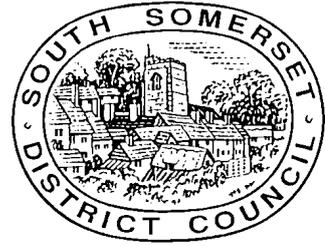


South Somerset District Council

Notice of Meeting



Area West Committee

Making a difference where it counts

Wednesday 18th March 2015

6.00 pm

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

(disabled access is available at this meeting venue)



The public and press are welcome to attend.

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

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Jo Morris 01935 462055**, website: www.southsomerset.gov.uk

This Agenda was issued on Monday 9th March 2015.

A handwritten signature in black ink that reads 'Ian Clarke'.

Ian Clarke, Assistant Director (Legal & Corporate Services)

This information is also available on our website
www.southsomerset.gov.uk



INVESTORS IN PEOPLE

Area West Committee Membership

The following members are requested to attend the meeting:

Chairman: Angie Singleton
Vice-chairman: Paul Maxwell

Mike Best
Dave Bulmer
John Dyke
Carol Goodall
Brennie Halse

Jenny Kenton
Nigel Mermagen
Sue Osborne
Ric Pallister
Ros Roderigo

Kim Turner
Andrew Turpin
Linda Vijeh
Martin Wale

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

Consideration of planning applications will commence no earlier than 7.00pm, following a break for refreshments, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A representative from the Area Highways Office will attend the Committee quarterly in February, May, August and November. They will be available half an hour before the commencement of the meeting to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset Highways direct control centre on 0845 345 9155.

Members Questions on reports prior to the meeting

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

Information for the Public

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

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

At Area Committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the Area Committee Chairman’s discretion, members of the public are permitted to speak for up to up to 3 minutes on agenda items; and
- see agenda reports.

Meetings of the Area West Committee are held monthly at 5.30 p.m. on the 3rd Wednesday of the month in venues throughout Area West (unless specified otherwise).

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

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

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

Public Participation at Committees

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

Public Question Time

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

Planning Applications

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

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

At the Committee Chairman's discretion, members of the public are permitted to speak for up to 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 and/or Agent
- District Council Ward Member

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

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

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

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

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

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

Area West Committee

Wednesday 18 March 2015

Agenda

Preliminary Items

- 1. To approve as a correct record the Minutes of the Previous Meeting held on 18th February 2015**
- 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 15th 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. Mike Best, Angie Singleton and Linda Vijeh

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 Question Time

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

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

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

5. Chairman's Announcements

Items for Discussion

- 6. Area West Committee - Forward Plan** (Pages 1 - 3)
- 7. Report for Area West Committee on the Performance of the Streetscene Service** (Pages 4 - 7)
- 8. Area West - Reports from Members on Outside Organisations** (Page 8)
- 9. Chard Young Peoples Centre - Assessment of nomination under Community Right to Bid (Item for information)** (Pages 9 - 12)
- 10. The Portman Arms, East Chinnock - Assessment of nomination under Community Right to Bid (Item for Information)** (Pages 13 - 16)
- 11. Planning Appeals** (Pages 17 - 18)
- 12. Schedule of Planning Applications to be Determined by Committee** (Pages 19 - 20)
- 13. Planning Application 14/05126/FUL - Little Brympton, Allotment Road, Chiselborough** (Pages 21 - 31)
- 14. Date and Venue for Next Meeting** (Page 32)

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.

This does not apply to decisions taken on planning applications.

Agenda Item 6

Area West Committee - Forward Plan

Strategic Director: Rina Singh, (Place and Performance)
Assistant Director: Helen Rutter / Kim Close, (Communities)
Service Manager: Andrew Gillespie, Area Development Manager (West)
Agenda Co-ordinator: Jo Morris, Democratic Services Officer , Legal & Democratic Services
Contact Details: jo.morris@southsomerset.gov.uk or 01935 462055

Purpose of the Report

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

Recommendation

Members are asked to:-

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

Forward Plan

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

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

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

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

Background Papers: None.

Notes

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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
15 th April 2015	Section 106 Obligations	Monitoring Report	Neil Waddleton, Section 106 Monitoring Officer
May 2015	No meeting		
17 th June 2015	<i>Community Health and Leisure</i>	<i>Annual service update report from the SSDC Community Health and Leisure service including the Healthy Lifestyles programme.</i>	<i>Lynda Pincombe, Community Health and Leisure Manager</i>
17 th June 2015	<i>Highways Update</i>	<i>To update members on the highways maintenance work carried out by the County Highway Authority.</i>	<i>Mike Fear, Assistant Highway Service Manager, Somerset County Council</i>
17 th June 2015	<i>Area West Committee Meeting Times and Venue Review</i>	<i>At the Area West Committee in May 2014 it was agreed that meeting arrangements for Area West Committee would be reviewed again at the beginning of the new Council year in 2015.</i>	<i>Andrew Gillespie, Area West Development Manager</i>
17 th June 2015	<i>Area West Committee Working Groups and Outside Organisations – Appointment of Members</i>	<i>To review the appointment of members to various working groups and outside organisations.</i>	<i>Jo Morris, Democratic Services Officer</i>
17 th June 2015	<i>Scheme of Delegation – Development Control – Nomination of Substitutes for Chairman and Vice Chairman</i>	<i>To review the appointment of two members to act as substitutes for the Chairman and Vice-Chairman in the exercising of the Scheme of Delegation for planning and related applications.</i>	<i>Jo Morris, Democratic Services Officer</i>

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
<i>TBC</i>	<i>LEADER Programme for Rural Economic Development</i>	<i>To report on the outcome of applications for funding.</i>	<i>Helen Rutter, Assistant Director (Communities)</i>
<i>TBC</i>	<i>Conservation Team Update Report</i>	<i>An update on the work of the Conservation Team.</i>	<i>Adron Duckworth, Conservation Manager</i>
<i>TBC</i>	<i>Update on Assets in Area West</i>	<i>A representative from the Strategic Asset Steering Group (SASG) to give an update on the assets in Area West.</i>	<i>Vega Sturgess, Strategic Director (Operations & Customer Focus) Donna Parham, Assistant Director (Finance & Corporate Services)</i>

Agenda Item 7

Report for Area West Committee on the Performance of the Streetscene Service

Portfolio Holder: Jo Roundell Greene – Environment Portfolio
Strategic Director: Vega Sturgess – Operations and Customer Focus
Assistant Director: Laurence Willis – Environment
Lead Officer: Chris Cooper, Streetscene Manager
Contact Details: chris.cooper@southsomerset.gov.uk or (01935) 462840

Purpose of the Report

To update and inform the Area West Committee on the performance of the Streetscene Service in the Area for the period April 2014 –March 2015.

Recommendation

Members are invited to comment on the report.

Report

The major focus of the service so far for this period that affect Area West, are listed below:

- Routine cleansing and grounds maintenance
- Highway weed control
- Rights of Way maintenance
- Main Road litter picking

Operational Works

As usual the main focus of the service has been the delivery of routine street cleansing and grounds maintenance across the Area. Our teams have settled following some changes to personnel and the staff have performed consistently well through the year.

Unfortunately we have recently experienced some staff sickness which has brought with it some operational challenges, however we are working with these members of staff to get them back into action as soon as possible.

One area of work that has received on-going focus has been the highway weed killing operation. The service now has two bespoke weed spraying quad bikes operating, and these now provide the capacity for two full applications of herbicide a year across the district. This will make a notable difference to the towns and villages as this operation becomes more and more embedded in the service. We aim to recommence spraying throughout the district as soon as the litter picking of main roads is completed and as weather conditions allow.

This year we also worked with the community payback groups and we have worked to develop good working arrangements with them. Although this relationship has been some time in developing, we are very close to having established processes that will enable us to deploying working parties around the district carrying out work in all wards and parishes. As part of this working arrangement, the payback team will store their vehicles and equipment at our depot; again we believe that this will develop better communication and working practice.

We have also continued to work in partnership with Chard Town Council; sharing equipment when possible to increase the level of service to the public. We believe that these

cooperative working practices are showing notable improvements in service delivery and we will look to continue to explore these areas of work in order to gain improvements and efficiencies for both parties.

In addition to delivering routine maintenance operations, the team has been working in preparation for possible winter weather issues. We currently have over 500 sandbags prepared and ready for use, with flood sacks in stock should they be required.

As well as preparing for flood related issues, we also have plans in place to enable us to access market towns with grit, if we are faced with snowfall. The use of 4x4 vehicles and grit spreaders will make this a viable option for us. If faced with snowfall, we will focus on gritting the pavements and crossings in town centres and high streets. Should we be faced with a considerable snowfall and members have areas of particular concern that would benefit from gritting, please contact us to discuss these ideas.

The team continues to focus on managing the number of flytips found in the district; this year has generally seen an increase in numbers compared to the same period last year. The tipping appears to be evenly distributed across the district and similar trends are emerging across the whole of the county. We are currently working to uncover the reasons for the increase.

AREA WEST	April 14	May 14	June 14	July 14	Aug 14	Sept 14	Oct 14	Nov 14	Dec 14	Jan 15	TOTAL
Ashill	3	1		1		3				1	9
Broadway											0
Buckland St Mary	1						5		1	1	8
Chaffcombe	2	2		1	1					1	7
Chard	13	3	8	4	9	6	4	8	3	2	60
Chillington		1		1				1			3
Chiselborough											0
Combe St Nic	2	1						1			4
Crewkerne	1		8	4	5	5	7	2	5	4	41
Cricket St Thomas				1							1
Cudworth	1	2							1	1	5
Dinnington				2					1		3
Donyatt	1			3			1				5
Dowlish Wake											0
East Chinnock	1	4		1	1	2			3	1	13
H/bury Plucknett							2				2
Hinton St George		1			3	2					6
Horton											0
Ilminster		4	1	2	1			2		3	13
Kingstone		1					1	1			3
Knowle St Giles					1		2				3
Merriott	2		1	2				1	1		7
Misterton	2		1				3			3	9
North Perrott			1	1							2
Over Stratton											0

T/worth & Forton		1	3	2		2	2	4		2	16
Wambrook	1	11				1		3	1		7
Wayford		1	1	1		1			1		5
West Chinnock					1	1	1	1			4
West Crewkerne		1	1	6			1	3	2	2	16
Whitelackington											0
Whitestaunton		2						1			3
Winsham					1						1
TOTAL AREA WEST	30	24	27	32	22	24	29	27	20	21	256

However, in Area West this trend is reversed as 319 flytips were cleared between April 13 and Jan 14. This shows a reduction of 63 instances compared to the same period of the previous year. Analysis of the figures shows that this is primarily due to a considerable reduction in the numbers of flytips reported in Chard.

The Parish Ranger Scheme has continued to develop and the service now employs three Rangers across the district. In Area West we have schemes working in Chiselborough, Buckland St Mary, East Chinnock, Merriott and Tatworth. We aim to continue to develop the program with more parishes over the coming year.

Our horticultural teams have completed their 15th grass cut of the year and they are nearing completion of the winter work program.

In 2014 the service was successful in tendering for the maintenance of Public Rights of Way in South Somerset, and this year we have delivered the service on behalf of the County Council, in line with the work program specified by the Rights of Way officers.

This year the service also renewed the bulb planting initiative, working with towns and parishes to introduce plantings of a mixture of bulbs including Muscari, Leucojum, Galanthus, Fritillaria, Hyacinthus and Ornithogalum. This year we provided bulbs to Misterton, Merriott, Wambrook, Horton, Ashill, Wayford, Chaffcombe, Ilminster and East Chinnock all of these bulbs were planted by local groups of volunteers.

The horticultural service is also working as part of a nationwide initiative led by the 'Friends of the Earth' to help bees which are in decline across the nation. To achieve this, we will be planting areas of wild flowers, incorporation pollinator species in our planting schemes and erecting 'bee hotels' in various locations.

In Websters Way, Chard, our arboricultural team recently found a bees nest in a tree that was programmed for removal. In line with this initiative, we worked with a local bee keeper to move the nest and retained the main stem of the dead tree for habitat – a great success!

Should members have areas within their wards that would be suitable for these kinds of initiatives, we will be very pleased to hear from you and work with you to develop these habitats.

As well as environmental developments, the major focus for the service will be focussing on improving signage and accessibility on and around our open spaces. A strategy is currently being developed to deliver improvements to our open spaces over the coming years which we believe will provide great improvements to our open spaces.

What's coming next?

- Spring and summer work programs shrub bed maintenance, mowing
- Completion of litter picking rural roads
- Continued highway weed control

Financial Implications

All of the matters highlighted in the report have been achieved within service budgets.

Implications for Corporate Priorities

- Continue to deliver schemes with local communities that enhance the appearance of their local areas.
- Continue to support communities to minimise floodwater risks.
- Maintain street cleaning high performance across the district.

Background Papers

Progress report to Area Committees on the Performance of the Streetscene service

Agenda Item 8

Area West – Reports from Members on Outside Bodies

Strategic Director: Rina Singh, Place and Performance
Assistant Directors: Helen Rutter / Kim Close, Communities
Service Manager: Andrew Gillespie, Area Development Manager (West)
Lead Officer: Andrew Gillespie, Area Development Manager (West)
Contact Details: andrew.gillespie@southsomerset.gov.uk or (01460) 260426

Purpose of the Report

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

Public Interest

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

Background

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

Members were appointed to serve on ten outside bodies at the June 2014 meeting.

Reports

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

This month the member report is:

Ilminster Forum – Cllr. Carol Goodall

Recommendation

That the report is noted.

Financial Implications

None.

Council Plan Implications

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

Background Papers: None

Agenda Item 9

Chard Young Peoples Centre – Assessment of nomination under Community Right to Bid (Item for information)

Strategic Director: Rina Singh, Place & Performance
Assistant Director: Helen Rutter/Kim Close, Communities
Service Manager: Andrew Gillespie Area Development Manager (West)
Lead Officer: As above
Contact Details: andrew.gillespie@southsomerset.gov.uk or 01935 462364

Purpose of the Report

This report is to inform councillors of the decision to place “Chard Young Peoples Centre” onto the SSDC Register of Assets of Community Value, following a nomination made by Streetspace South Somerset.

Public Interest

On 23rd January 2015 SSDC received a nomination from Streetspace South Somerset to include “Chard Young Peoples Centre” in the SSDC Register of Assets of Community Value and it is SSDC’s responsibility to consider whether this should be included on the Register. SSDC has 8 weeks to consider a nomination.

Recommendation

That the report be noted.

Background

In August 2013 District Executive agreed a process for considering nominations received from communities to place assets of community value onto the SSDC Register of Assets of Community Value, based on criteria which are set out in the Localism Act.

The decision is delegated to the relevant Area Development Manager in consultation with the Ward Member and Area Chair. The result of a nomination is reported to the Area Committee for information only, with a quarterly report being presented to District Executive for information. (NB: decisions about any SSDC-owned properties are still presented to District Executive for decision)

The assessment

The nomination was approved on 28th January 2015 by the Area Development Manager (West). The assessment is set out in Appendix 1. A map showing the nominated site is provided at Appendix 2.

Next Steps

The Town Council, the property owner and the Land Registry will be notified and the asset will be placed on the SSDC Register of Assets of Community Value.

The owner can appeal against the decision; any appeals are considered by the Council’s Monitoring Officer.

Once an asset has been listed, nothing further will happen until the owner decides to dispose of the asset (either through a freehold sale or the grant of a lease for at least 25 years). At this point the owner must notify SSDC of the intention to sell. A relevant community group is then given 6 weeks to express an interest in the asset and submit a written intention to bid for the property(s).

If any written intentions are received, the Council must pass on the request to the owner, at which point the full moratorium period of 6 months (from the date that SSDC is notified of the intention to sell) comes into force. If no written intention(s) to bid are received, the owner is free to sell the asset.

All accepted nominations will normally remain on the Register for 5 years.

Financial Implications

None at this stage. Government has provided SSDC with an (un-ringfenced) sum of £7,902 for 2013/14 as a contribution towards the costs associated with the new duties under the Community Right to Bid. Sums in future years are still to be confirmed.

Property owners who believe they have incurred costs as a result of complying with these procedures can apply for compensation from the Council. SSDC is in the process of designing this compensation scheme. Government recognises this as a potential risk to local authorities and will provide a safety net whereby any verified claims of over £20,000 will be met by Government.

Council Plan Implications

Evaluate the overall requirements of the Government's Localism legislation and work with communities to develop plans for their community

Carbon Emissions & Climate Change Implications

None in relation to this decision.

Equality and Diversity Implications

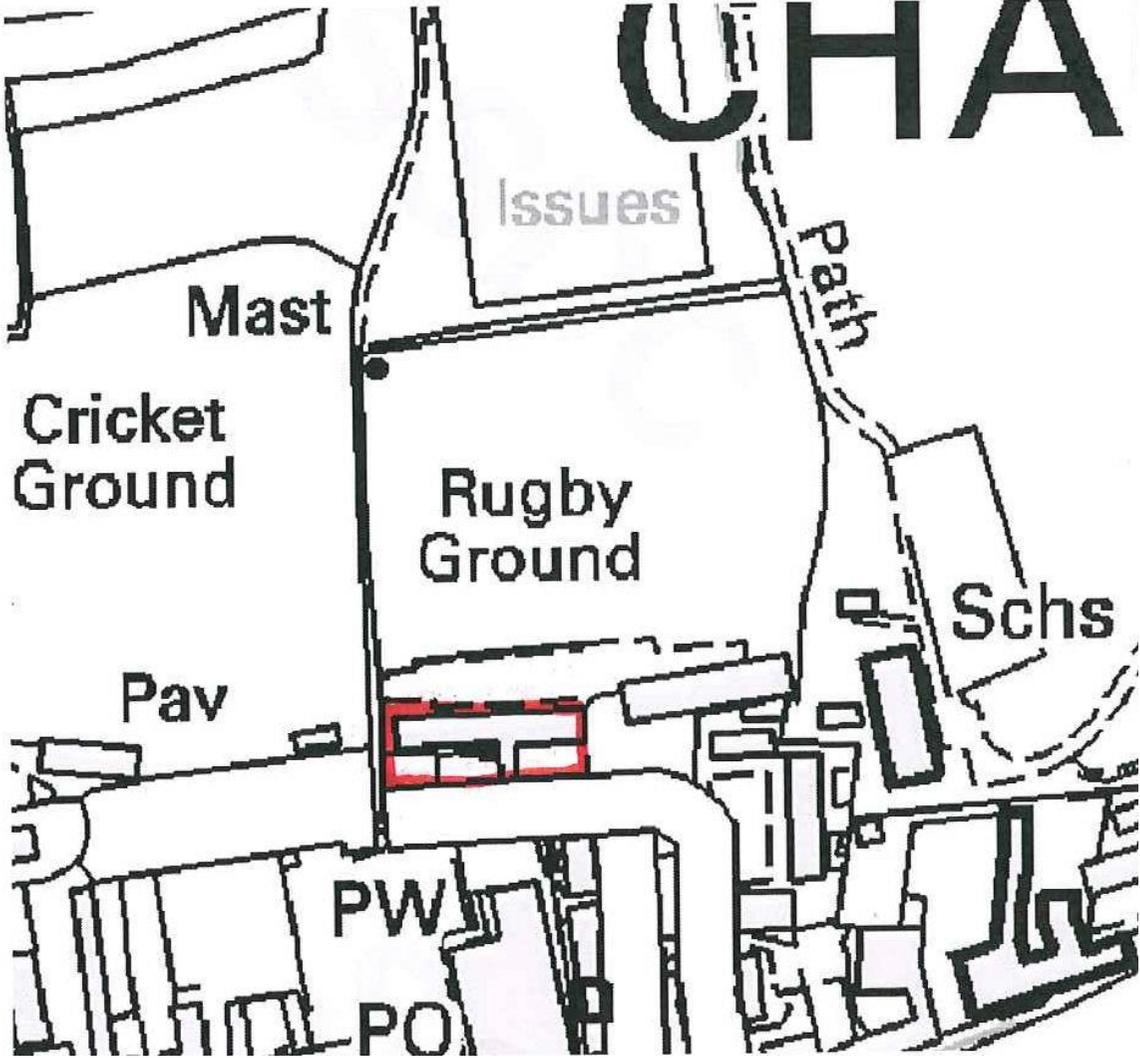
The Council's Equality Objectives and the General Equality Duty have been considered in the assessment of this nomination. There are no implications requiring action arising from this decision.

Background Papers: None

Appendix 1 – Community Right to Bid Assessment – “Chard Young Peoples Centre”

Name of Property/Land	“Chard Young Peoples Centre”, Essex Close, Chard, TA20 1RH		Date of decision	28 th January 2015
			Area Development Manager	Andrew Gillespie
	Detail	Community Right to Bid Criteria	Fits Criteria Y/N	
Nominating Body	Streetspace South Somerset	Does the nominating body fit the definition of a ‘Community Interest Group?’	Yes. A Community Association is an expressly named eligible group.	
Area of interest	Chard and surrounding area	Does the nominating body have a ‘local connection’? IE: Are its activities wholly or partly concerned with the South Somerset area or with a neighbouring authority (which shares a boundary) and Is any surplus it makes wholly or partly applied for the benefit of the South Somerset area or a neighbouring authority’s area?	Yes. Chard parish is within South Somerset.	
Use in recent past	“Chard Young Peoples Centre”	Does the current use of the property or its use in the ‘recent past’ (ie. the past 5 years) further the social wellbeing and interests of the local community?	Yes. Its use in the recent past is as the only dedicated youth and community provision/building in the area. It is used extensively throughout the day, evenings and weekends.	
Proposed Future Use	The current usage would continue i.e. youth provision	Does the proposed continued use (or in the next 5 years) further the social wellbeing and interests of the local community?	Yes. It is envisaged that the current usage would continue as a youth provision but there are development discussions on the land nearby so maybe under threat.	
Conclusion	Streetspace South Somerset is an eligible body to make this nomination, and the property history and proposed future use appear to fit the criteria established by the Localism Act and its associated guidance. Further advice was sought from Locality (the Government’s appointed advisory body) which confirmed this assessment. The Ward Member and Area Chairman have been consulted and support this assessment.			
Decision	“Chard Young Peoples Centre is to be added to the SSDC Register of Assets of Community Value.			

Appendix 2 – Chard Young Peoples Centre



Agenda Item 10

The Portman Arms, East Chinnock – Assessment of nomination under Community Right to Bid (Item for information)

Strategic Director: Rina Singh, Place & Performance
Assistant Director: Helen Rutter/Kim Close, Communities
Service Manager: Andrew Gillespie Area Development Manager (West)
Lead Officer: As above
Contact Details: andrew.gillespie@southsomerset.gov.uk or 01935 462364

Purpose of the Report

This report is to inform councillors of the decision to place “The Portman Arms” onto the SSDC Register of Assets of Community Value, following a nomination made by East Chinnock Parish Council.

Public Interest

On 11th February 2015 SSDC received a nomination from East Chinnock Parish Council to include “The Portman Arms” in the SSDC Register of Assets of Community Value and it is SSDC’s responsibility to consider whether this should be included on the Register. SSDC has 8 weeks to consider a nomination.

Recommendation

That the report be noted.

Background

In August 2013 District Executive agreed a process for considering nominations received from communities to place assets of community value onto the SSDC Register of Assets of Community Value, based on criteria which are set out in the Localism Act.

The decision is delegated to the relevant Area Development Manager in consultation with the Ward Member and Area Chair. The result of a nomination is reported to the Area Committee for information only, with a quarterly report being presented to District Executive for information. (NB: decisions about any SSDC-owned properties are still presented to District Executive for decision)

The assessment

The nomination was approved on 26th February 2015 by the Area Development Manager (West). The assessment is set out in Appendix 1. A map showing the nominated site is provided at Appendix 2.

Next Steps

The Town Council, the property owner and the Land Registry will be notified and the asset will be placed on the SSDC Register of Assets of Community Value.

The owner can appeal against the decision; any appeals are considered by the Council’s Monitoring Officer.

Once an asset has been listed, nothing further will happen until the owner decides to dispose of the asset (either through a freehold sale or the grant of a lease for at least 25 years). At this point the owner must notify SSDC of the intention to sell. A relevant community group is then given 6 weeks to express an interest in the asset and submit a written intention to bid for the property(s).

If any written intentions are received, the Council must pass on the request to the owner, at which point the full moratorium period of 6 months (from the date that SSDC is notified of the intention to sell) comes into force. If no written intention(s) to bid are received, the owner is free to sell the asset.

All accepted nominations will normally remain on the Register for 5 years.

Financial Implications

None at this stage. Government has provided SSDC with an (un-ringfenced) sum of £7,902 for 2013/14 as a contribution towards the costs associated with the new duties under the Community Right to Bid. Sums in future years are still to be confirmed.

Property owners who believe they have incurred costs as a result of complying with these procedures can apply for compensation from the Council. SSDC is in the process of designing this compensation scheme. Government recognises this as a potential risk to local authorities and will provide a safety net whereby any verified claims of over £20,000 will be met by Government.

Council Plan Implications

Evaluate the overall requirements of the Government's Localism legislation and work with communities to develop plans for their community

Carbon Emissions & Climate Change Implications

None in relation to this decision.

Equality and Diversity Implications

The Council's Equality Objectives and the General Equality Duty have been considered in the assessment of this nomination. There are no implications requiring action arising from this decision.

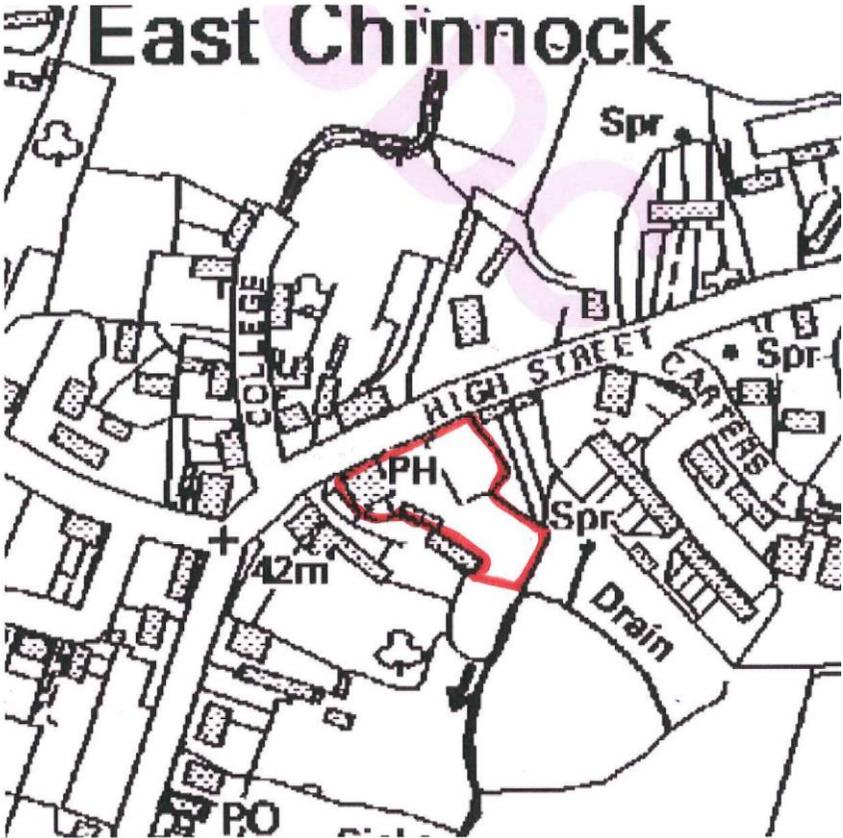
Background Papers

None

Appendix 1 – Community Right to Bid Assessment – “The Portman Arms”

Name of Property/Land	“The Portman Arms”, High Street, East Chinnock, Yeovil, BA22 9DP		Date of decision	26 th February 2015
			Area Development Manager	Andrew Gillespie
	Detail	Community Right to Bid Criteria	Fits Criteria Y/N	
Nominating Body	East Chinnock Parish Council	Does the nominating body fit the definition of a ‘Community Interest Group?’	Yes. A Parish Council is an expressly named eligible group.	
Area of interest	East Chinnock and surrounding area	Does the nominating body have a ‘local connection’? IE: Are its activities wholly or partly concerned with the South Somerset area or with a neighbouring authority (which shares a boundary) and is any surplus it makes wholly or partly applied for the benefit of the South Somerset area or a neighbouring authority’s area?	Yes. East Chinnock parish is within South Somerset.	
Use in recent past	“The Portman Arms”	Does the current use of the property or its use in the ‘recent past’ (ie. the past 5 years) further the social wellbeing and interests of the local community?	Yes. Its use in the recent past is as a Public House with letting bedrooms, self-contained flat, skittle alley, children’s play area, car park and paddock.	
Proposed Future Use	The current usage would continue i.e. Public House	Does the proposed continued use (or in the next 5 years) further the social wellbeing and interests of the local community?	Yes. It is envisaged that the current usage would continue as a youth provision but there are development discussions on the land nearby so maybe under threat.	
Conclusion	East Chinnock Parish Council is an eligible body to make this nomination, and the property history and proposed future use appear to fit the criteria established by the Localism Act and its associated guidance. Further advice was sought from Locality (the Government’s appointed advisory body) which confirmed this assessment. The Ward Member and Area Chairman have been consulted and support this assessment.			
Decision	“The Portman Arms” is to be added to the SSDC Register of Assets of Community Value.			

Appendix 2 – The Portman Arms, East Chinnock



Agenda Item 11

Planning Appeals

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

Purpose of the Report

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

Recommendation

That the report be noted.

Background

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

Report Detail

Appeals Received

14/03570/FUL – Oakridge, Townsend, Ilminster, Somerset, TA19 0JA (Officer Decision)
Erection of detached dwellinghouse with parking (Revised Application) (GR 336742/114544)

13/04848/FUL – Land Os 1074, Crosskeys, Ashill, Ilminster, Somerset (Committee Decision)
Change of use of land to private gypsy caravan site consisting of 6 No. pitches, associated developments and creation of new access (Revised Application) (GR 334181/116766)

Background Papers: None

Agenda Item 12

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 West Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 7.00 pm.

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

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
13	PARRETT	14/05120/FUL	Retention of wooden building for residential use for temporary period of 3 years (retrospective)	Little Brympton Allotment Road Chiselborough	Mr Patrick Tucker

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

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

Agenda Item 13

Officer Report On Planning Application: 14/05120/FUL

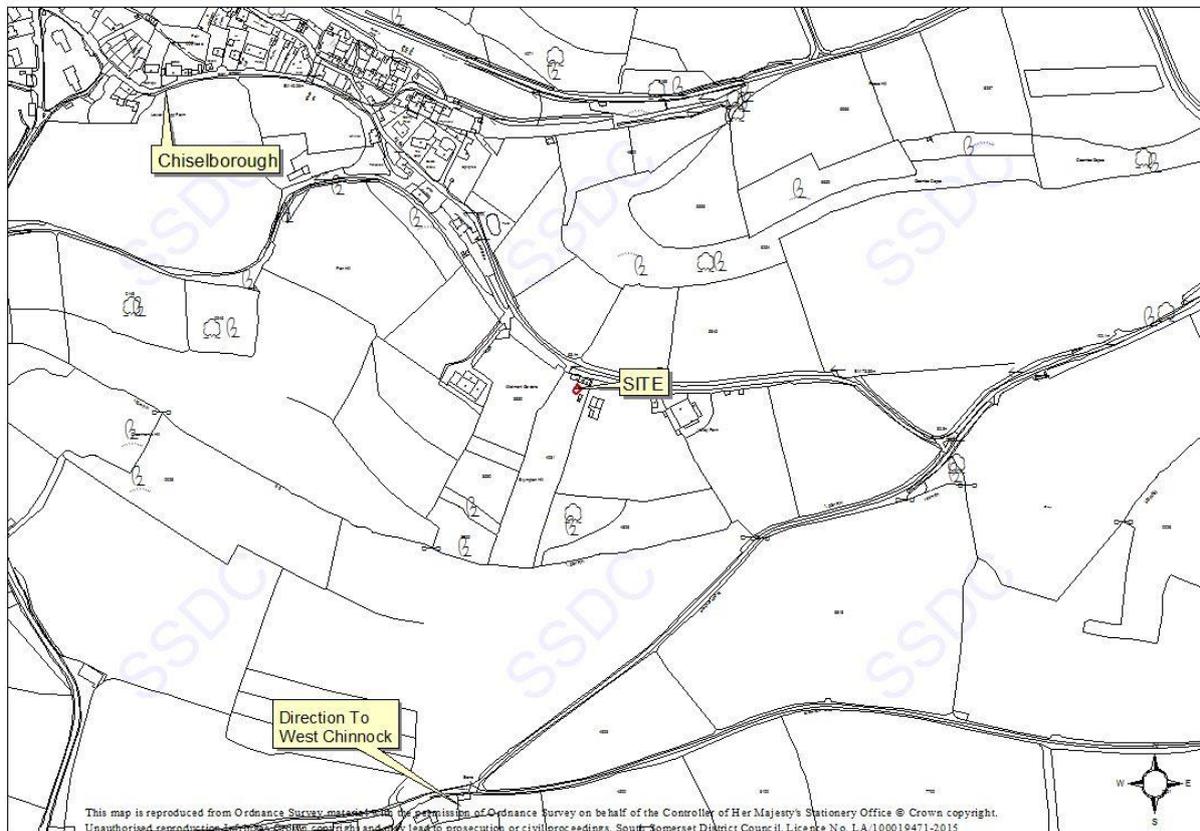
Proposal:	Retention of wooden building for residential use for temporary period of 3 years (retrospective) (GR 347428/114365)
Site Address:	Little Brympton Allotment Road Chiselborough
Parish:	Chiselborough
PARRETT Ward (SSDC Member)	Cllr R Pallister
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date:	2nd January 2015
Applicant:	Mr Patrick Tucker
Agent: (no agent if blank)	
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application was referred to the ward member under the scheme of delegation. At the request of the ward member and with the agreement of the vice chair of the committee, the application is referred to the planning committee for the following reasons:

Local community and Parish Council support, the very specific circumstances relating to the history of the site and issues surrounding 'low impact' dwellings and planning policy.

SITE DESCRIPTION AND PROPOSAL





The application is made for the residential occupation of the site within an existing timber building. The application form describes the rural enterprise as a 'local food enterprise and educational low impact living project'. The applicants propose to run the enterprise from the site, including the growing of a range of produce on the land. The enterprise would comprise of the following elements:

- Growing of produce on the land including vegetables, fruit, flowers and mushrooms.
- Farm gate sales.
- Sales of goods grown on the land, including products derived from the land such as apple juice and preserves.
- Keeping of bees including the production of and sale of honey.
- Keeping of livestock including ducks and one breeding cow. Sale of calves for meat and processing and sales of dairy products.
- Catering using produce from the site.
- Land based education comprising 17 visits to the site per year by local special needs children and monthly volunteer days for the local community.
- Woodwork such as spoons, chopping boards etc. from wood derived from the land.

The site comprises of a paddock/garden land measuring approximately 7800 square metres (0.07 hectares or 1.8 acres). The land is located to the southern side of the highway, to the south east of Chiselborough and is located approximately 220 metres from the nearest dwelling. The land occupies the northern slope of Brympton Hill rises upwards from the highway edge towards the southern boundary which is about 35 metres in elevation above the road.

The building measures approximately 8 metres in length by 4.8 metres in width. It has a dual pitched roof with a maximum height of 4.7 meters. External materials consist of timber cladding to the walls and metal cladding to the roof.

There is a compost toilet located outside the timber building.

SITE HISTORY

The site has some complex planning and enforcement history as follows:

- Permission was granted in 1990 for the formation of an access and stationing of a static caravan for a horticultural worker. Successive temporary permissions were granted, the most recent in 2000 under reference 00/02925/COU expired in February 2004. This permission was personal to the previous occupier and owner.
- In 2008 an enforcement file was opened following the construction of the timber structure that is subject to this application. It was understood that the structure was being occupied by the previous occupier and owner. An enforcement notice dated 22nd October 2008 was served. The notice requires the following:
 - The building shall be used for residential purposes by Albert Holman only.
 - Other than for the above use the structure shall be used only as a workshop and for storage in connection with and ancillary to the agricultural use of the land.
 - There shall be no extensions to the building.
 - Within 3 months of the current owner/occupier no longer has an interest in the land the building shall be demolished and removed from the site.
- It is understood that the previous occupier moved out of the building in 2012 due to ill health.

The current occupiers moved into the building in June 2014.

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

Saved Policy ST3- Development areas

Saved Policy ST5- General principles

Saved Policy ST6- Quality of development

Saved Policy EC3- Landscape Character

Saved Policy EU3- Non mains sewerage

Saved Policy HG12- Low impact housing sites

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.

Emerging Local Plan

Emerging Policy SD1- Sustainable Development

Emerging Policy EQ2- General Development

Emerging Policy HG9- Housing for agricultural and other workers

National Planning Policy Framework (March 2012)

Chapter 1- Building a strong, competitive economy

Chapter 3- Supporting a prosperous rural economy

Chapter 4- Promoting sustainable transport

Chapter 8- Promoting healthy communities

Chapter 9- Protecting Green Belt land

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

Chapter 11- Conserving and enhancing the natural environment

National Planning Practice Guide (2013)

The following sections are of most relevance-

Determining a planning application

Rural housing

RELEVANT HISTORY

00/02925/COU- Retention of access and continued use of land as a site for caravan for a horticultural worker- Permitted with conditions (personal to A Holman).

97/01082/FUL- Retention of access and continued use of land as a site for caravan for a horticultural worker- Permitted with conditions (personal to A. Holman).

93/00560/FUL - Retention of access and continued use of land as a site for caravan for a horticultural worker- Permitted with conditions (personal to A. Holman).

90/00646/FUL - Retention of access and continued use of land as a site for caravan for a horticultural worker- Permitted with conditions (personal to A. Holman).

89/00484/FUL - Formation of access and use of land as a site for a caravan for horticultural worker- Refused.

CONSULTATIONS

Landscape Officer:

The low-impact dwelling is noted. I also note that whilst not domestic, there is a scattered development presence along and aside East Street and a variety of building forms. The site itself is visually contained by a mature hedge boundary; and the dwelling in close proximity to the road frontage, yet well screened by existing structures, which are all positive elements of this proposal. I also note the productive use of the landscape resource. Consequently, providing there is a commitment (as there appears to be) to maintain the health and integrity of the bounding hedgerows, then I have no landscape issues to raise.

Agricultural Advisor:

The applicant has failed to demonstrate the functional need to support a temporary residence. I cannot support this application

Chiselborough Parish Council:

The Chiselborough Parish Council have no objections to this application as it stands. It is a personal application that won't change! We definitely wouldn't wish to see any permanent

buildings on the site!

We are pleased to see that Mr Patrick Tucker is running occasional workshops on the site for autistic children! We feel his set up would be an asset to the village and further afield.

West and Middle Chinnock Parish Council:

The Parish Council objects to the above proposed application on two counts:

- That the previous application to build a wooden shed on the site and the permission granted to live there was made on a personal basis to the previous owner, which would end when he left the site. We believe this agreement should be enforced.
- The Council is concerned of the precedent implications being set, if the current enforcement notice; planning history and agreements in respect of this site are ignored and residential accommodation is permitted.

Highway Authority:

Standing advice applies.

Environmental Protection Department:

Should planning permission be granted then I would like to see the following condition attached.

Foul water drainage details to serve the development, shall be submitted to and approved in writing by the local planning authority and such approved drainage details shall be completed and become fully operational before the development is occupied.

Following its installation such approved scheme shall be permanently retained and maintained thereafter.

REPRESENTATIONS

16 letters of support (plus one additional with no address), 2 letters making representations and 1 letter of objection have been received. The following comments are made in support of the application:

- Contribution the applicants will make to the local community (a letter of support has been received from the Long Sutton Support Centre which is an educational unit which works with students with Autism).
- Facilities for the community such as vegetable/produce sales.
- Overall high level of support from the local community.
- Opportunities for volunteering/education for special needs individuals.
- Low impact and environmentally sustainable.
- The wide range of products the applicant will produce will provide a high return for a small area.
- The proposal will be of benefit to biodiversity.

The following general representations/areas of concern are made:

- The needs of a family are different to those of the previous single occupier.
- Concerns over parking provision for visitors to the site.
- A secure water supply should be confirmed and means for disposal of foul water.
- Conflict with the Village Plan.

- The 'personal permission' clause suggested by Chiselborough Parish Council would not be tenable and would create a precedent.
- Concerns over whether the business is sustainable - any future permissions need to consider financial accounts based on the first two years.
- The size, topography and aspect of the holding mean that the proposal is not viable.
- Permission should only be granted if the Planning Authority consider that the operation is sustainable, including financially.

The letter of objection makes the following points:

- The building is located outside the medieval village boundary.
- If granted the application would set a precedent for further building at the top of East Street towards Valley Farm.

CONSIDERATIONS

Principle of development:

The application site lies in open countryside. In terms of determining the application the key consideration relates to whether the proposal complies with the development plan and if not whether material considerations indicate that planning permission should be granted. In addition to this, the NPPF is a material consideration that is given enhanced weight where local policies are absent, out of date or silent on any given issue. It should be noted that the emerging local plan will be adopted in March 2015 and therefore can be given significant weight in the determination of this application.

Overall the NPPF provides that there should be a presumption in favour of 'sustainable development'. Paragraph 7 sets out three dimensions to sustainability, economic, social and environmental. More specifically, paragraph 55 of the NPPF relates to dwellings in rural areas and seeks to promote housing where it will enhance and maintain the vitality of rural communities. Of significance it states that Planning Authorities should avoid 'isolated' dwellings unless there are special circumstances of which the following two are of relevance:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.....

Having regard to the above, it is necessary to consider whether the proposed dwelling is 'isolated' and therefore whether the restrictions within paragraph 55 should apply. It is a matter of a judgement of the individual circumstances on the basis of 'fact and degree' as to whether a site is isolated. The site is located approximately 200 metres from the nearest dwelling located on the edge of Chiselborough (Primrose Cottage). Having regarded to this distance and the presence of agricultural land between the site and the village edge, it is considered that the site is isolated and therefore that paragraph 55 should apply. As such justification is required on the basis of the 'need for a rural worker'.

Emerging Policy HG9 relates to housing for agricultural and other related workers and is considered to be the basis for determining such applications. It states that housing in the countryside to meet the accommodation needs of a full time worker in agriculture or other businesses where a rural location is essential should demonstrate that:

- There is a clearly established existing functional need;
- The enterprise is economically viable;
- Provision on-site (or in the immediate vicinity) is necessary for the operation of the

business;

- No suitable accommodation exists (or could be made available) in established buildings on the site or in the immediate vicinity;
- It does not involve replacing a dwelling disposed of recently as general market housing;
- The dwelling is no larger than that required to meet the operational needs of the business;
- The siting and landscaping of the new dwelling minimises the impact upon the local landscape character and visual amenity of the countryside and ensures no adverse impact upon the integrity of nationally and internationally designated sites, such as AONB.

In addition to the above, Saved policy HG12 relates to low impact housing and is also of relevance to this proposal. This policy states that low impact residential dwellings will not be permitted unless:

- All structures are temporary bender or yurt type structures, are not visually intrusive and their removal will allow regeneration of the site.
- Vehicle movements, noise, fumes or any subsidiary business activities would not harm the residential amenities of neighbouring dwellings or the character of the area.
- The site is reasonably well related to schools and other community facilities.
- No serious highway problem would result.
- The site includes the following facilities:
 - A refuse collection point.
 - Access to a drinking water supply.
 - A satisfactory means of sewage disposal/management and surface water disposal.
- Landscaping schemes and/or land management are provided if appropriate.

All permissions granted will be temporary to allow for review and assessment of the impact of the site.

This policy is discussed later in the report.

2. Dwellings for rural workers

The established methodology for assessing rural worker dwellings is contained within Annexe A to PPS 7. Whilst PPS7 is superceded by the NPPF, it remains the established methodology for assessing 'essential need' and this approach has been backed up many times at planning appeal.

The relevant criteria within Annexe A require the following:

- "(i) clear evidence of a firm intention and ability to develop the enterprise concerned (Significant investment in new farm buildings is often a good indication of intentions);
- (ii) Functional need (see paragraph 4 of this Annex);
- (iii) Clear evidence that the proposed enterprise has been planned on a sound financial basis;
- (iv) The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) Other normal planning requirements, e.g. on siting and access, are satisfied".

The proposed enterprise provides some difficulties in relation to the above criteria in that the 'low impact' nature of the proposed use does necessarily not fit into a use, for example of more conventional nature and scale. Nevertheless, the relevant functional and financial tests remain the basis for appraising the application.

Clear evidence of a firm intention and ability to develop the enterprise:

In terms of ability to develop the business, this may be supported by the experience and qualifications of the applicant. The applicants have only resided at the property for approximately 7 months. However during this period, it is clear that work has been carried out in terms of clearing scrub vegetation and other works to provide the necessary conditions to make use of the land. The applicants have submitted some details of qualifications and experience which is relevant and relatively extensive. As such the ability of the applicants is not in doubt.

In addition to the above, the intention and genuineness of the applicants is very clear and it is felt that this is one of the factors that has led to widespread support within the village.

Functional need:

In terms of the functional test paragraph 4 (a) of Annexe A requires it to be established whether it is 'essential' for the proper functioning of the enterprise for one or more workers to be available at most times (day and night) for essential care at short notice and to deal with emergencies that could otherwise cause serious loss of crops or products.

The Councils Agricultural Advisor has been consulted and has confirmed that the functional need has not been demonstrated. The scale of the business in terms of livestock is considered to be minimal and therefore there is no essential requirement for a worker to reside on site. Arguments could be advanced on the basis of site security, however these are rarely supported at appeal.

Evidence that the holding has been planned on a sound financial basis:

In relation to this test, there is some evidence of financial planning. The applicants have submitted a breakdown of costs and projected income. Projected cost and income figures are provided for the various aspects of the enterprise including the sale of produce from the site in a range of formats including, vegetables, honey, dairy and meat, eggs and cut flowers. Other aspects of the business include woodwork, land based education and catering. It is noted that the projected figures do not account for increased costs due to inflation or costs arising from depreciation/ wear and tear on equipment.

Overall, the net profit projections are as follows;

Year 1 £4685

Year 2 £14314

Year 3 £16830

The income generated would be significantly below the wage expected for agricultural workers. However, the feasibility of this is made more viable due to the low cost nature of the business, for example the building is 'off grid' which keeps overheads for the business low.

Other accommodation in the area:

The application does not provide substantive evidence in relation to other accommodation. However on the basis of the level of income the business may generate, it is considered that this would not be sufficient to enable the applicants to rent locally on the open market.

Overall, it is considered that the functional need and requirement of the business for residential provision on site has not been demonstrated either when assessed against Annexe A or emerging policy HG9. In terms of economic viability, the applicants propose a

wide range of income streams and this diversity is required due to the limited scale of the holding. In this regard, the range of individual products and incomes are would be labour intensive. Whilst the proposals involve the use of voluntary labour, despite the clear good intent, the feasibility of making a sustainable living out of the enterprise is not certain.

Character and appearance:

The building is located at the northern end of the site adjacent to the highway. There is a substantial amount of vegetation between the building and the highway and therefore it is not readily visible from this vantage point. The Councils Landscape Officer has not objected and has commented that no objections are raised provided that there is a commitment to retaining the roadside vegetation.

Having regard to the above considerations and the modest scale of the building, it is considered that it would not result in harm to the character and appearance of the area or to wider landscape character.

Residential amenity:

Having regard to the distance of the site from neighbouring properties it is considered that there would be no harm to the amenities of nearby occupiers as a result of the proposal.

Highway safety:

The site entrance affords good visibility and it is considered that vehicle speeds outside the site would be below 30 mph given the restricted width of the highway. Turning space within the site is relatively restricted although it is adequate and would be acceptable given the above considerations.

Educational use:

The applicants have proposed an educational element within the proposal which forms part of the business plan. This would consist of sessions with students from the Long Sutton Academy. The sessions would be on a bi weekly basis during term time and this totals 18 sessions per year.

It is considered that a low frequency of use such as this would be acceptable although it is accepted that there could be implications in terms of vehicular movements to the site and manoeuvring. Under the GPDO (as amended) the use of buildings or land can be changed for up to 28 days per year. The purpose of this provision is to allow some degree of flexibility for such ancillary uses. Given that this element of the proposal would be below this threshold it would not be considered reasonable to object to the proposal on this basis. However, a larger scale public use of the site may be unacceptable given the above considerations.

Overall planning balance:

A balanced judgement has to be made when assessing the proposal against the development plan and other material considerations. In terms of the development plan the proposal would not comply with emerging policy HG9. Saved policy HG12 relates to low impact housing. The policy is not being carried over to the emerging local plan as it was considered government policy in respect to isolated dwellings is set out in paragraph 55 of the NPPF. The policy recognises that there is some demand for low impact housing and permits in principle housing of bender or yurt type structures.

It should be noted however that the existing timber structure would not comply with this aspect of the policy which specifically required 'yurt' or 'bender' structures. It is further noted that the policy is out of date and its removal from the development plan is imminent. In this regard, Paragraph 215 of the NPPF states that policies should be afforded a degree of weight in accordance with their compliance with the NPPF. In this regard, the NPPF is clear in terms of restricting isolated dwellings under paragraph 55 which refers to 'special circumstances' needing to be met in order for permission to be granted. As discussed above, the proposal would not meet the required tests through either the emerging local plan policy or Annexe A.

Having regard to these conclusions, the proposal should finally be assessed against the NPPF as a whole and whether any other material considerations would constitute 'special circumstances' in order for permission to be granted.

It is acknowledged that the proposal would make a contribution to the social aspects of sustainability as outlined within paragraph 7 of the NPPF. The proposal would create a community facility through the proposed 'farm gate' sales and volunteering opportunities and whilst considered to be 'isolated' it is nevertheless approximately 700 metres away from the village centre where there are some basic services.

It is also noted that the proposals have received community support as evidenced by the letters that have been received during consideration of this application and these factors weigh in favour of the application.

Furthermore, the 'low impact' lifestyle of the applicants, using natural resources prudently, minimising waste and pollution all in principle accord well with the 'third strand' of sustainable development as set out in paragraph 7 of the NPPF and the proposal would respect local landscape character. However, there are some concerns that the proposal is granted could set a precedent for similar proposals that could cumulatively harm local character.

The Parish Council support the proposal on the basis that it is a personal permission. As such, other occupiers would not be able to implement the permission as opposed to the applicants. However, the application is for an open permission, although given the specific circumstances a personal permission whilst unusual could be feasible given the specific local support for the individuals concerned and the unusual nature of the proposed enterprise. This could be secured through a planning condition.

Conclusion:

Given the circumstances of this application it is a balanced decision. There is community support for the proposal, it would not harm the character and there are a number of positive aspects of the proposed enterprise as outlined in this report. However the proposal would not comply with the relevant development plan policies, specifically policy HG9 of the emerging local plan, saved policy HG12 and the requirements of paragraph 55 of the NPPF. Having regard to the above, on balance it is considered that there are insufficient grounds to constitute 'special circumstances' to grant permission contrary to the above development plan policies and the relevant sections of the NPPF.

RECOMMENDATION

Refuse permission for the following reason:

01. The site is located in an isolated location and the applicant has not demonstrated a functional need, that provision on site is essential for the functioning of the business

and has not demonstrated that the enterprise has clear prospects of being economically viable. As such the proposal would not comply with emerging policy HG9 of the South Somerset Local Plan and paragraph 55 of the NPPF.

Agenda Item 14

Date and Venue for Next Meeting

The next scheduled meeting of the Committee will be held on Wednesday 15th April 2015 at 5.30pm at the Henhayes Community Centre, Crewkerne.