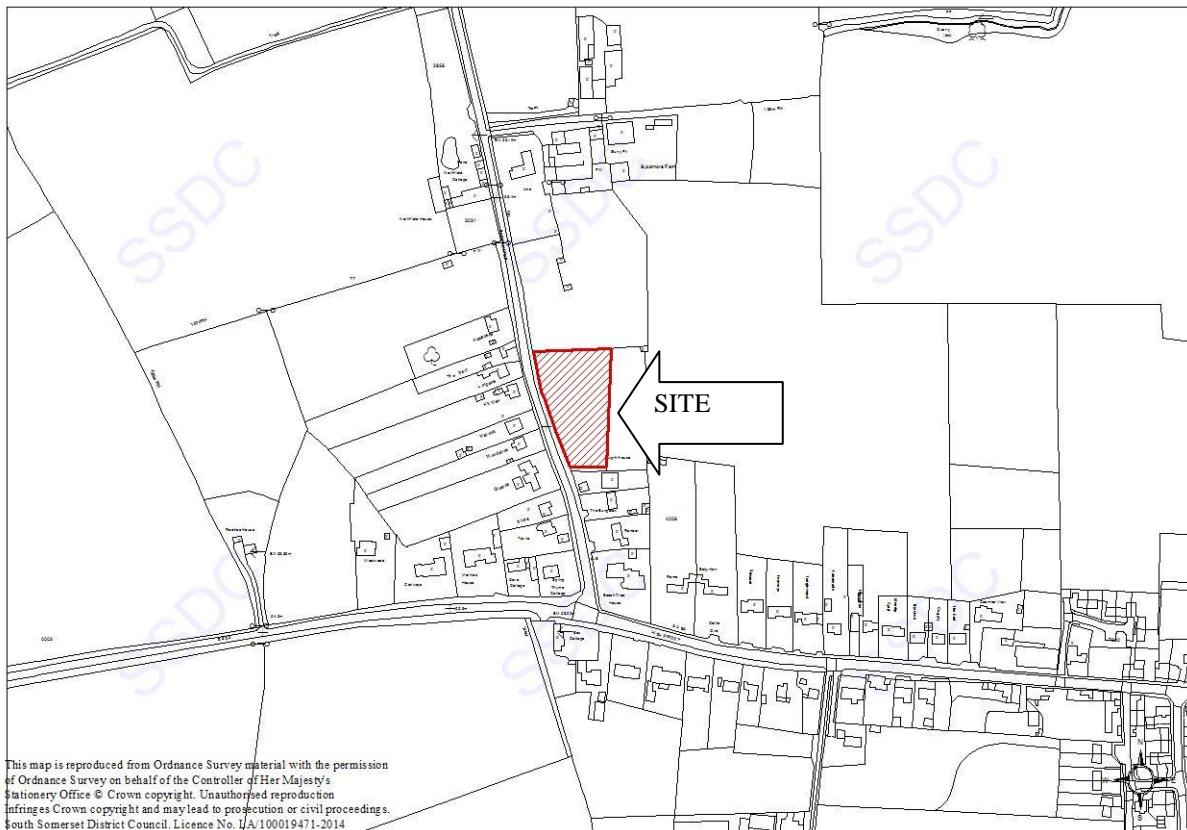
<b>Proposal :</b>	Residential development of land for up to six dwellings (GR 354414/131119)
<b>Site Address:</b>	Land North Of The Light House Barton Road Keinton Mandeville
<b>Parish:</b>	Keinton Mandeville
<b>NORTHSTONE Ward (SSDC Member)</b>	Cllr J Calvert
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	25th August 2014
<b>Applicant :</b>	Mr & Mrs Keith Budd
<b>Agent:</b>	Joanna Fryer Home Orchard, Littleton, Somerton, TA11 6NR
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO AREA EAST COMMITTEE:

In September 2014, the Area East Committee resolved to approve this application, subject to the prior completion of a Section 106 agreement to secure a contribution of £30,217 towards outdoor playing space, sport and recreation facilities. Following the government's decision (in November 2014) to remove tariff-style planning obligations for small developments of 10 homes or less, the Council can no longer require this Section 106 agreement to be completed. The application has therefore been brought back before Committee. Currently, the application cannot be determined, as without the S106 agreement it would be contrary to the Committee's original resolution. In all other respects the application is unchanged from that which Committee previously considered.

### SITE DESCRIPTION AND PROPOSAL





This application is seeking outline planning permission to erect up to six dwellings and to agree details of access with all other matters reserved for later consideration. This application is identical to that submitted last year under application 13/04143/OUT which was refused.

This application site is a greenfield site approximately 0.3 hectares in area that is outside but abuts the development area for Keinton Mandeville. The site forms part of a wider agricultural field with existing residential development immediately to the west and south with agricultural land to the north and east. The site is predominantly enclosed by hedgerows including along the road frontage along the west side of the site and is a relatively flat field. A livestock farm is situated approximately 130m to the north of the site.

There are a number of facilities within the settlement of Keinton Mandeville including:

Facility:	Walking Distance (approximate):
Village shop	580m
Primary school	1300m
Bus stop	430m
Public house	430m
Village hall and recreation ground	1040m

Whilst the matters of scale and layout are reserved matters the details submitted with the application indicate up to six dwellings, two-storey in scale, of which four are suggested to be semi-detached and two detached.



## RELEVANT HISTORY:

13/4143/OUT: Residential development of land for up to six dwellings. Refused by Area East Committee for the following reason:

- *“The proposed development by reason of the extension of the built form in this location would erode the local character and have a poor relationship with the village core by reason of its detachment from the main part of the village and its rural location. As such the proposal is contrary to saved policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan, the provisions of the Keinton Mandeville Parish Plan and the policies contained within the National Planning Policy Framework.”*

This decision was tested at appeal and the appeal was dismissed for the following reason:

- *“I therefore find that a financial contribution is required for the provision of recreation facilities. Consequently, the absence of an agreement making such provision would be contrary to the requirements of the LP Policies CR2, CR3, ST5 and ST10. As this is a matter than can only be addressed by the submission of an executed obligation from the appellant, it follows that I cannot grant planning permission for the proposed development.”*

740282: (Outline) Erection of a dwelling and garage. Refused.

741049: (Outline) Erection of a dwelling and garage. Refused.

## POLICY

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

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the saved policies of the South Somerset Local Plan 2006.

South Somerset Local Plan Policies

ST2 – Villages

ST3 – Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

ST10 - Planning Obligations

EC3 - Landscape Character

EC7 - Networks of Natural Habitats

EC8 - Protected Species

EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological Sites

EP1 - Pollution and Noise

EU4 - Water Services

TP1 - New Development and Pedestrian Movement

TP4 - Road Design

TP7 - Car Parking

CR2 - Provision of Outdoor Playing Space and Amenity Space in New Development

CR3 - Off-Site Provision

CR4 - Provision of Amenity Open Space

On the 8th January 2015, South Somerset District Council received the Inspector's Report

into the emerging South Somerset Local Plan (2006 - 2028). The conclusion of the report is that the local plan is 'sound', subject to a number of agreed modifications.

Under the terms of Paragraph 216 of the National Planning Policy Framework (NPPF) weight should be given to relevant policies in emerging plans according to "the stage of preparation" and therefore the emerging local plan must be given substantial weight in decision-taking and it is therefore essential that the development is considered against all relevant policies.

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

Policy SD1 - Sustainable Development

Policy SS2 – Development in Rural Settlements

Policy SS5 – Delivering New Housing Growth

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy EQ1 – Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy EQ6 - Woodland and Forests

Policy EQ7 - Pollution Control

National Planning Policy Framework:

Part 1 - Building a strong, competitive economy

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting Healthy Communities

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

Part 11 - Conserving and enhancing the natural environment

Other considerations:

Keinton Mandeville Community Plan

## **CONSULTATIONS**

**Keinton Mandeville Parish Council:** Recommend refusal for the following reasons:

- Out of character with the current street scene and will not fit with the local built environment. This is the case in terms of the height of the proposed buildings (other houses are all bungalows) and their proximity to the road (the other houses are all set further back).
- The site is not the most sustainable; it is at the edge of the village and far from the local amenities. There is no pavement to allow for safe access to facilities for pedestrians and the road is unsuitable for a pavement because of drainage issues.
- The original development line should be observed in spite of the absence of a local plan. This development would fall beyond the original development line agreed for Keinton Mandeville. Development on this site will have the effect of merging the two distinct parishes (Barton St David and Keinton Mandeville) and is some distance from the core of the village.

**County Highways:** No comments received, however, their comments for the previous identical application were as follows:

No objection to the principle of the development. They referred to their standing advice and the need for satisfactory levels of visibility for vehicles exiting the site from each of the new

access points, including visibility splays measuring 43m in either direction when measured 2.4m back from the carriageway edge. They also recommended a condition to secure appropriate levels of parking and turning to serve each dwelling.

**County Archaeology:** (Previous comments) On visiting the site it was noticed that there are earthworks within the development area which may represent early activity on the site. It is therefore recommended that the developer be required to archaeologically investigate the site and provide a report on any discoveries made as indicated in paragraph 141 of the NPPF. This should be secured by the use of model condition 55.

**Environmental Protection:** (Previous comments) No objection. If approved, the application will result in the encroachment of residential dwellings towards an existing farmyard which has the potential for the new dwellings to suffer loss of amenity due to odour, noise and insects from the farm and to impact on any future intensification plans of the farm. There are existing residential dwellings at a similar distance from the farmyard however as the proposed ones and no history of nuisance complaints.

**Landscape Officer:** Reiterated his previous views:

Objects and is of the opinion the proposal will erode the local character and has a poor relationship to the village core.

Keinton Mandeville is primarily a linear settlement, with the core of the village aligned on the B3153 and Queen Street, whilst the main village area is concentrated to the south of the B3153 and west of Queen Street. The current residential plots that are sited along Barton Road are somewhat detached from this village core, and have little sense of connection to the main village. Whilst the application plot itself has housing to west and south, these are singular plots that are bounded by paddocks and farmland, to thus place the application site within a wider countryside context. Due to its detachment from the main village, and its rural location, and mindful that there are other housing options for the village in prospect that are better related to the village core, this is not a site that has landscape support.

I also note that the present roadside hedge will be disrupted by access arrangements, and that SCC highways requirements for safe visibility are likely to require the reduction of the hedge to 90 cm tall – a diminished feature that would then be at risk of removal if residential development were to be approved here. The potential for roadside footways is also viewed as being unacceptable. The application field currently marks a transition from the village edge, to the wider agricultural landscape, a characteristic that would be lost to development. Given this erosion of local character, and the poor relationship to the village core, then there is basis for landscape objection.

Should you believe there to be an over-riding case for development, then I would suggest that (i) this is agreed without highways 'improvements' and (ii) the land to the rear of the housing is dedicated to orchard planting or similar.

**Ecology:** (Previous comments) No objection but recommends a condition requiring a detailed ecological appraisal of the site at reserved matters stage.

**Planning Policy:** The application must be considered in the light of the saved policies in the adopted local plan, the NPPF and emerging local plan.

The policy framework provided by the extant local plan (1991-2011) is increasingly out-of-date with certain policies not in accordance with the NPPF. The proposal is contrary to Policy ST3 in the extant local plan which although having sustainability aspects which are in line

with the general thrust of the NPPF is considered to be overly restrictive particularly in light of paragraphs 54 and 55 of the NPPF which aim to facilitate appropriate housing in rural areas to meet local needs. Therefore the presumption in favour of sustainable development as set out in the NPPF paragraph 14 is an important material consideration. As previously discussed it should be considered whether 6 dwellings is consistent with Policy SS2 for example whether it meets the identified housing need, particularly affordable housing and is commensurate with the scale and character of the settlement.

Overall although the Council now does have a five-year housing land supply, it is more important that the impacts and benefits of the scheme are considered appropriately in light of the existing local plan, the NPPF and the emerging local plan. Particular reference should be made to the presumption in favour of sustainable development in the NPPF paragraph 14. As previously, I do not raise a policy objection against the principle of development, subject to there being no adverse impacts raised by other consultees that would significantly and demonstrably outweigh the benefits of additional housing provision.

**Strategic Housing:** (Previous comments) As the site is outside the development limit we would expect 100% of the dwellings to be affordable under current policy.

**Leisure Policy:** The proposed development will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with Policies CR2, CR3, ST5 and ST10 of the South Somerset Local Plan an off-site contribution towards the provision and maintenance of these facilities is requested of £5,036 per dwelling (equating to an overall total of £30,217) broken down as:

- £19,333 for local facilities;
- £7,199 for strategic facilities;
- £3,385 as a commuted sum towards local services;
- £299 as the Community Health and Leisure Service administration fee.

**Wessex Water:** (Previous comments) Raised no objections.

## REPRESENTATIONS

Written representations have been received from 7 local residents raising the following comments and concerns:

- This application has not been amended since it was previously refused and subsequently dismissed by the Planning Inspector.
- The application relies heavily on the lack of a 5-year supply of building land however a report to the Council in June concluded that this was no longer the case.
- There are already other planning applications in progress in Keinton Mandeville do we need more housing especially as one development appears to be favoured by the local community, is nearer to all the village amenities and appears to benefit a wider range of residents.
- The site is outside the development area and unsustainable in its location.
- The development brings Keinton and Barton St David closer together.
- Keinton is supposed to be a rural village, all these developments are turning it into a very busy place with limited facilities.
- Any housing should be 100% affordable.
- Village services are at full stretch with overloading of the sewer system in the last 12 months.
- There are a number of other planning applications in Keinton, this application should

be examined in relation to these.

- There is no pavement on this road to connect the development to local facilities.
- Distance to local facilities.
- Public transport provision in Keinton is poor.
- There is a side access to the remaining plot of land behind the development and we have no guarantee that this will not be used to develop the rest of the plot at a later date.
- If approved it could lead to many more applications applying to develop small plots.
- Nearby villages of Barton St David, Baltonsborough and Somerton already have new developments offering a variety of ownership methods and different styles of home so in this area people's housing requirements are already being catered for. Additionally there is always a large number and variety of homes for sale in the village at any one time.
- Loss of privacy and over bearing.
- Loss of view.
- The landscape officer previously objected to this proposal.
- Out of character with remainder of the road.
- The new properties will not be in line with those already existing on that side of the road.
- There a number of bungalows in the road already but none of the proposed houses are to be bungalows.
- There are no semi-detached properties in the vicinity.
- The proposal would lead to undesirable ribbon development.
- Many apple trees in the field have been cut down in the last few years.
- Has the ecological and wildlife impact been properly assessed.
- The proposal leaves a small area behind the proposed development which is too small for any usual purpose and the land will be left totally idle and continue to be neglected.
- Highway safety. This is a busy road, with more houses there is likely to be more vehicles parking on the road creating hazardous road conditions. Lead to an increase in traffic on this narrow road to the detriment of other road users.
- The areas for pedestrians to walk do not seem ideal.
- The proposal will add to the excess traffic that the High Street already suffers.
- The proposal will be built into an area of derelict land and should not be approved.

## **APPLICANT'S CASE**

*"This proposal constitutes sustainable development that complies with the latest Government policy. A number of dwellings can be readily assimilated into the street scene without detriment to neighbouring properties or the wider landscape. It's occupants need not have access to a private motor vehicle for many of their daily needs. It would contribute to the existing shortfall of housing land, whilst buoying the ability of Keinton Mandeville to sustain a healthy and vibrant community."*

(para 7.1 of the Supporting Statement)

## **CONSIDERATIONS**

The main issues in the consideration of this application are considered to be:

- The principle of development;
- Visual amenity and landscape impact;

- Residential amenity;
- Highway safety; and
- Ecology.

**Principle:**

The application site is greenfield land located outside the defined development area of Keinton Mandeville, and therefore in a position where development is normally strictly controlled by Policy ST3 of the South Somerset Local Plan. It should be noted, however, that the policy framework provided by the extant local plan (1991-2011) is increasingly out-of-date with certain policies not in accordance with the National Planning Policy Framework. The proposal is contrary to Policy ST3, however, Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need.

This application was preceded by an earlier identical scheme that was refused and subsequently dismissed at appeal. However, the Inspector noted that Keinton Mandeville is a large village, with a number of services and facilities, including a shop, primary school, public house, community hall and recreation ground, and concluded that the site is in a sustainable location. Indeed, the Inspector raised no substantive concerns in relation to the proposal and the appeal was only dismissed due to the omission of a unilateral agreement to secure the leisure contributions, which at that time were required through the provisions of saved policies CR3 and ST10. Therefore, notwithstanding the concerns raised by the parish council and a number of local residents the location is considered to be a sustainable location for residential development in accordance with the provisions of the NPPF and the thrust of saved local plan policies.

**Impact on local landscape and visual amenity:**

As with the previous application it has been indicated that that the dwellings would be two-storey in height and be a mix of detached and semi-detached houses with the indicative layout plan suggesting at a linear arrangement with the proposed houses facing on to but set back from the highway. However, layout, appearance and design are reserved matters.

Area East Committee objected to the previous application by reason that this “extension of built form would erode the local character and have a poor relationship with the village core by reason of its detachment from the main part of the village and its rural location”. However, the Planning Inspector noted that the proposed housing would “maintain the essentially linear development form of the village that extends along the road network from its central core, that the provision of semi-detached properties would not necessarily harm the varied character and appearance that already exists in the area”. He further notes that “immediately opposite the site is a continuous frontage of houses that extends further north than those proposed” and as such would form a continuation of the existing pattern of development.

Therefore taking into account the Inspector’s comments raising no substantive visual amenity concerns and bearing in mind that matters relating to layout and design are reserved for later consideration it is not considered that there are any robust concerns on which to base a landscape or visual amenity refusal.

**Residential amenity:**

The application site sits immediately to the north and opposite a number of residential properties. The proposed scheme of six two-storey houses however is relatively low density and there is no reason why an acceptable layout and design could not be achieved that avoids causing any demonstrable harm to these neighbouring properties.

It is noted that a local resident has objected to the loss of a view in that their view of a green

field will be replaced by built development. Whilst their objection to such a change to their outlook is understandable it does not constitute a sufficiently substantive reason to refuse the application.

There is a livestock farm located approximately 130m from the site which could potentially cause some nuisance to future occupiers of the development as a result of odour, insects and noise. However, bearing in mind the existing residential dwellings that are a similar distance from the farmyard to those proposed and that there is no history of nuisance complaints in relation to this issue the council's Environmental Health officer did not consider this to be a reason to object to the application.

It is noted that the Inspector raised no specific residential amenity concerns, therefore given the above comments the proposal is not considered to cause any substantive amenity concerns.

**Highway safety:**

The highway authority raised no objection to the principle of the proposed development or the number and position of the proposed new accesses and are satisfied that a satisfactory level of visibility (43m in each direction when measured 2.4m back from the carriageway edge), on-site parking and turning can be achieved for each new dwelling. Therefore, notwithstanding traffic related concerns raised by a number of local residents, including the speed of traffic along this 30mph road and increased traffic as a result of the development, provided the visibility splays, parking and turning are secured by condition the development is not considered to be prejudicial to highway safety. This view was shared by the Planning Inspector.

**Ecology:**

The site is not subject to any special ecology designations and the council's ecologist has not identified any specific concerns in relation to the site although has requested a condition requiring a detailed ecological appraisal of the site. As such any approval should be subject to a condition requiring an ecological appraisal to be submitted prior to reserved matters stage.

A local resident has expressed concern that any loss of the hedgerows surrounding the site could be harmful to the habitat of local wildlife. This is noted and it is anticipated that as much of the boundary hedgerows as possible will be retained, this matter however is best addressed through a landscaping scheme at reserved matters stage.

**Archaeology:**

The site is not subject to any special archaeological designations, however, the county archaeologist has noted that there are some earthworks within the site and therefore requested a condition requiring the site be archaeologically investigated prior to any works commencing.

**Other matters:**

The issue of drainage and flooding has been raised by a local resident who has noted that surface water in Barton Road usually flows to this side of the road and raised concerns at the possible effect of flooding. The application site is located in flood zone 1, the lowest flood risk zone, and Wessex Water, the drainage authority, has not raised any local or site specific concerns with respect to either drainage or flooding. On this basis there is no evidence to support the view that the development would either be unduly susceptible to flooding or lead to an increase in drainage or flood related issues in the locality.

The Strategic Housing team has noted that the site is located outside the development area

and should therefore be treated as an exception site with the expectation that any new housing here should be affordable. Concerns have also been raised by a number of local residents that the new housing will not benefit the local community. Whilst these concerns are noted, due regard should be given to the current transitional policy circumstances whereby the extant local plan is increasingly out-of-date and the controls of Policy ST3 being considered to be overly restrictive and not fully in accordance with the NPPF. In these circumstances, it is not considered reasonable to seek 100% affordable housing on all residential proposals simply because they are outside settlement limits. In this instance, this is not considered to be a reason to refuse this application.

#### **Planning Obligations:**

Following the government's decision in November 2014 to remove tariff-style obligations for small developments of 10 homes or less, which supersedes the provisions of saved policies CR3 and ST10, the Council can no longer require the leisure and recreation contributions originally sought by Leisure Policy. Should a reserved matters scheme come forward and the gross combined floor area of the new units exceed 1000 sqm then this matter may be revisited at this stage.

#### **Conclusion:**

In view of the Planning Inspector's comments in respect of the previous application and the comments set out above the proposal is considered to represent a sustainable form of development and to cause no significant adverse impact on the character of the area, residential amenity or highway safety and accordingly is recommended for approval.

#### **RECOMMENDATION**

Permission be granted for the following reason:

Keinton Mandeville by reason of its size and provision of services and facilities is considered a sustainable location in principle for appropriate development. The erection of six dwellings on this site, immediately adjacent to settlement limits would respect the character of the locality with no demonstrable harm to residential amenity or highway safety. As such the proposal complies with saved policies ST2, ST5, ST6, EC3, EC7, EC8, EH12 and EP1 of the South Somerset Local Plan, the provisions of the emerging local plan and the National Planning Policy Framework.

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

01. Details of the appearance, landscaping, layout and scale (herein called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

02. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission and the development shall begin no later than three years from the date of this permission or not later than two years from the approval of the last "reserved matters" to be approved.

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

03. The site hereby approved for development shall be as shown on the submitted combined site plan and site layout (drawing number 1389/01) received 21/10/2013.



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

04. The development hereby permitted shall comprise no more than 6 dwellings.

Reason: To ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought in accordance with policies ST5, ST6, ST10 and EC3 of the South Somerset Local Plan.

05. No development hereby approved shall take place unless the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To ensure that adequate opportunity is afforded for investigation of archaeological or other items of interest to accord with Policy EH12 of the South Somerset Local Plan.

06. Prior to the submission of any reserved matters application a detailed ecological appraisal of the site shall be carried out and details including an assessment of the impact of the proposed development and any appropriate measures to alleviate this shall be submitted to and approved in writing by the Local Planning Authority. Any agreed mitigation measures shall be implemented in full accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan (adopted), The Habitats Regulations 2010, and The Wildlife and Countryside Act 1981 (as amended).

07. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge on the centre line of the new accesses and extending to a point 43m either side of the accesses to the nearside carriageway edge. Such visibility shall be fully provided 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.

08. The Development hereby permitted shall not be commenced unless a scheme providing an appropriate level of parking in line with the SCC parking strategy March 2012 (including properly consolidated and surfaced turning spaces for vehicles) have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of the provision of adequate parking to serve the development in accordance with the Somerset Parking Strategy 2012 and Policy ST5 of the South Somerset Local Plan.

09. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, including measures to prevent the discharge of surface water to the highway, shall be submitted to and approved in

writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of environmental health and neighbour amenity to accord with Policies EU4 and ST5 of the South Somerset Local Plan.

**Informatives:**

01. The applicant should be aware that in accordance with the requirements set out under the National Planning Policy Framework, Planning Practice Guidance for Planning Obligations (Paragraph 013 - Reference ID: 23b-013-20141128 of the Planning Obligations Section) a financial contribution towards leisure and recreational facilities could still be sought at Reserved Matters stage if the combined gross floorspace of the development exceeds 1000sqm.
02. The applicant is reminded that the layout detailed on the submitted proposed site layout plan (drawing number 1389/01) only secures the position of the new vehicular accesses and that all other layout details are indicative only.
03. The developer's attention is drawn to the comments made by the council's Landscape Officer with regard to the road frontage and orchard planting of the paddock to the rear of the site.
04. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Yeovil Area Office, tel 0845 3459155. Application for such a permit should be made at least three weeks before access works are intended to commence.

# Agenda Item 17

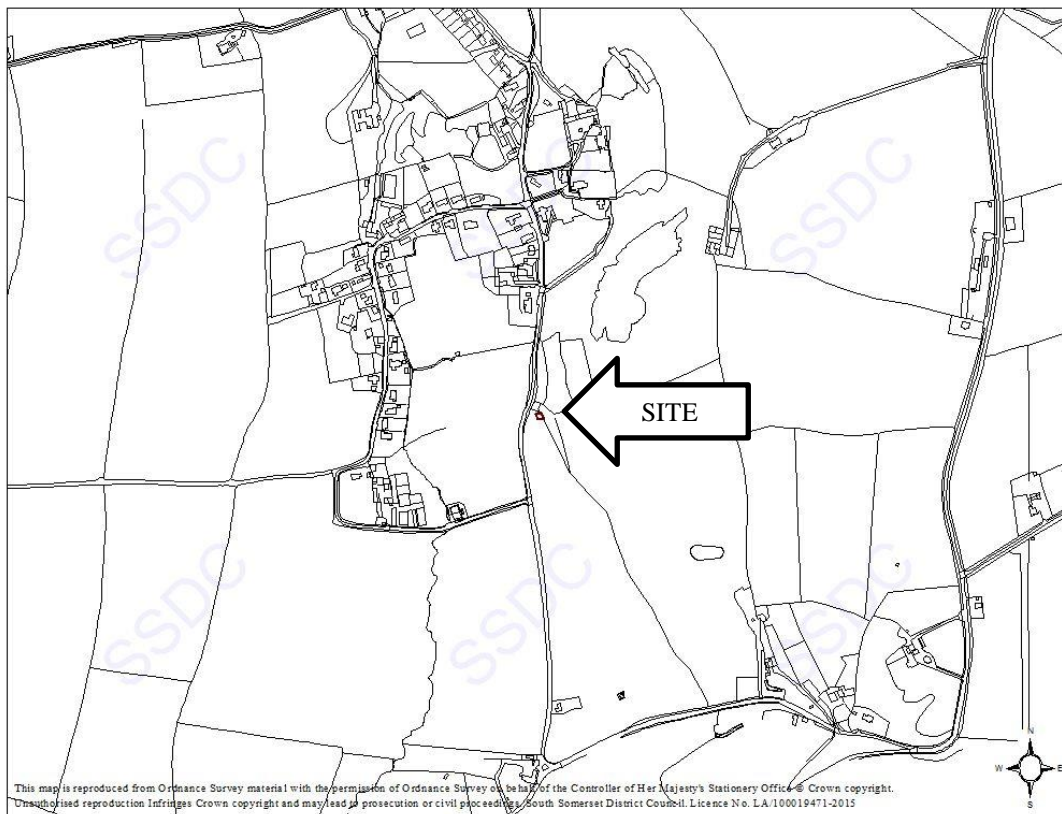
## Officer Report on Planning Application: 14/03661/FUL

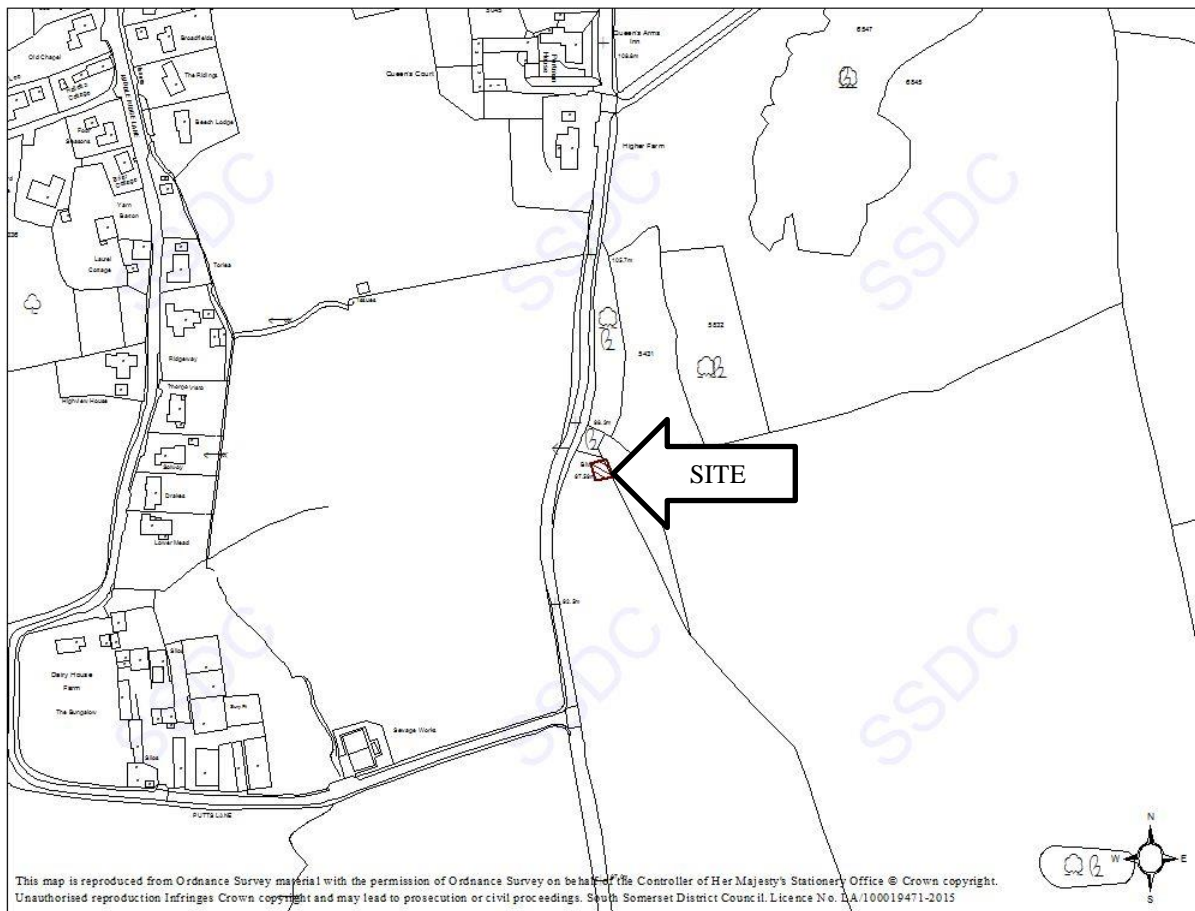
<b>Proposal :</b>	The development of a shared electronic communications base station comprising a 25m high lattice mast, six antennas, one 0.6m DIA dish, one 1.2m DIA dish, and six ground based radio equipment cabinets installed within a fenced compound. (GR 363530/122259)
<b>Site Address:</b>	Land At Corton Denham Road Corton Denham
<b>Parish:</b>	Corton Denham
<b>BLACKMOOR VALE Ward (SSDC Member)</b>	Cllr T Inglefield Cllr W Wallace
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date :</b>	6th October 2014
<b>Applicant :</b>	Arqiva Services Ltd
<b>Agent:</b>	Harlequin Group Miss Katie Yeoman Innovation Centre Maidstone Road, Chatham, Kent ME5 9FD
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL

This application is referred to committee by the Development Manager in agreement with the Area Chair to allow the impacts to be considered against the benefits that arise.

### SITE DESCRIPTION AND PROPOSAL





The site is located south of the village of Corton Denham, located on the eastern side of Putt's Lane, close to the junction that also leads to the village where the built form is overlooked by the proposed site. The land rises significantly to the east of the application site and the site lays adjacent to a wooded copse of 15m high trees. The site is located close to (north side) the Corton Denham conservation area. From the north and west the mast would be seen in context with the church tower and village's built form that is nestled in an otherwise unspoilt rural landscape.

The application proposes the erection of a 25m high lattice mast, six antennas, one 0.6m DIA dish, one 1.2m DIA dish, and six ground based radio equipment cabinets installed within a fenced compound. It is proposed to move back and widen the existing field gate access that would permit a transit type van to pull in off the roadway when accessing the site. A temporary track during the construction phase is proposed to be laid behind the back of the field hedgerow up to the mast's site.

The site is sought in response to the Government's Mobile Network Infrastructure Project (MNI) to provide coverage to a number of locations in the UK that presently have no mobile coverage at all. The principle objective is to provide basic voice and data network coverage for such locations, which is akin to that provided by the second-generation (2G) mobile services that are commonplace across most of the UK. The main function of the mast is to elevate the antennas and dishes above obstacles to gain a 'line of sight' transmission.

The application is supported by a Planning Statement including the Design and Access Statement, technical supporting information, Declaration of Conformity with ICNIRP Public Exposure Guidelines; additional information included photomontages, and information on the

discounted options.

Processing the application was delayed while the applicant considered alternative locations, however none of these have come forward and it is therefore necessary to consider the application that is now before us.

## **HISTORY**

None

## **POLICY**

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

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the saved policies of the South Somerset Local Plan 2006

EU8 - Telecommunications

Local Plan Policy EU8 is applicable and sets out three criteria:

- There must not be the opportunity to share existing facilities
- There is not the possibility of locating antennae on existing buildings/ structures
- Siting and external appearance of apparatus is designed so as to minimise impact on the locality while respecting the operation efficiency of the apparatus.

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EH1 - Conservation Areas

EH5 - Setting of Listed Buildings

EC3 - Landscape Character

EC8 - Protected Species

CR9 - Public Rights of Way and Recreation Routes

On the 8th January 2015, South Somerset District Council received the Inspector's Report into the emerging South Somerset Local Plan (2006 - 2028). The conclusion of the report is that the local plan is 'sound', subject to a number of agreed modifications.

Under the terms of Paragraph 216 of the National Planning Policy Framework (NPPF) weight should be given to relevant policies in emerging plans according to "the stage of preparation" and therefore the emerging local plan must be given substantial weight in decision-taking and it is therefore essential that the development is considered against all relevant policies.

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

SD1 Sustainable Development

SS2 Development in Rural Settlements

EG2 General Development

EQ3 Historic Environment

National Planning Policy Framework - March 2012

Chapter 5 - Supporting high quality communications infrastructure

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

## CONSULTATIONS

**Corton Denham Parish Council** - is unanimous in recommending refusal. The proposal does not respect the form, character and settings of the locality (Policy ST5), nor respect or enhance the characteristic pattern and features of the surrounding landscape; and avoid built forms whose visual profiles would be out of keeping with and uncharacteristic of the surrounding landscape when viewed from publicly accessible vantage points (policy EC3).

**West Dorset District Council** - No response received.

**Department of Culture, Media and Sport** - The Mobile Infrastructure Project (MIP) is a national government funded project, the aims and objectives are to improve mobile phone coverage in areas where there is currently no mobile signal from any Mobile Network Operator (MNO). These are typically remote or rural areas of the UK, where it has been uneconomical for the Mobile Network Operators to provide coverage through their commercial rollout. Due to this market failure the Government are able to intervene, by providing the capital expenditure for the construction of masts. The operators have committed to fund the running of these masts for the next 20 years.

Through work undertaken by the appointed delivery partner for MIP Arqiva, with Ofcom and the MNOs, Corton Denham has been highlighted as an area that meets the criteria to benefit from this funding. For each MIP site the MNOs confirm that they have no plans to provide coverage in the area themselves, and due to the time constraints of the project should the planning application be unsuccessful there will be no appeal.

**County Highway Authority** - The access needs to be sufficiently widened, setting back the gate and cutting the hedge to provide visibility splays; and to erect temporary 'Chapter 8' signage to warn road users of the site entrance in the lanes approaching the site entrance, and on this basis the LHA may consider withdrawing its objection.

Visibility splays of 2.4m by 45m with no obstruction over 900mm are considered appropriate as traffic speeds along the lane are slightly above 30mph. As the lane is so narrow and the point of access is opposite a substandard junction, appropriate access dimensions will be required to accommodate the turning swept paths of the largest vehicles that will be required to construct the development turning into and out of the access. The Construction Traffic Management Plan and its contents would need to be approved and such conditioned.

Conditions sought include: no obstruction to visibility, consolidated and surfaced access, a Construction Traffic Management Plan, site access track to be perpendicular to the lane and its surface properly consolidated for the first 20m, and for all vehicles leaving the site - efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site until construction is complete.

**Landscape Architect** - Clearly this is a sensitive location. The landscape setting of Corton Denham is one of the most distinctive within the district, laying at the toe of the open grassland of Corton Hill's steep sides that rise to the immediate east, and the longer dip-slope that falls gently from Corton ridge to the west. The immediate landscape is anciently enclosed (Somerset HER) with the historic lynchets to the east also a county wildlife site. The village core and the immediate hillsides to the east are designated as a conservation area, and the close-correspondence of church; the church farm; and public house is archetypically English. The vertical emphasis of the church tower acts as a focal point in a number of external views toward the village.

The introduction of a 25 metre phone mast into this context will bring a modern utilitarian

structure into a distinctive rural setting. Its impact will be exacerbated by the close containment of the hills, which bring a greater immediacy to the setting. The vertical nature of the mast is also at variance with village form, and will contend with the singular tower of the grade 2 listed St Andrews church. There are many views toward the village from its surround that focus on the church, many of which are sensitive receptors (to thus carry weight) i.e; the local footpaths that form part of the regional trails - the Monarchs and MacMillans Ways - as well as the open access land that encompasses the village to north and east. The incongruity of the mast's form and structure in this context will be clear to view, being at variance with the character of its landscape context; a competing vertical element with that of the tower; and a development form at the entrance to the village where none currently exists. Given the distinctive setting of both the village and the conservation area; the time-depth of the enclosing landscape; and the visual draw of the church and village core from the many surrounding vantage points, I view these as adverse impacts, as thus consider the proposal to fail to meet LP policies ST5 para 4; EC3, and EH3. (Officer Note: In response to the Landscape Architect's response further information was submitted to show the discounted options and in response to this the Landscape Architect queried whether West Down Farm had been considered to which the applicant advised due to the distance from the intended coverage area this location would not provide the necessary coverage to the known 'not spot' areas.)

**SSDC Conservation Officer** -The Church is a significant local landmark, and is listed at Grade II. Views of the Church from within the village core are limited, but the Church is a prominent feature in the wider landscape. From the open land and ridge to the east and north and footpaths along the western edge of the village the Church tower and proposed mast will be visible together. It is disappointing that the application seems lacking in detail in this respect. In accordance with paragraph 128 of the NPPF, the impact of the proposal on heritage assets affected needs to be described by the applicants. This does not appear to be the case.

In terms of the views from the ridge and open ground to the east and north I consider the impact to be quite significant. From the position of the Beacon and along the western slope of the ridge the Church and mast will align. I consider this to be harmful to the setting of the Church.

From this perspective I also consider the mast to have a harmful impact on the setting of the designated conservation area, as the mast will be a dominant feature in the immediate backdrop of the designated area, in what is otherwise an area characterised by low built form.

Views from the southwest and west also allow the two structures to be viewed in the same context. I consider the impact here to be slightly less harmful as the structures won't align in the same manner however there is still the potential for a degree of harm.

I recommend refusal. The application fails to meet the requirements of paragraph 128 of the NPPF. However, based on the information that has been submitted and my assessment of that information, the erection of the mast will also harm the setting of the Church and conservation area.

**Dorset Campaign to Protect Rural England** - While accepting that MPI is a Government Policy we contend that this doesn't mean that cart blanche can be given to such mast/ towers appearing anywhere within the countryside. In the industries own Code of Conduct 2013, it is stated that a proper assessment of the character of the area concerned should be taken into account.

## **REPRESENTATIONS**

There have been 71 households responding to the proposed development. Of these, 20

support the proposal and 51 object. Broadly, of the 51 objections, 13 are received from 'non local' addresses (outside Somerset/ Dorset), and of the letters of support 4 received from, that is outside Somerset/ Dorset. A petition containing 76 signatures has also been received objecting to the proposed development.

#### **Objections:**

- Visually prominent
- Irresponsible for anyone to even consider erecting a steel lattice in one of the most beautiful and pristine panoramic landscape in southern England
- Potential degradation of this very special and currently unsullied landscape
- Insensitive and jarring development in an otherwise beautiful and unspoiled landscape
- Significant impact on the rural appearance of this sensitive location.
- It would create a towering, intrusive, ugly and a complete eyesore on the landscape of a very picturesque village in an environment of longstanding beauty
- A massive blot on a beautiful landscape
- A scene that is used by many media organisations to present the face of the English countryside. This scene would be ruined if the mast was placed in this particular location.
- This mast will be seen, you can't hide it
- Setting of conservation area
- It cannot be hidden, it does also open the door for further eyesores being proposed in the future
- On approaching Corton Denham from Sandford Orcas or Sherborne instead of first seeing the tower of St Andrews Church, your eye will be drawn to the spectacle of the Mast
- From the bench in the cemetery one looks directly to where the proposed mast would be. At present one can sit quietly and appreciate this most pleasant view
- The mast is not essential- equipment to improve mobile phone coverage is available to buy at reasonable cost for those who want it
- The technological benefit is small. Most people in Corton Denham neither need nor want an enhanced mobile phone signal
- Tourism will be affected and this will be a huge shame
- Corton Denham is a very popular destination with walkers
- Potential danger to the health of residents, livestock and wildlife
- Insufficient and often misleading information provided by the applicants
- Agents submitting this scheme have not worked with the village to review a number of possible locations
- Other locations surrounding the village should be assessed.
- Health grounds
- The District Council seems unaware of the strength of opposition

#### **Support:**

- No mobile signal and very poor broadband are seriously impacting those of us that now work from home.
- Mobile signals are so poor
- The photomontages clearly show that the visual impact will be minimal
- I truly understand the concern if a 'blot' on the landscape, but I felt assured that a lattice mast would be the best option.
- The erection of this mast is not unduly intrusive because, if set back against the trees it need not be an eyesore
- The benefits to the village will, in my opinion far outweigh the temporary intrusion which will very soon become part of the accepted landscape and hardly noticed.



- I would like to see the village continue to develop and keep up with the technology of the times, as did the Portmans Estate did by putting a clean water supply. Later there followed electricity and telephone.
- No business should be subjected to this Stone Age way of working. There is now a trend to payment of goods using your mobile phone thus saving on cost of credit card payments and reducing staff costs for the employer whilst improving customer satisfaction Using Mobile communications will only increase in the future, business will fall way short of what customers expect
- Personal safety
- The only reason I can see for not erecting a Mast is for cosmetic reasons only.
- I can understand the frustration of not having adequate facilities for modern life styles.

## **APPLICANT'S SUPPORTING CASE**

In accordance with statutory and policy requirements, a sequential approach to the siting of new communications apparatus through a series of preferred options has been undertaken to ensure that both the operational and technical requirements are met whilst minimising the environmental impact. In accordance with paragraph 45 of the NPPF, existing telecommunication sites and other structures and buildings were explored to determine whether these were available and capable of supporting such telecommunications apparatus. However, the site search did not identify any existing telecommunications sites within the site search area nor any available structures or tall buildings that can accommodate all four networks operators whilst providing the required technical coverage and suitable line of sight in order to operate the equipment successfully. It is for these reasons, and notwithstanding any complex commercial arrangements, that it is considered that all other structures or tall buildings have been suitably discounted. As such, a new structure was therefore proposed to provide mobile coverage to the surrounding not spot areas.

As detailed in the supporting statement, there are various technical and operational constraints that influence the potential siting and design of the development proposal, namely the requirement to provide effective mobile coverage to the 'not spot' areas whilst achieving 'line of sight' with dishes on corresponding installations in the wider area. Environmental and planning constraints have also been given due consideration to ensure that an acceptable balance is achieved and that the development accords with the Local Development Plan.

The application submission details five alternative sites which were given consideration at the site search stage and their reasons for dismissal. These sites were New Barn Farm (discounted as the site provider was unwilling to host such apparatus on their land); Dairy House Farm (discounted as lower land levels than the application site would require a taller structure to provide the coverage to the 'not spot' areas that was considered to have a greater visual impact upon long distances views); covered reservoir (discounted as given the lack of vegetation cover and open nature of the landscape, an installation would have a greater impact upon both the setting of Corton Denham and the nearest residential properties); Merryfields (discounted from a radio perspective as a structure here would not provide coverage to the desired area. This is due to the probability that the signal would not effectively bounce over the ridge thereby not providing effective coverage to the target 'not spot' areas); and St. Andrew's Church (discounted given the insufficient space to accommodate all four networks operators, and the redevelopment of the church tower would be detrimental to the listing status.). Following the objections received from the Landscape Officer, the agent provided further information to discount Land at Stafford's Green Farm (discounted as lower land levels than the application site would require a taller structure to provide the coverage to the 'not spot' areas that was considered to have a greater visual impact upon long distances views, particularly given the lack of natural vegetation); Whitcombe Farm (discounted given the

intervening topographical features causing coverage issues) and West Down Farm (due to the distance from the intended coverage area this location would not provide the necessary coverage to the known 'not spot' areas).

On this basis, an appropriate alternative site assessment has been carried out that has taken into consideration all potential options within the site search area. Accordingly, the requirements of the NPPF have been met.

## CONSIDERATIONS

### **Principle of Development:**

The Mobile Infrastructure Project (MIP) is clearly an important material planning consideration as it is the type of new digital infrastructure that the NPPF (para.42) seeks to support. This is a Government sponsored project established with the specific purpose of eradicating the lack of effective coverage in certain localities by providing communications services to local communities and business currently without access to such services.

In considering telecommunication proposals there is a clear emphasis that local planning authorities should be looking for ways to support development coming forward and not reject applications simply on environmental grounds. The NPPF recognises that this is especially relevant where development might have other significantly important benefits such as being essential to meet, for example, sustainable economic growth or a national need which can include new infrastructure that connect communities.

Having regard to the Government's three key dimensions for sustainable development within the NPPF, mobile communications will assist in a number of ways:

- Economic role - help maintain high and stable levels of economic growth and employment
- Social role - aid social progress, which recognises the needs of everyone, extending economic opportunity - particularly important to those who live in remote areas, particularly among the more socially disadvantaged, with poorer access to transport, extending flexible forms of working, helps to achieve a better work life balance, improves convenience and enhance personal safety and security, and aids social inclusion through connectivity.
- Environmental role - helps reduce travelling and help ensure the prudent use of natural resources.

Accordingly there is support 'in principle'. The main considerations include character and appearance including impact on the setting of heritage assets, highway safety and neighbour amenity.

Character and appearance, including impact on heritage assets:

Contrary to neighbour objections there is no landscape protection designation for the immediate area (para.115 of the NPPF). It follows that in areas not falling within a National Park or Area of Outstanding Natural Beauty (AONB) significant weight should be given to facilitating development, particularly for this type of application.

The immediate locality is viewed as unspoilt rural countryside that is largely contained within a valley setting in which there are no large scale man-made alien structures beyond that which would be found in a traditional English countryside setting. Local concerns argue that the presence of a mast degrades the rural setting, while its presence acts as a precedent for other forms of development that would likewise erode and degrade the existing unspoilt countryside character, although, in this case, it can be argued that the specific need and public interest identified by this application does not establish a precedent and, indeed, each proposal should

be considered on its own merits.

The application site is located to be as discrete as possible and alternative sites have been identified and investigated, including sites brought to the applicant's attention, but none have proven suitable, whether this is for the specific technical requirements required to accommodate the apparatus, or the landowners who have refused their co-operation. In reality there is a specific and limited area that the proposal serves with obvious constraints for where the mast can be located. The current site is the only remaining location that is considered acceptable by the applicant for the purpose of achieving the coverage sought.

There are significant concerns raised by both the Landscape and Conservation Officers that derive from the unspoilt character of the locality. The advantage that this landscape has is its lack of man-made intrusion considered to make it easier to resist inappropriate development proposals. To this should be added the setting of the conservation area and setting of the listed church (grade II), but these are the nearest one gets to specific landscape protection. The Landscape Architect considers there to be adverse impacts given the distinctive setting of both the village and the conservation area; the time-depth of the enclosing landscape; and the visual draw of the church and village core from the many surrounding vantage points. The Conservation Officer is also adverse to the conflict that arises to the setting of conservation area and listed church tower that can be seen in a number of viewpoints, in particular from the north and west. The Conservation Officer notes the lack of visual assessment made of the view from the north over the village that would show the top of the mast behind the tree screen but very much in context with the village and central church tower in the foreground. In itself the lack of assessment would not change the observations made, and it should be acknowledged that there are significant concerns that are raised by landscape, and conservation officers whose views are supported by many local residents.

Without the support of the Landscape and Conservation Officers it is difficult to argue in favour of mitigating factors, such as some assimilation would take place with distance having a role; topography and planting acts to soften the presence, such as the belt of trees adjacent the site, but inevitably there would be vantage points, and indeed, the technical requirements requiring a line of sight means that it could never be the case that the mast would go unnoticed. There would be impact. It would be intrusive, especially when the context is unspoilt countryside, but we must also consider the NPPF, in particular paragraph 116 that suggests even where the landscape is fully protected, which is not the case with this site, there are always exceptional circumstances involving the public interest, weighing the detrimental effect of the proposal, seeking to moderate the impact of an otherwise inappropriate development that is allowed. Further, emerging local plan policy EQ2 that considers general development and the need to reinforce distinctive character and respect local context also requires making efficient use of land while having regard to infrastructure and service availability that directly relates to the current application. Notwithstanding the location, the applicant has sought alternative sites but without success. The harm therefore needs be balanced against all other planning considerations and in particular the telecommunication objectives sought by central government to secure a basic level of access for all local communities throughout the country.

#### **Highway Safety:**

The site is approached by single carriageway with passing points, with a road junction opposite the site's field entrance that is on land raised up above the adjacent highway. To either side of the entrance the hedgerows leave little roadside verge.

The Highway Authority set out a number of conditions and if attached to the permission they would not object. They refer to the cutting back of the adjacent hedgerow at the entrance to achieve the required visibility splays. While the lowering in height of the hedgerow during the construction phase may be acceptable, in the long-term with only infrequent attendance of the

site requiring periodic visits typically every two to three months for routine maintenance and servicing it would be more important to maintain the current roadside enclosure, and permit the field hedge to return to the height commonly found in the locality.

**Neighbour Amenity:**

It is considered that the proposal would not unacceptably harm the residential amenity of occupiers of adjacent properties by disturbing, interfering with or overlooking such properties.

**Parish Council Concerns:**

The Parish Council's response offers detailed criticism predominantly concerned with the unspoilt character of the locality and the siting of the mast that compromises the distinctive rural scene and would not accord with local plan policies ST5 and EC3. Such concerns are mirrored by the council's Landscape and Conservation Officers. Their response is concerned with the level of objection at the local level and that this should be respected in the decision making process, but there are a large number of supporters and commonly in considering applications for planning permission there are normally many more objectors than written letters of support, so that it may be presumed that there is wider support that also recognises the potential for visual harm but keen to secure improved telecommunications within the locality. As stated elsewhere within the report the applicant has investigated alternative sites but without success and the current site is the only available acceptable location to secure development.

**Neighbour Representations:**

All neighbour consultation responses have been considered as part of the application process and mostly dealt with under the relevant headings of the officer report. Predominantly the issues raised relate to landscape character, the unspoilt countryside and access to and need for additional telecommunications in this location.

**Neighbour Concerns:**

It is argued by those opposed to the application that the current government initiative is bound not to be the last despite government protestations to the contrary, and that there would be future occasions at which time improvements in technology could mean smaller apparatus that can be more appropriately located within the built form, rather than the conspicuous man-made lattice structure proposed in an otherwise unspoilt landscape, but there can be no immediate guarantee so could be many years into the future.

While there are arguments, to the effect the mast is not essential, quoting other phone coverage that is considered possible, and restating the role of landlines, the current proposal clearly arises from government initiative seeking support of sustainable development and the increasingly role of mobile communications in day to day living.

Local tourism, despite the claimed erosion of this unspoilt landscape if the mast goes ahead in this location, needs be balanced by the many visitors who will want both the unspoilt countryside (and there are many other qualities attracting visitors), while accessing good communications on their travels.

Criticism that the applicant has not sufficiently dealt with the local community ahead of submitting their application is brought out by the subsequent delay in processing the application, when the applicant undertook to review alternatives, and arranged a day when certain sites, including the current site had a flag raised to permit visual consideration of different sites in the landscape. The lack of alleged engagement with the community is not considered sufficient reason to refuse the application.

With regard to the strength of opposition, while this is noted and engages with relevant

planning concerns, there remains the need to balance such opposition with all other relevant planning considerations.

The provision of a mast sets no precedent for any other would be intrusive development that must be considered in its own right and on its own merits, and in this case the public and government interest in the scheme attracts significant weight.

**Neighbour support:**

The supporting comments received in favour of the proposal predominantly seek the basic service the government initiative offers, and are prepared to play down the visual impacts in achieving this goal. This is best put by comments received to the effect, the only reason for not erecting a mast is cosmetics. The mast is acknowledged would be intrusive, but not necessarily unduly intrusive from every viewpoint, but even without the mitigation that is currently considered there is a sense that access to better telecommunications becomes a 'must'.

Despite landline access there is a need to concede that there is an increasing reliance on mobile communications, seen to be indispensable living in the modern world that is more than just a lifestyle choice where communication is revolutionised and continues to develop the way individuals and local communities interact. One business supporter refers to the trend to payment of goods using your mobile phone thus saving on cost of credit card payments and reducing staff costs for the employer whilst improving customer satisfaction and that this will only increase in the future. Concerns arise that unless there is access to shared technology this has the real potential of excluding those without the basic level of access that is sought.

Reference is made to the modernisation of the village during the 20th century with residents having seen the introduction of a clean water supply, electricity and latterly the telephone, and that the telecommunications mast is just one more necessary step if the community is to progress. This view appears underscored by the government's initiative behind the present application that seeks to level of playing field with a basic level of equality between communities.

**Ash Die Back:**

At the time of considering the application there is a tree belt adjacent to the site that is used to argue accommodates the mast, despite the strong objections that the mast remains prominent in the landscape. The tree belt helps screen the site from some directions and acts as a 'backcloth' from others, while the mast cannot be hidden as is explained elsewhere, it could be argued that it could be removed should technological advances mean that it was no longer required.. Objectors have drawn attention that the adjacent trees are Ash, and question what could happen as a result of Ash die back were this to take hold. Notwithstanding such concerns, with so many Ash in England at risk, its loss has enormous ramifications for the country as a whole, let alone the immediate context to this application site. At this point the planning considerations need to consider the tree belt because it is currently in situ, despite local concerns.

**Health & Safety**

The health and safety considerations are addressed by the applicant in accordance with para.46 of the NPPF, to the effect that the proposal meets the International Commission guidelines.

**Balancing Considerations:**

It is considered that every effort has been made by the applicant to reduce the environmental impact of this proposed as well as investigate the alternative sites but despite their best effort we are left with the original site that has raised much objection based on the detrimental impact

to the setting of conservation area and of the listed church and the unspoilt rural character of the locality so that the proposed mast acts to degrade that landscape and the heritage assets.

The design of the lattice mast is standard and designed to accommodate the requirements to provide a basic level of service between communities. The site appears to represent the best possible balance between the need for the telecommunications service that only comes before us because of the government's initiative, the benefits of which are considered bring considerable and varied benefits of high speed wireless communications to assist in reducing the digital divide, increasing economic opportunity and improving the social wellbeing of the local population, and the more specific local harm to rural character. However, by providing the above benefits the MIP assists in achieving the goals of sustainable development, while the lack of readily available alternative site means that there is no other choice currently available, while to turn one's back on the technology goes against the general drive for better telecommunications technology, and that in turn creates an increasingly isolated community.

The technical justification included within the application demonstrates the need for the apparatus proposed within the context of the operators surrounding networks. The young population in particular expects to be connected at all times as mobile devices are their main or only means of accessing popular social networks. NPPF para.17 advises that planning should 'proactively drive and support sustainable economic development to deliver... infrastructure... that the country needs.' Ash die back is not necessarily inevitable and yet it could happen at which point the mast would be even more prominently located, however, it was never designed to be fully hidden, and were the worse to happen there is significantly wider environmental impacts that would be contended with, so that the current planning considerations need reflect the existing circumstances, to the effect that there is a tree belt.

#### **Conclusion:**

Members have before them the harm that arises from landscape, visual harm and setting of heritage assets within what is otherwise an unspoilt landscape, versus the opportunity to acquire improved access to mobile telecommunications that increasingly is, and will become, a vital component of day to day life, both in personal and business terms, and without which communities are excluded.

The landscape is not 'highly protected' (National Park or AONB status), and there is therefore limited weight that might be attached to the landscape concerns, in considering this type of application, especially given that even in the case of protected landscapes even then, there will be exceptional circumstances when certain development is supported. The applicant has sought alternative sites but without success. They are reliant on a specific location so that there are no known sites available that might be better locations. Unless supported, it is suggested, the opportunity will be lost. The applicant advises that if refused they would not appeal the decision.

#### **RECOMMENDATION**

Approve

01. The benefits in terms of the accessible communications arising from the proposed telecommunications mast would not be outweighed by the harm identified arising from landscape or visual impact, and setting of heritage assets. As such the proposal complies with saved policies ST5, ST6, EH5, EH1, EC3, EU8 of the South Somerset Local Plan, the Emerging Local Plan Policies SS2 and EQ2, and the National Planning Policy Framework.

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

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 301748-00-004 -ML001 Rev A; 00-006 - MD001 Rev A; -20-150-MD001 Rev A; and -20-151-MD001 Rev A, received 11 August 2014.

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

03. Within 6 months of the cessation of use of the telecommunications mast hereby permitted all structures and materials in connection with this permission shall have been removed from the land that shall be reinstated to its former condition in accordance with a plan to have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with saved Policies EC3, ST5 and ST6 of the South Somerset Local Plan, and policy SS2 and EQ2 of the Emerging Local Plan.

04. During the construction period there shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 45m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced. Thereafter the hedgerow shall be kept cut back and maintained to improve visibility but the hedgerows maintained at a height common in the locality.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan and the NPPF.

05. Before the development commences, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan and the NPPF.

06. Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be delivered in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan and the NPPF.

07. Within the site the access track shall be perpendicular to Middle Ridge Lane and its surface properly consolidated, not loose stone or gravel, for the first 20m of its length from the carriageway edge.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan and the NPPF.

08. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to construction, and thereafter maintained until construction is complete.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan and the NPPF.



# Agenda Item 18

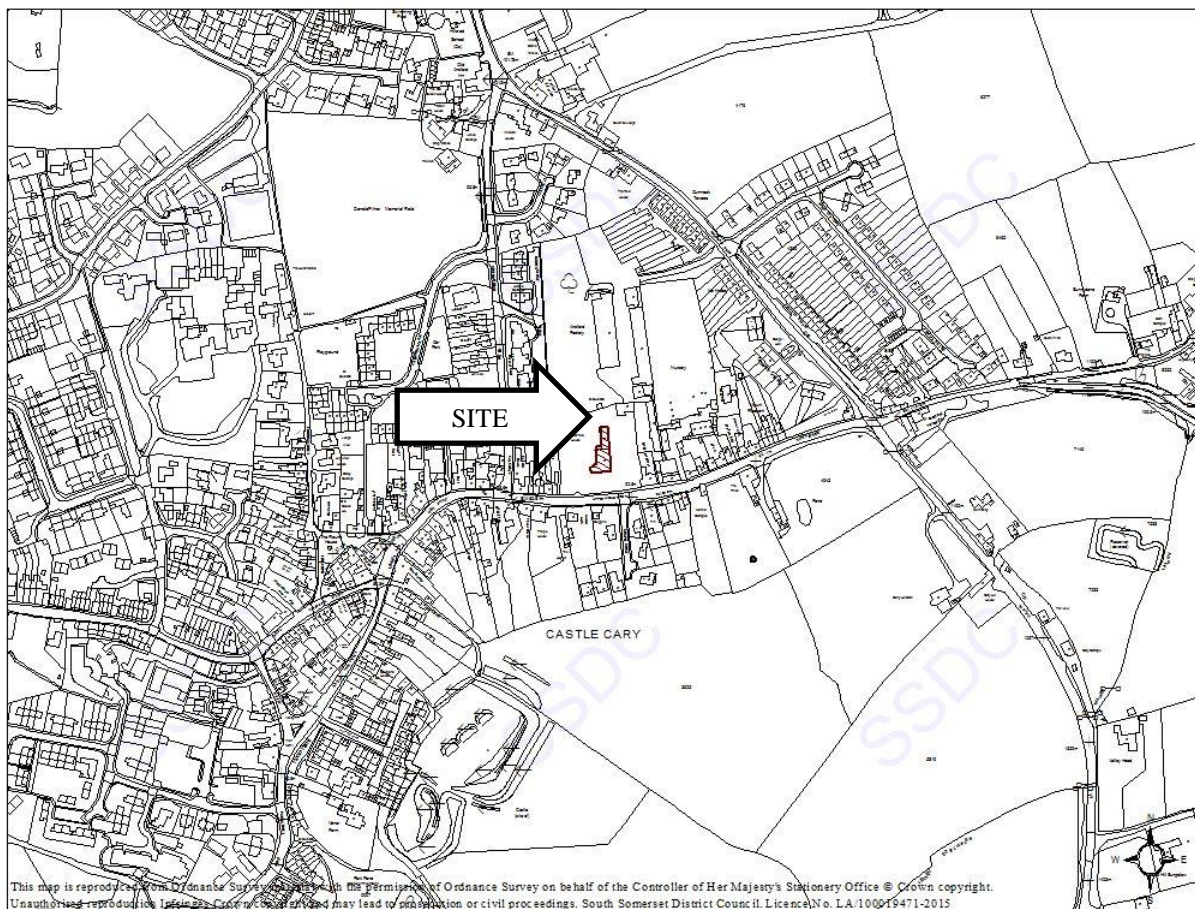
## Officer Report on Planning Application: 14/05070/LBC

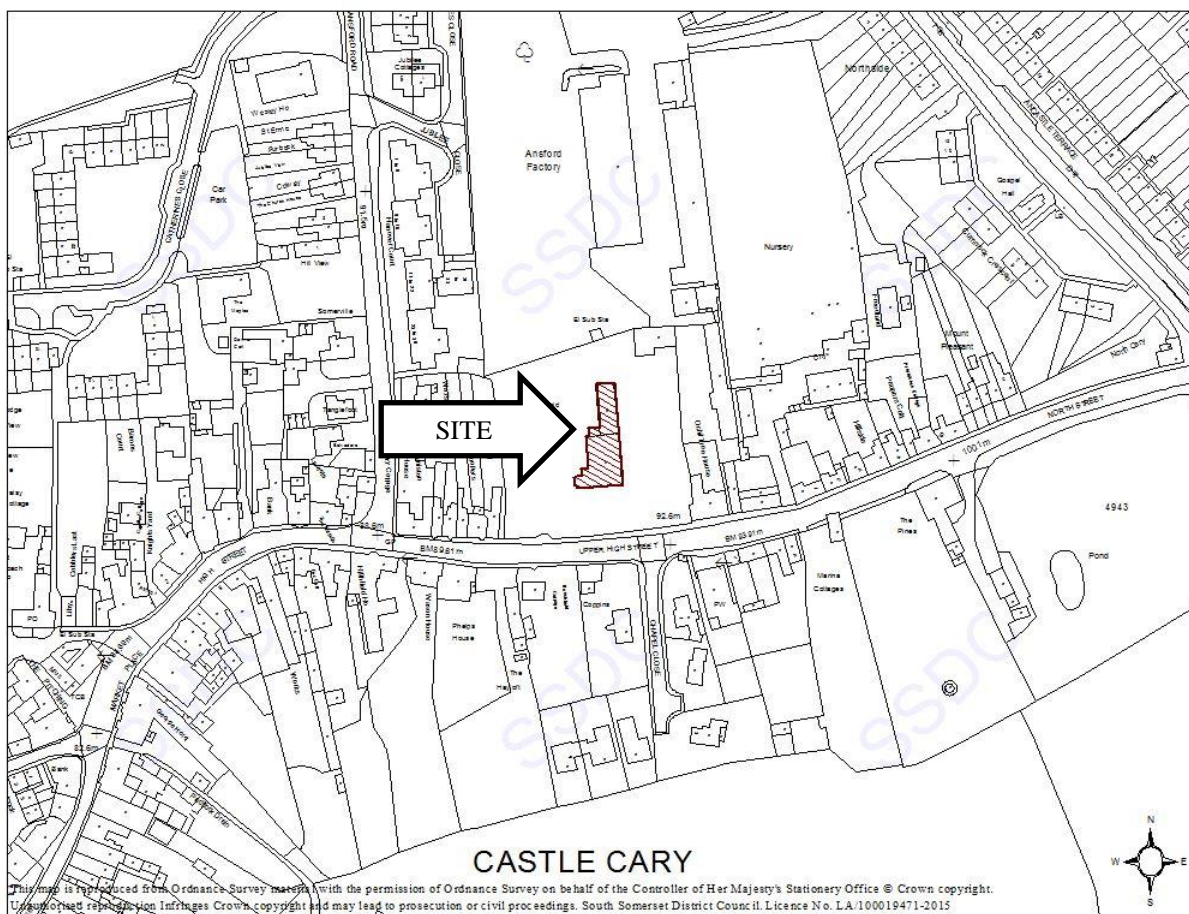
<b>Proposal :</b>	Retention of replacement windows on west and north elevations (Retrospective) (GR 364240/132437)
<b>Site Address:</b>	4 Upper High Street Castle Cary Somerset
<b>Parish:</b>	Castle Cary
<b>CARY Ward (SSDC Member)</b>	Cllr Nick Weeks Cllr Henry Hobhouse
<b>Recommending Case Officer:</b>	Sam Fox Tel: 01935 462039 Email: sam.fox@southsomerset.gov.uk
<b>Target date :</b>	12th January 2015
<b>Applicant :</b>	Mrs Henderson
<b>Agent: (no agent if blank)</b>	Shaw Planning Ltd, 8 Alexanders Close, Meare Glastonbury, BA6 9HP
<b>Application Type :</b>	Other LBC Alteration

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee at the request of the Ward Member with the agreement of the Area Chairman to enable the comments of the conservation officer to be fully debated.

### SITE DESCRIPTION AND PROPOSAL





The site is located to the north side of Upper High Street within the conservation and development areas of Castle Cary. The property is a large detached, two-storey Grade II listed dwelling constructed of local Cary stone rubble with a rendered front and timber windows under a clay pantile roof. The property sits centrally within a large plot accessed directly off Upper High Street.

This application seeks consent for the retention of replacement windows to west elevation. It is a second attempt to secure consent for the retention of these windows as well two first floor windows on the north elevation of the main dwelling. The proposal is now supported by a more thorough Design & Access statement that seeks to address the previous reason for refusal.

### RELEVANT HISTORY

14/05073/LBC - Replace front door, annexe rear door and side door. Pending.

14/05067/LBC - Retention of replacement windows on southern and eastern elevations, retention of new internal utility room, retention of new internal door separating annexe from remainder of house and retention of flue on west elevation for wood burning stove. Pending.

14/02718/LBC - Application refused for retention of alterations to windows, down water and sewerage pipework, internal doorway and alteration to inner utility room on the grounds that:-

The retention of the modern window replacements, plastic soil stack and roof vents, by reason of their material and design would be harmful to the significance of the heritage

asset, which is not outweighed by public benefit and is not considered to be supported by a clear and convincing justification and is therefore contrary to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.

14/00153/LBC – Consent given for construction of an opening between kitchen and adjacent dining room. with conditions.

13/02866/COU – permission granted for change of use of part of property to holiday let and change of use of 3 bedrooms to bed and breakfast accommodation.

12/14934/LBC – Consent granted for internal alterations including creating en-suite bathrooms and new stair access to loft.

## **POLICY**

Section 16 of the Listed Building and Conservation Areas Act places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

On the 8th January 2015, South Somerset District Council received the Inspector's Report into the emerging South Somerset Local Plan (2006 - 2028). The conclusion of the report is that the local plan is 'sound', subject to a number of agreed modifications.

Under the terms of Paragraph 216 of the National Planning Policy Framework (NPPF) weight should be given to relevant policies in emerging plans according to "the stage of preparation" and therefore the emerging local plan must be given substantial weight in decision-taking and it is therefore essential that the development is considered against all relevant policies.

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

Policy EQ3 - Historic Environment

### **Saved policies of the South Somerset Local Plan (Adopted April 2006):**

EH3 - Change of Use and Alterations to Listed Buildings

### **National Planning Policy Framework**

Chapter 7 - Requiring good design

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

## **CONSULTATIONS**

**Castle Cary Town Council** - Again the work had been completed prior to permission being obtained. It was noted that the windows were double glazed but their appearance is in keeping with the house and the changes to the layout of the external pipework enhanced the visual appearance. Supported unanimously and recommend retrospective permission be granted.

**Conservation Officer** – recommends refusal as it is considered that:-

*“The replacement windows are considered to be wholly inappropriate due to their poor modern design, and the lack of reference to the historic joinery and variation in design that existed on this elevation. This is considered to cause harm to the significance of the heritage asset. The justification put forward is not considered to be adequate, and certainly does not meet the 'public benefit' test set out in paragraph 134 of the NPPF.”*

## **REPRESENTATIONS**

One letter of support has been received

## **APPLICANTS CASE**

*“The application is to regularise works already carried out in the mistaken belief they were repairs that did not require permission. The windows in question are all casement whilst the windows on the front elevation are sash, reflecting the later period when the house was extended. The replaced windows were highly likely not to have been the original ones in this part of the building.*

*“There is no satisfactory evidence to refute this. In the opinion of the joiner the windows were beyond economic repair and were poor in terms of energy efficiency. The asymmetry of the window openings reflects the different periods when the house was extended. The replacement windows have not altered this.*

*“The fact a building is listed does not mean that no changes in design can be made. Listed buildings themselves demonstrate the evolution of design over long periods. Cary Place also exhibits this as the house has been altered and extended prior to its listing.*

*“It is not the purpose of the listed building system to "mothball" buildings in the state they were in at the time they were listed. There is a statutory duty for local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.*

*“In the case of window style/pattern at Cary Place it is accepted that the previous ones have not been aped. However, it is not accepted that the works that have been carried out seriously detract from the aesthetic interest and importance of this secondary element of the building as a whole. The works that have been undertaken to make the badly maintained, and in a number of instances seriously rotten, windows are considered to be acceptable and provide the property with windows that improve efficiency and resistance to ingress of water to the building itself. The works will help to ensure that the building that has been sensitively repaired and renovated to provide a viable way to keep it well maintained and more energy efficient are beneficial and not harmful to the character or appearance of the historical or architectural interest of the building.”*

Summarised from design & access statement

## **CONSIDERATIONS**

As this is an application for listed building consent the main considerations are what impact the proposal will have on the character and setting of the listed building. The NPPF places great weight to the asset's conservation. In assessing this application it is necessary to consider whether the alterations would harm the significance of the heritage asset. The NPPF states

that heritage assets are irreplaceable, so any harm or loss shall require clear and convincing justification (paragraph 132 of the NPPF).

Advice from the conservation officer advises that the starting point is considering whether the windows are beyond repair. Where historic joinery exists every effort should be given to repair to safeguard and retain as much historic fabric as possible. Adequate information has been submitted to say why the windows were all replaced - it is considered unlikely that every window in this rear wing was beyond repair.

If replacement units are justified this should be on a 'like for like' basis; unfortunately in this case the replacements were unfortunately not like for like. The conservation officer does not accept that windows in this rear range had the proposed 'storm casement' arrangement. Unfortunately however this detail has been adopted on all of the other windows here and is considered to be inappropriate, causing harm to the significance of the listed building.

With regard to the applicant's case it is agreed that listing does not prevent change and the evolution of an historic building often adds to the building's character and interest. However the planning authorities' role is to manage proposed changes to ensure that they are appropriate and not harmful to the significance of the building.

The windows that previously existed were of a variety of styles - only two matched. This added interest to this wing, and offered significant contrast to the formal front of the house, giving the rear wing a more unplanned and ancillary character. Of the previous windows, it is agreed that one window was of a 'storm casement' design, a modern joinery detail whereby the opening casement sits proud of the frame, generally regarded as inappropriate for an historic building.

Where such a feature already exists it is difficult to resist a matching replacement. However, in this case (window 5), the replacement window is of a very different scale. The previous one featured casements of matching width, but the replacement has a narrow opening casement in the middle with two wide fixed lights either side. This is at odds with the context and considered inappropriate as a replacement.

Whilst the proposal incorporates double glazing, this is not in itself objectionable providing we can get the window design right. In this respect it is considered that the variation in window design previously displayed here should have been retained, in accordance with good conservation practice. This arrangement was of historic value and should not be wiped away with a single unified joinery design - particularly when the unified design adopted is an unsuitable design from the second half of the 20<sup>th</sup> century

## **Conclusion**

The opinion of the conservation officer is considered to hold considerable weight in applications of this nature. It is therefore considered that the application adversely harms the character of this listed building contrary to the National Planning Policy Framework and policies EH1 and EH3 of the South Somerset Local Plan (Adopted April 2006).

## **RECOMMENDATION**

Refuse consent for the following reason:

The replacement windows are considered to be wholly inappropriate due to their poor modern design, and the lack of reference to the historic joinery and variation in design that existed on this elevation. This is considered to cause harm to the significance of the heritage asset. The justification put forward is not considered to be adequate, and certainly does not meet the

'public benefit' test set out in paragraph 134 of the NPPF. As such the proposal is contrary to Policy EH3 of the South Somerset Local Plan (Adopted April 2006), the National Planning Policy Framework and Policy EQ3 of the emerging South Somerset Local Plan (2006-2028).

**Informative:**

In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and, as appropriate, updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions. In this case, the applicant was advised that the outcome was unlikely to be favourable however chose to seek retrospective consent.

# Agenda Item 19

## Officer Report on Planning Application: 14/04978/FUL

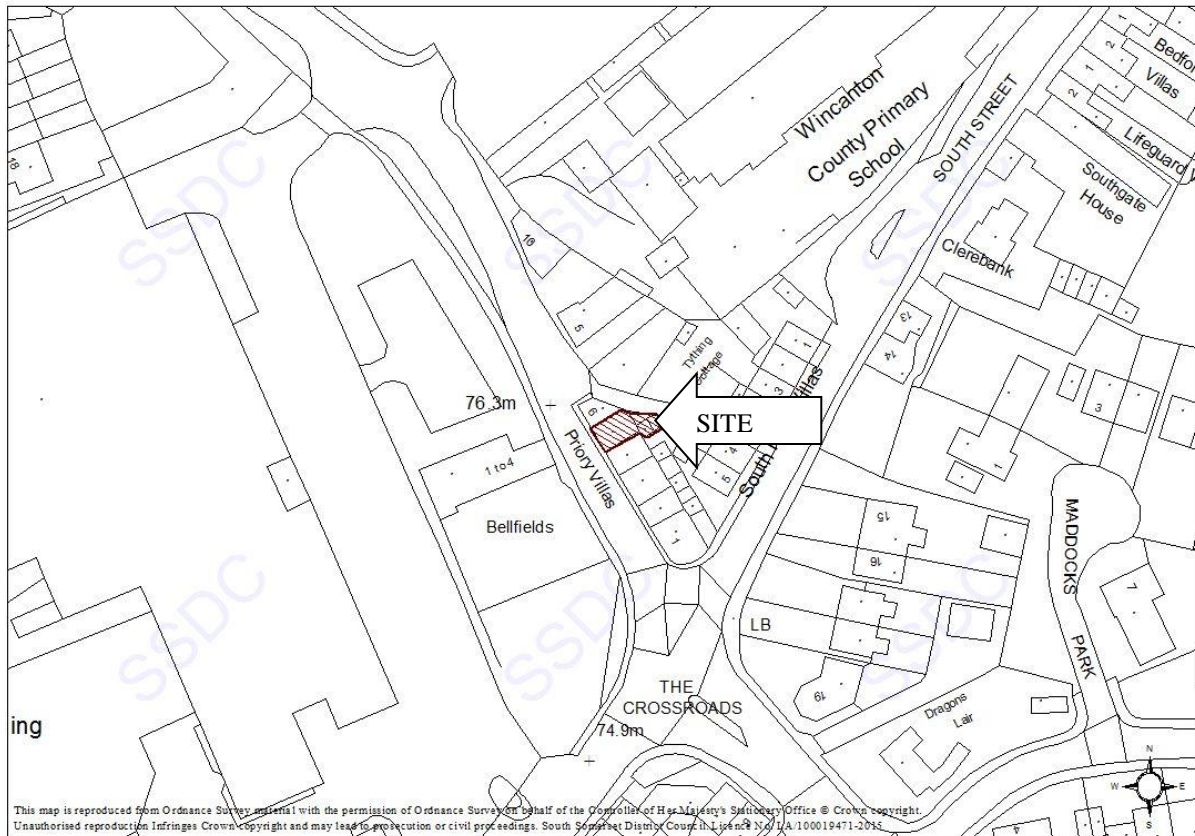
<b>Proposal :</b>	Installation of a dormer window in main roof, with internal staircase to provide additional accommodation. Internal alterations, alterations to flat roof and vestibule and enlargement of existing rear window (GR:371215/128260)
<b>Site Address:</b>	5 Priory Villas Station Road Wincanton
<b>Parish:</b>	Wincanton
<b>WINCANTON Ward (SSDC Member)</b>	Cllr N Colbert Cllr C Winder
<b>Recommending Case Officer:</b>	Sam Fox Tel: 01935 462039 Email: sam.fox@southsomerset.gov.uk
<b>Target date :</b>	19th January 2015
<b>Applicant :</b>	Mr Spencer Fabian
<b>Agent:</b>	Mr Peter Lewis Peter W Lewis Ltd, 1A Greenacre, Tower Road Yeovil, BA21 4NG
<b>Application Type :</b>	Other Householder - not a Change of Use

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee at the request of the Ward Member with the agreement of the Area Chairman to enable the ward member concerns to be fully debated

### SITE DESCRIPTION AND PROPOSAL





The site is located on Station Road, within both the conservation and development areas.

The property is a terraced, two-storey dwelling constructed of natural stone with brick quoins under a tiled roof. The property currently benefits from a small rear courtyard enclosed by a high natural stone wall and a rear flat roof extension. On the opposite side of Station Road is Bellfields, a Grade II listed building, and a large industrial complex. Similar residential properties sit either side with a garage/workshop to the rear.

This application seeks permission for the installation of a dormer window in the main rear roof slope, with internal staircase to provide additional accommodation, internal alterations, alterations to the rear extension flat roof and vestibule and the enlargement of the existing rear window to patio doors.

## HISTORY

None recent

## 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.

Saved policies of the South Somerset Local Plan (Adopted April 2006):

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EH1 - Conservation Areas



On the 8th January 2015, South Somerset District Council received the Inspector's Report into the emerging South Somerset Local Plan (2006 - 2028). The conclusion of the report is that the local plan is 'sound', subject to a number of agreed modifications.

Under the terms of Paragraph 216 of the National Planning Policy Framework (NPPF) weight should be given to relevant policies in emerging plans according to "the stage of preparation" and therefore the emerging local plan must be given substantial weight in decision-taking and it is therefore essential that the development is considered against all relevant policies.

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

EQ2 - General Development

EQ3 - Historic Environment

National Planning Policy Framework

7 - Requiring good design

12 - Conserving and enhancing the historic environment

South Somerset Sustainable Community Strategy

Goal 8 - High Quality Homes

Goal 9 - A Balanced housing Market

## **CONSULTATIONS**

**Wincanton Town Council** - No objection

**County Highway Authority** - Standing advice applies, 2.5 spaces required

**Area Engineer** - No comments received

**Conservation Officer** - I have considered this proposal in the context of the conservation area of Wincanton, and the close proximity to the Grade II listed building, Bellfields, opposite.

The changes proposed to the front elevation of the property are the addition of two conservation style roof lights. There are currently no existing roof lights on this row of terraced houses, but it is felt that these would not have a large impact on the character of the area.

Of the proposed changes to the rear of the property, the dormer would have the greatest impact. Whilst this would be unlikely to be particularly visible from the main roadway, it would be highly visible and prominent from the public pathway to the rear of the property. There are currently no dormer windows on this row of terraces and it is felt that the proposed dormer is too large, and out of character with this row of housing, the roofline of which is quite distinctive from the rear pathway. Roof lights to the rear of this property would be considered more acceptable as they would at least maintain the existing dimensions of the roof face.

Whilst it is also felt that the roof pattern chosen for the rear extension is a little unusual, the level of this is such that it would not adversely affect the character or be all that visible from the pathway.

On the basis of the above, I would recommend refusal of this application due to the proposed dormer which I feel would harm the existing character of the area.

## **REPRESENTATIONS**

None received

## **CONSIDERATIONS**

### **Visual amenity**

The property sits in a row of modest matching stone terraced houses fronting onto Station Road and backing onto a public footpath. The site is within a conservation area and an Article 4 area, therefore, all the alterations would require planning permission. There are no alterations to the roof line of the terrace with only the presence of two small dormers on the listed building opposite within the immediate vicinity.

The proposed rooflights are considered acceptable and the alterations to the flat roof rear extension by introducing a lantern roof and new openings will be well screened behind the existing boundary wall and, therefore, also considered to be acceptable. The proposal will introduce a gable dormer on the rear roof slope, which itself measures only 17 square metres. The dormer appears large in proportion to the roof and sits high reaching the ridgeline. It creates a very prominent incongruent feature along this roofline and whilst not visible from the highway to the west it will be highly visible from the public footpath to the rear.

The conservation officer, whilst in favour of the other elements of the proposal, has recommended refusal of the application due to the proposed dormer and the adverse harm it will cause to the character of the area.

When considering the impact of such a proposal, great weight should be given to the conservation of the Heritage Asset and the proposal should preserve or enhance the character or appearance of the Conservation Area. In this instance this is not considered to be the case and on this basis it is considered that the proposal due to the large dormer would harm the character of the property and have a detrimental impact on the visual amenity of the conservation area.

### **Residential amenity**

It is not considered that the window layout and general bulk of the proposal is such that it would give rise to undue overlooking / loss of privacy or an overbearing relationship with neighbouring properties. Therefore the proposal would not harm local residential amenity.

### **Highway comments**

The proposal does not meet the highway standing advice requirements even without the proposal as it has no parking provision.

### **Conclusion**

Whilst the proposal is considered acceptable in terms of residential amenity, the introduction of such a large dormer to the rear roof slope is considered unacceptable in terms of the visual amenity of both the existing dwellings and the character of the conservation area. Accordingly the proposal is considered to be contrary to policies ST5, ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006).

## **RECOMMENDATION**

Permission be refused for the following reason:

01. Due to the scale, form and design of the proposed dormer window, the proposal would appear out of scale and out of keeping with the existing house and the adjoining terraced houses, to the detriment of the character and appearance of the Conservation Area. This would be contrary to policies ST6 (Quality of Development) and EH1 (Conservation Areas) of the South Somerset Local Plan (Adopted April 2006) and the National Planning Policy Framework (March 2012) and policies EQ2 and EQ3 from the emerging South Somerset Local Plan (2006-2028).

## **SUBJECT TO THE FOLLOWING:**

### **Informatives:**

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service, and
  - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case there were no minor or obvious solutions to overcome the significant concerns caused by the proposal.