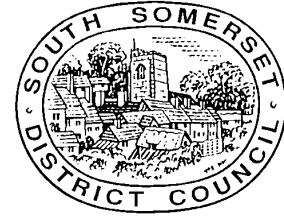


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 26th August 2015

2.00 pm

**Village Hall
New Road
Norton Sub Hamdon
TA14 6SF**

(Disabled access is available at this meeting venue)



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 shortly after 2pm.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Becky Sanders, Democratic Services Officer 01935 462596**, website: www.southsomerset.gov.uk

This Agenda was issued on Tuesday 18 August 2015.

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



INVESTORS IN PEOPLE

Area North Committee Membership

Clare Aparicio Paul
Neil Bloomfield
Adam Dance
Graham Middleton
Tiffany Osborne

Stephen Page
Shane Pledger
Crispin Raikes
Jo Roundell Greene
Dean Ruddle

Sylvia Seal
Sue Steele
Derek Yeomans

South Somerset District Council – Council Plan

Our focuses are: (all equal)

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

Scrutiny procedure rules

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

Consideration of planning applications

Consideration of planning applications for this month's meeting will commence shortly after 2.00pm, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A representative from the Area Highways Office will normally attend Area North Committee quarterly in February, May, August and November – they will be usually be available from 15 minutes before the meeting to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset County Council on 0300 123 2224. Please note – an officer will not be present at this August meeting.

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 SSSC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

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

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

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

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

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

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

Public participation at committees

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

Public question time

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

Planning applications

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

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

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

The order of speaking on planning items will be:

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

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

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

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

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

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

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

Area North Committee

Wednesday 26 August 2015

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 22 July 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 2112 (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 Clare Aparicio Paul, Shane Pledger, Dean Ruddle and Sylvia Seal.

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

at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. Date of next meeting

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 23 September 2015** at the **Village Hall, Long Sutton**.

5. Public question time

6. Chairman's announcements

7. Reports from members

Items for Discussion

8. Schedule of Planning Applications to be Determined By Committee (Pages 7 - 8)

9. Planning Application 15/02685/FUL - Village Hall, Vicarage Street, Tintinhull. (Pages 9 - 19)

10. Planning Application 15/01725/FUL - Land at Lower Witcombe Farm, Thornhill Drove, Ash. (Pages 20 - 31)

11. Planning Application 15/02867/S73A - Witcombe Farm, Witcombe Lane, Ash. (Pages 32 - 41)

12. Planning Application: 15/01736/FUL - Land at Ham Hill, High Ham. (Pages 42 - 48)

13. Planning Appeals (Pages 49 - 62)

14. Grant to Tintinhull Parish Council for New Village Hall (Executive Decision) (Pages 63 - 78)

15. Somerset Levels and Moors Local Action Group - Appointment of a Member to the Executive Board (Executive Decision) (Pages 79 - 82)

16. Area North Committee Forward Plan (Pages 83 - 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.

Agenda Item 8

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 North Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 2.00pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 1.55pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
9	ST. MICHAELS	15/02685/FUL	Demolition of existing building and erection of a replacement village hall etc.	Village Hall, Vicarage Street, Tintinhull.	Tintinhull Community Hall
10	MARTOCK	15/01725/FUL	Engineering works to be carried out to provide a new slurry lagoon for the dairy unit	Land at Lower Witcombe Farm, Thornhill Drove, Ash	Mr M Cobden
11	MARTOCK	15/02867/S73A	Application to amend condition 2 of planning approval 13/02470/S73 to amend previously approved plans	Witcombe Farm, Witcombe Lane, Ash	Mr M Cobden
12	TURN HILL	15/01736/FUL	Erection of a dwellinghouse and change of use of land from agricultural to residential.	Land at Ham Hill, High Ham	Mr R Crane

Further information about planning applications is shown on the following page 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.

Agenda Item 9

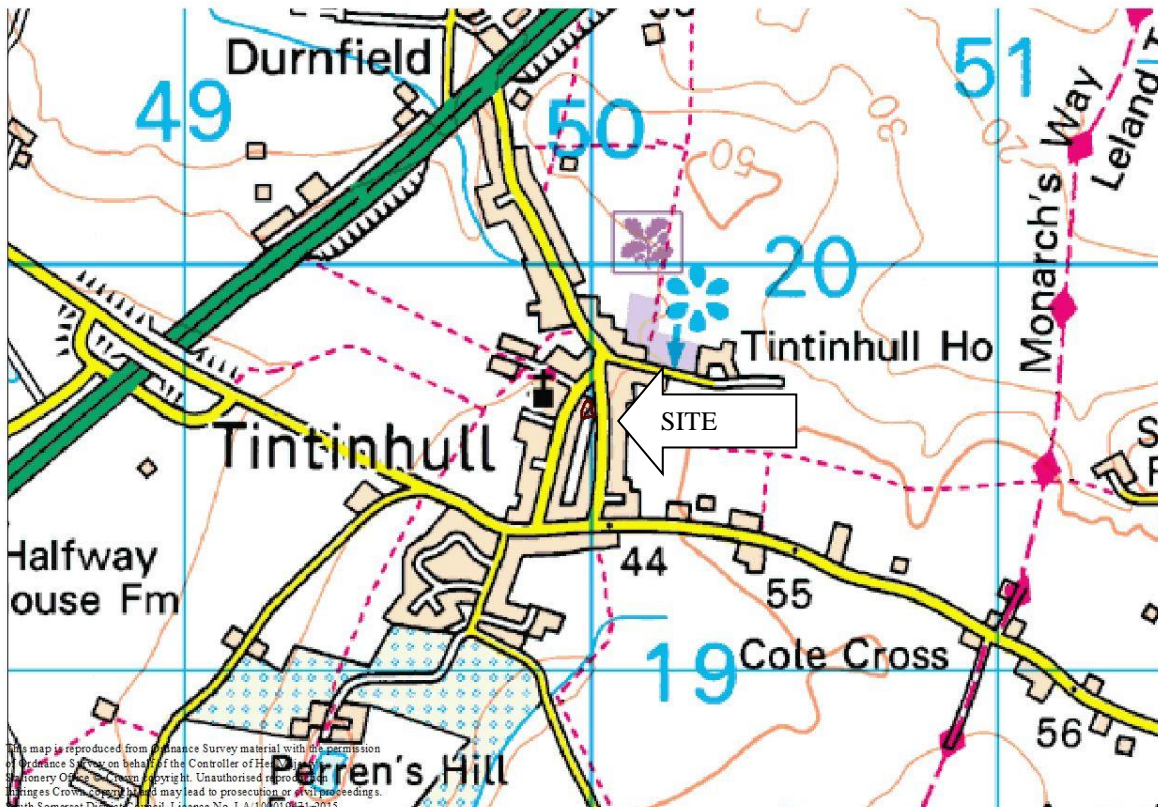
Officer Report On Planning Application: 15/02685/FUL

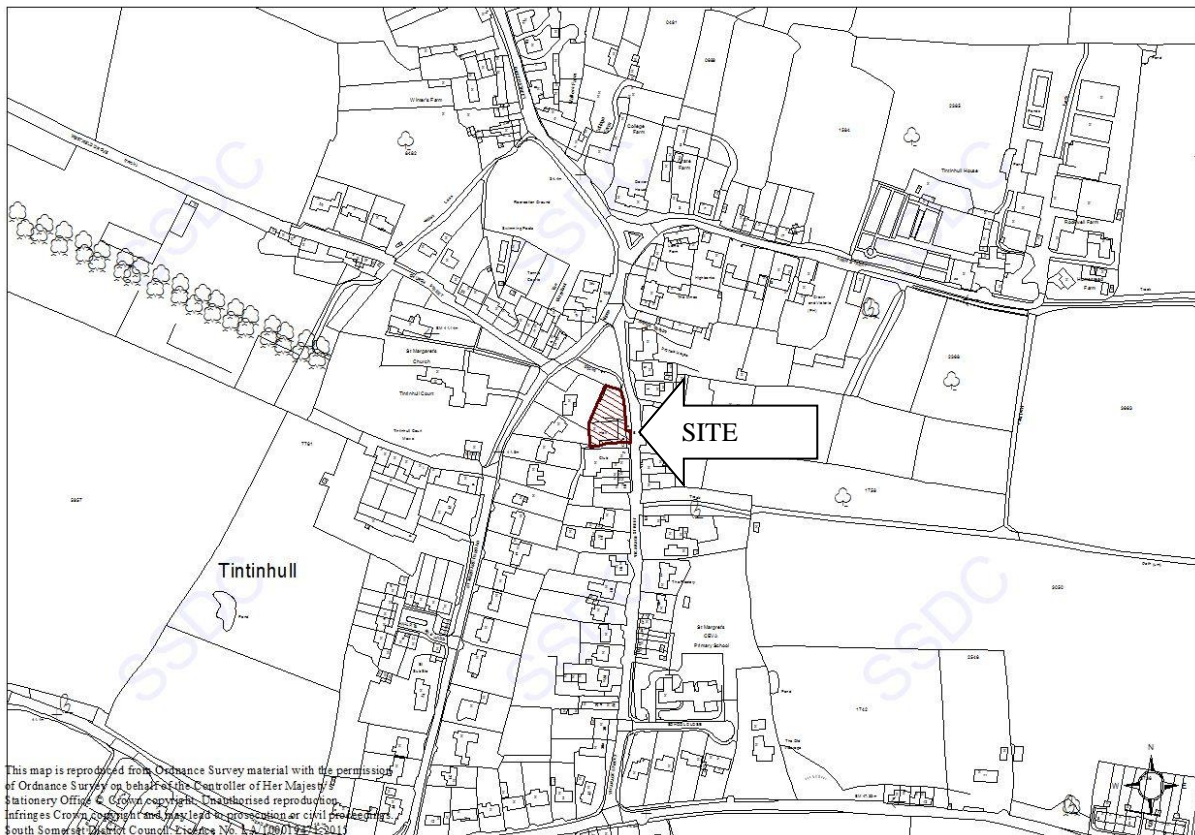
Proposal :	Demolition of existing building and the erection of a replacement village hall, new vehicular access, car parking and associated works. (GR 349989/119629)
Site Address:	Village Hall, Vicarage Street, Tintinhull.
Parish:	Tintinhull
ST MICHAELS Ward (SSDC Member)	Cllr Jo Roundell Greene
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	5th August 2015
Applicant :	Tintinhull Community Hall
Agent: (no agent if blank)	Boon Brown Architects, Motivo, Alvington, Yeovil BA20 2FG
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

The report is referred to the Ward Member as the recommendation does not accord with the views of local residents and the exact visibility splay requirements of the Highways Standing Advice cannot be met.

SITE DESCRIPTION AND PROPOSAL





The site is located centrally within the village, on the north side of Vicarage Street. To the north of the site is the village green; there are dwellinghouses to the west, with the Working Men's Club to the south. The site is within the Conservation Area. The site currently accommodates a village hall within its southern half, with a parking lot to the north.

Permission is sought for the demolition of the existing hall and the erection of a new multi-purpose replacement village hall.

HISTORY

The erection of the existing village hall was approved in 1953. Various small alterations and extensions have taken place, most recently in the 1990s. There is no relevant recent history.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

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

SD1	Sustainable Development
SS1	Settlement Strategy
SS2	Development in Rural Settlements
EP15	Protection and Provision of Local Shops, Community Facilities and Services
TA5	Transport Impact of New Development
TA6	Parking Standards
EQ2	General Development
EQ3	Historic Environment

National Planning Policy Framework (March 2012):

3. Supporting a prosperous rural economy
4. Promoting sustainable transport
7. Requiring good design
8. Promoting healthy communities
12. Conserving and enhancing the historic environment

National Planning Practice Guidance - Department of Communities and Local Government, 2014.

Policy-related Material Considerations

Somerset County Council Parking Strategy, March 2012 and September 2013.
Somerset County Council Highways Standing Advice, June 2013.

South Somerset Sustainable Community Strategy (2008-2026)

CONSULTATIONS

Parish Council: Noted: The Parish Council is the applicant.

Highways Authority: No express objection is raised. The Local Authority is referred to Standing Advice.

Highways Consultant: *With regards to parking, I consider the proposed level of car parking is sufficient and is generally in line with the optimum standards set out in the SPS. Some of the car parking spaces are a little constrained in terms of manoeuvring in and out of those spaces, but given the available space, I do not believe this to be an over-riding factor in this case. The motorcycle and cycle parking provision are welcomed.*

At the access point, it would appear possible to achieve a 2.4m x 43m visibility splay to the south (in addition to 2.0m x 43m). In the opposite direction, the proposed 2.0m x 43m to a point 2.0m off the carriageway should not create any significant issues - a 2.0m X distance is deemed acceptable in this case as Vicarage Street is considered to be lightly-trafficked and relatively slow-moving, and in addition, as the carriageway width is some 6.5m at the point of access, vehicles nosing out into the carriageway should not create any significant highways issues. The highway authority normally require visibility splays to be taken to the nearside carriageway edge or the vehicle track line. Taking the northerly splay to a point 2.0m off the carriageway edge may only become a problem if southbound vehicles have to overtake any vehicles parked on the opposite side of the road at that point; however, in my opinion, any such

overtaking is likely to be undertaken more cautiously (at a lower speed), and in any event vehicles would still be able to be seen by motorists emerging from the site access.

In light of the above, I believe the proposed arrangements are acceptable.

SSDC Conservation Manager: *This site in the centre of the village is in a key location within the Conservation Area.*

While not immediately adjacent to any listed buildings, development on the site will be visible from Francis House, grade 2, Tintinhull Court grade 1 and at least the approach to St Margaret's Church also grade 1 and further to the north Dower House grade 2 should be considered therefore to fall within their setting. This is not of course a presumption against but must, in accordance with EQ3,

- Safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets*
- Make a positive contribution to character through high standards of design which reflect and complement it and through the use of appropriate materials and techniques.*

In terms of the impact upon the settings, I would describe it as having slight to moderate impact. The impact on Francis House is from its front curtilage and is of the north, village green-facing side of the site where the hall gable would appear substantial although somewhat concealed by the existing tree. An additional tree on the green could help to further reduce impact. The view southwards from Dower House towards the Green and the site is a key one for this building but the angle and tree presence means that the proposal would be slight. The impact upon the setting the other assets would be largely of roof form occupying a presently a largely open line of sight across the site to the Lamb Inn.

I consider that the design is successful in the way that a large volume (the hall) is mitigated by the subservient forms that succeed in breaking up the mass of the whole. This together with suitable materials and colours would result in a generally positive contribution to the conservation area. Materials will be very important. A clay tile roof will be essential to blend into the surrounding built form and timber panelling particularly on the north gable should be muted in colour. The materials indicated, stone, buff brick etc, I regard as appropriate for this setting.

The building would be close to the boundary with 1 St Margaret's Rd although shading should not be significant and the bulk of the building reduced by the change of level.

If this is seen as a possible problem a shadow projection drawing could be sought.

In summary I consider the proposal to conform to the aims of the policy.

SSDC Environmental Protection Officer: No comment.

SSDC Area Development Manager: *As you will see from the Statement of Community Involvement submitted by the applicant, there has been significant local consultation over the past eight or nine years. This has been varied and has included open days and surveys. Consultation since 2011 focussed on the community's requirements from their village hall, culminating in the production of the 2012 Tintinhull Community Plan (endorsed by SSDC Area North Committee) and the decision to rebuild rather than refurbish the existing building. The village hall committee has been committed to keeping the residents informed of progress and has provided updates via the parish magazine. The subject has been a regular agenda item at Parish Council meetings and parishioners have also been invited to receive updates via email.*

Area Development (North) been supporting discussions and consultation about the future of the existing hall in Tintinhull over many years. The principle of a replacement community facility is a priority in the Area North Development Plan.

The most recent open days, at which residents were presented with two designs, were well attended and resulted in largely positive comments. Changes were made to the final design as a result, including lowering of the roofline. Although there remain concerns about the number of car parking spaces available, the committee has attempted to address these, e.g. in the way the parish council owned car park will be marked out. Local concerns about the position of the Millennium Tree in relation to the new building have also been taken into account.

We are currently assessing an application for financial support to this project, which includes a detailed business / operating plan. The project has made excellent progress towards achieving a grant from the Big Lottery, which involves considerable testing of local community needs and benefits.

We support this application, subject to your technical assessment of design and access etc.

Historic England: No comments offered: recommends that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

REPRESENTATIONS

Thirteen letters have been received in response to the application, eight raising objections and concerns, with the following main issues having been raised:

- the building will block existing views (particularly from neighbouring dwellings)
- there is concern about boundary walls being undermined
- impact on trees on adjoining land
- the building is too large and too tall, and would be over dominant
- boundary treatments are unclear, raising security concerns
- there is an existing well in the adjacent property next to the boundary
- the building is too close to the boundary of the nearest dwellinghouse
- the building will reduce light to dwellinghouses
- there will be increased noise from functions, which will cause a disturbance
- parking is inadequate, and would lead to unacceptable parking in the highway; it is pointed out that this is partially due to the larger size of the hall compared to the existing hall, accommodating more people and taking up existing parking space
- the proposal would cause traffic congestion
- property values will be affected
- the proposal represents overdevelopment of the site
- construction work will be disruptive and cause noise, dust and other nuisance

Five letters of support have been received, making the following main points:

- the proposal is in line with local community aspirations and wishes, after long processes of public involvement
- the proposal makes best use of the land to meet these aspirations
- the proposal will improve the poor facilities currently available, in terms of function, sound-proofing and appearance

- the proposal is of an appropriate design that respects the setting within the conservation area

CONSIDERATIONS

Principle of Development

The application seeks to replace the existing village hall, an important local facility for the village. Policy SS2 of the Local Plan is supportive of development which would create or enhance community facilities and services. The principle of the development is accepted.

Visual Impact

The replacement hall is significantly larger than the existing hall, using more of the available land. The height of the roof ridge is similar to the heights of existing buildings to south, east and west. The main roof ridge has been kept back from the road edge, and the massing of roofspace has been broken up, with subsidiary roofs to south and east. Visual interest has been provided in the street elevation by the creation of these subsidiary sections, with gable ends onto the road. The larger gable end fronts onto the village green, partly screened by the existing large memorial tree.

The building is to be finished in a mixture of natural stone and other materials, aimed at respecting the existing visual character of the setting in terms of materials, textures and colours.

The setting is sensitive, in the conservation area. The Conservation Manager has provided a detailed assessment of the impact (above) and raises no objection to the proposal.

It is considered that the proposal adequately respects the existing character and appearance of the setting within the conservation area (and within the setting of various listed buildings), and accords with the aims of the NPPF and the Local Plan in this regard.

Impact on Residential Amenity

Concern has been raised locally at the impact of the building on nearby residents. The larger part of the building has been placed midway between the residential properties to east (the former 'Lamb' building, across the road) and Nos 1 and 3 St Margaret's Road. The ridge height is similar in height to the roof heights of existing dwellings. A distance of approx 14m separates the nearest dwelling from the building - the ridge being approx 19m distant. The former Lamb in, across the road is 25m away from the main ridge of the building.

Although the building will be clearly visible, it is not considered that there would be any demonstrable and unacceptable loss of light. In response to comments made by the Conservation Manager, and at the request of the case officer, the applicant has prepared shadow diagrams indicating loss of direction sun across the neighbouring properties at different times of the year. It is not considered that these diagrams indicate a harmful loss of direct light.

The question of the size of the building has been raised as being likely to lead to an unacceptably dominant feature. Whilst it will be very evident viewed from the west side, it is considered that there is sufficient gap between the building and the nearest dwelling to mitigate the impact, which is not considered so severe as to warrant a refusal on amenity grounds.

No overlooking concern is raised by the proposal. There are windows in the main hall facing towards the west, but there are few and high level and would not result in any overlooking.

The issue of possible noise disturbance has been raised. This is a replacement building (not introducing a new use) for an existing local hall, subject to licensing control, which has functioned satisfactorily without causing amenity harm. Although larger than the original, the use of the hall is not considered likely to result in unacceptable noise nuisance. The Environmental Protection Unit has been consulted and raises no objection on this basis.

It is not considered that any amenity concern has been raised that would warrant refusal of the application.

Impact on Highway Safety

Standing Advice is referred to. In strict terms, the full prescribed visibility splays cannot be achieved as measured to the nearside carriageway edge in a northerly direction, as set out by the Highways Consultant. However, he further points out that the visibility which can be achieved is considered adequate to assure highway safety under the particular circumstances in this part of the village. It is not considered that there would be any highway safety harm raised by the proposal that would warrant a refusal of the application. As the proposal does not strictly accord with the County's Standing Advice, the report is referred to the Ward Member, under the Council's Scheme of Delegation.

Parking

The County Parking Strategy suggests 'optimal' ratios for non-residential parking (i.e. no minimum is prescribed). The Strategy suggest a ratio of 1 bay per 20 sq m, which in this instance would equate to 27 parking bays. Provision is made for 30 bays, plus parking for cycles and motorcycles. The proposal accords with the provisions of the Parking Strategy.

Concerns and Objections of Local Residents

The letters of representation have been carefully considered and evaluated. A site visit was made to the immediate neighbouring property (No 1 St Margaret's Road) to consider concerns raised. Issues of loss of light have been expressly considered as set out above. Most of the issues raised have been dealt with in the body of the report. However, the following additional comments are made:

- loss of views is not considered a material consideration for planning purposes
- boundary walls are matters protected in other legislation, although it is proposed to include a condition requiring detailing of boundary walls
- it is proposed to protect the oak tree on the green during construction; planting on adjacent dwellings is at a different ground level and will not be affected by development, although an informative note is proposed for the applicant drawing attention to the concern;
- control of noise and other future nuisance is subject to other legislation (licensing, environmental protection);
- perceived impact on property values is not a material consideration for planning purposes;
- nuisance during construction is controlled by other legislation, and is a temporary phenomenon not regarded as a material consideration for purposes of determination; however, it is proposed to include a requirement for a construction management plan to minimise disruption and nuisance during construction.

- parking provision accords with the Somerset Parking Strategy, and it is not considered that a refusal for this reason could be sustained.

EIA Regulations

Not relevant.

Conclusion

The proposal is a development put forward by the Parish Council that has demonstrated local support. It will lead to considerably improved local facilities which would contribute to the inherent sustainability and vitality of the settlement. Whilst this is a large replacement building in a visually and historically sensitive location, it is considered that the design has been well considered and developed, overcoming the obstacles to accommodation its form on the site. It is considered that the proposed building would enhance the sustainability of the village, and maintain the quality of the setting. No amenity, highway safety or parking concerns have been raised that would indicate a refusal of the application. Notwithstanding the concerns raised by local residents, the proposal is recommended for approval.

S.106 AGREEMENT

Not relevant.

RECOMMENDATION

Grant permission.

01. The proposal represents improved community facilities within this rural settlement that will contribute to the sustainability and vitality of the settlement. The development respects the character and appearance of the conservation area, and causes no demonstrable harm to the setting of listed buildings, residential amenity or highway safety. The proposal accords with the aims of the NPPF and Policies SD1, SS2, EQ2, EQ3, TA5 and TA6 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: the drawings ref.3547 numbers 101, 102, 103, 104 and 105.

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

03. No development hereby permitted shall be commenced unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority:

- a) materials (including the provision of samples where appropriate) to be used for external walls and roofs; these details shall be supported by a sample panel of natural stone indicating coursing and pointing which shall be made available on site prior to commencement;
- b) full design details and material and external finish to be used for all windows, all external doors, lintels, entrance gates, boarding and openings;
- c) details of all eaves and fascia board detailing, guttering, downpipes and other rainwater goods; and
- d) details of the surface material for the parking and turning area; and
- e) details of all boundary treatments

Reason: To safeguard the character and appearance of the area and to accord with the NPPF and Policies EQ2 and EQ3 of the South Somerset Local Plan.

04. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, to include proposals for planting on relevant parts of the land shown edged blue on the submitted Location Plan ref. 3547/010. The scheme shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. Thereafter, the scheme shall be retained and maintained.

Reason: To safeguard the character and appearance of the area and to accord with the NPPF and Policies EQ2 and EQ3 of the South Somerset Local Plan.

05. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts such as noise, dust, fumes and vibrations. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety and residential amenity, and to minimise the impacts of the construction of the development in accordance with the aims of the NPPF and Policies EQ2 and TA5 of the South Somerset Local Plan.

06. Prior to commencement of this planning permission, site vegetation clearance, demolition of existing structures, ground-works, heavy-machinery entering site or the on-site storage of materials, an Arboricultural Method Statement and a Tree and Protection Plan shall be prepared in accordance with British Standard 5837: 2012 -

Trees in relation to design, demolition and construction and these details shall be submitted to the Council. On approval of the tree protection details by the Council in-writing, a site-meeting between the appointed building/groundwork contractors, the Site Manager and the Council's Tree Officer (Phil Poulton: 01935 462670 or 07968 428026) shall be arranged at a mutually convenient time. The locations and suitability of the tree protection measures (specifically the fencing & signage) shall be inspected by the Tree Officer and confirmed in-writing by the Council to be satisfactory prior to commencement of the development. The approved tree protection requirements shall be implemented in their entirety for the duration of the construction of the development and the protective fencing may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of protected trees in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

07. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Such provision shall be made before commencement and maintained thereafter at all times.

Reason: In the interests of highway and to accord with Policy TA5 of the South Somerset Local Plan.

08. There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of the visibility splays shown on the submitted plan received on 14 July 2015 (as referred to in the additional information submitted by email on 13 July 2015). Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway and to accord with Policy TA5 of the South Somerset Local Plan.

09. Prior to the building hereby approved being brought into use, the parking and turning areas shown on the submitted plan ref. 3547/101 shall be properly surfaced (not loose stone or gravel) and laid out, including the clear demarcation of parking bays, in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall thereafter be permanently retained and maintained.

Reason: In the interests of highway and to accord with Policy TA5 of the South Somerset Local Plan.

10. To ensure orderly parking on the sites (including parking shown within the area bordered blue on the submitted Location Plan ref. 3547/010) and thereby decrease the likelihood of parking on the highway, the car parking areas shown on the submitted plan ref. 3547/101 shall be marked out in accordance with a scheme to be agreed in writing by the Local Planning Authority prior to the car park being brought into use. The scheme of marking shall thereafter be permanently retained and maintained.

Reason: In the interests of highway and to accord with Policy TA5 of the South Somerset Local Plan.

11. The access hereby permitted shall not be brought into use until dropped kerbs at the access and full-height kerbing and pedestrian pavement across the site frontage at the carriageway edge have been installed in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include a vehicle cross-over constructed across the footway fronting the site for the width of the access. Once approved and implemented, the agreed details shall be permanently retained and maintained.

Reason: In the interests of highway and to accord with Policy TA5 of the South Somerset Local Plan.

Informatives:

01. The applicant's attention is drawn to the need to obtain the necessary permit (Section 184 licence) from the Highway Authority (Somerset County Council) to undertake works to the access within the highway area.
 02. The applicant's attention is drawn to the advice from the owner of the adjoining property, No 1 St Margaret's Road, that there is an existing well on the boundary of the site (towards the southern end of the shared boundary between the site and the adjoining property to the west), which might have some impact on consideration of foundation details.
 03. The applicant's attention is drawn to the concern for the protection of vegetation (an existing cherry laurel) on the shared boundary between the site and No 1 St Margaret's Road. The applicant is advised to consult the owner of the property in this regard prior to commencement of work.
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Agenda Item 10

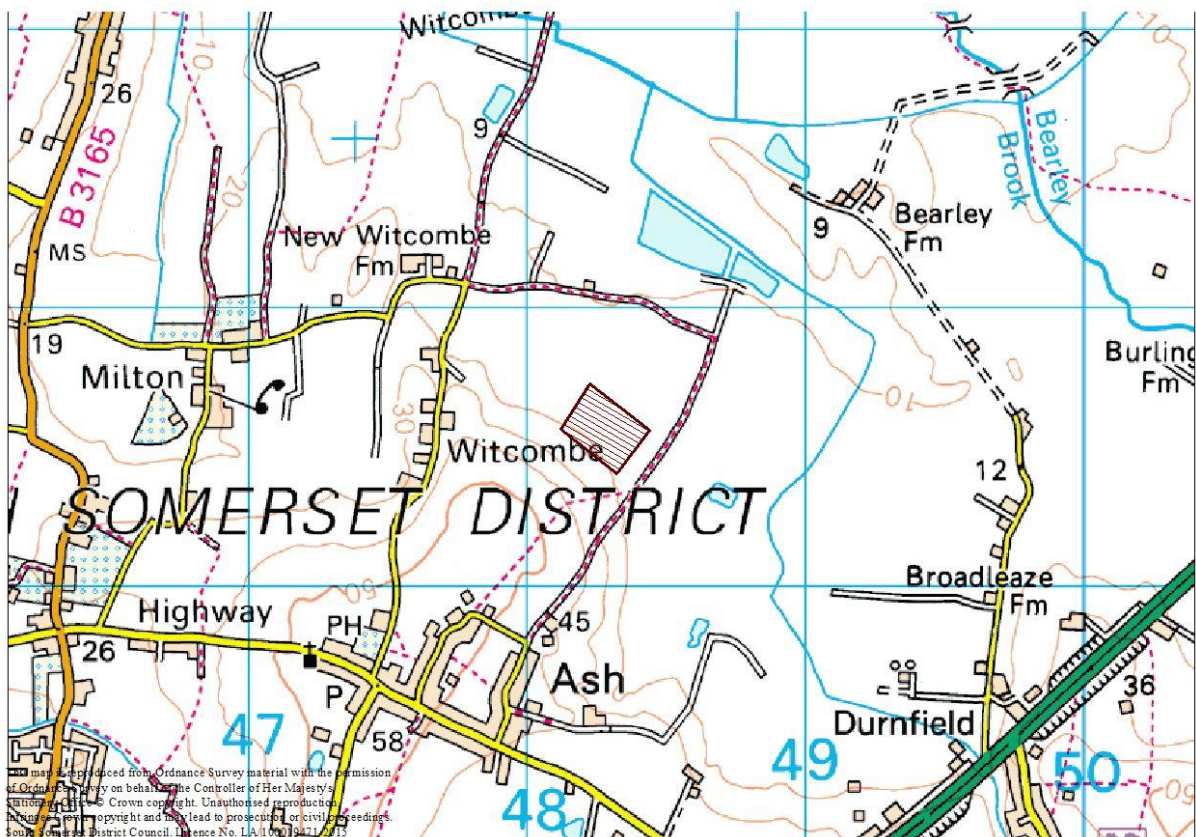
Officer Report On Planning Application: 15/01725/FUL

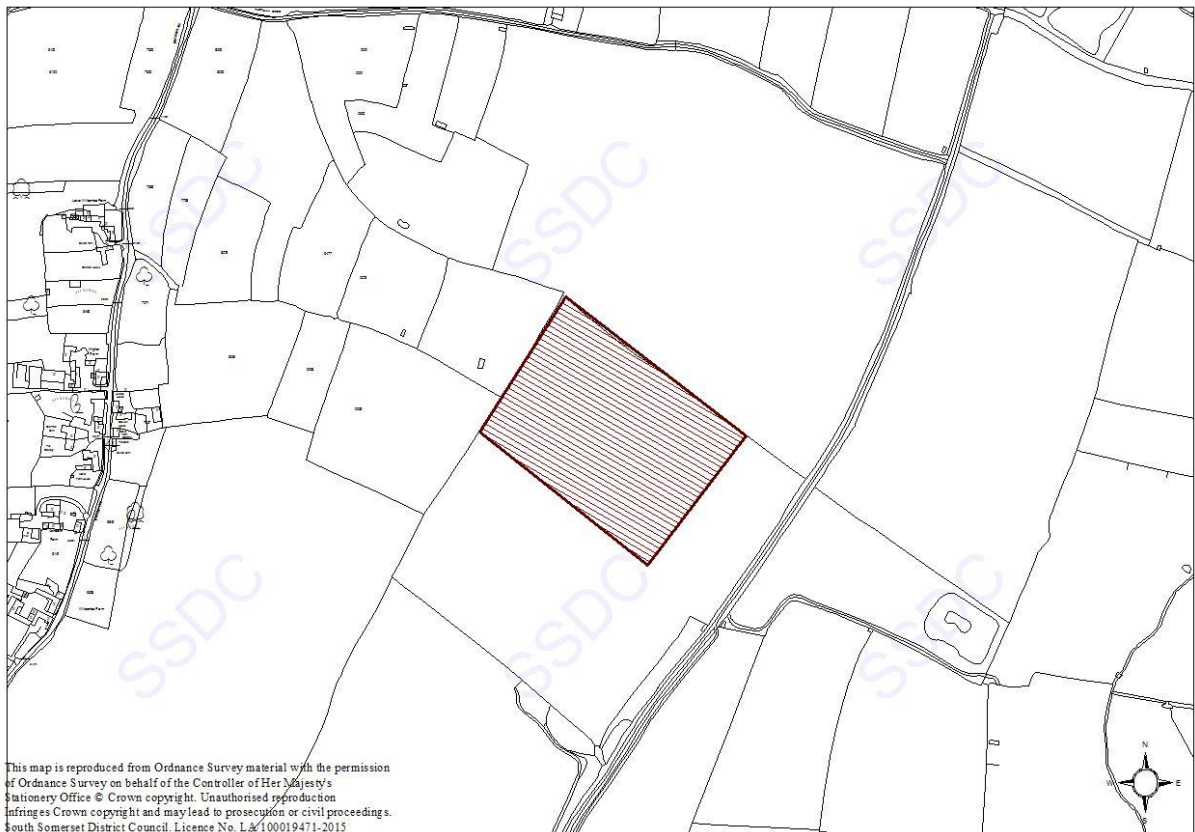
Proposal:	Engineering works to be carried out to provide a new Slurry Lagoon for the Dairy Unit (GR:347886/121967)
Site Address:	Land At Lower Witcombe Farm, Thornhill Drive, Ash.
Parish:	Ash
MARTOCK Ward (SSDC Member)	Cllr G Middleton Cllr N Bloomfield
Recommending Case Officer:	Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	28th July 2015
Applicant :	Mr Matthew Cobden
Agent: (no agent if blank)	Mr Vic Wheeler, Bourne Works, Collingbourne Ducis, Marlborough, Wiltshire SN8 3EQ
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO AREA NORTH COMMITTEE

The size of the proposed development is such that under the scheme of delegation the application must be determined by committee.

SITE DESCRIPTION AND PROPOSAL





This application is seeking planning permission to carrying out engineering works to construct a slurry lagoon.

This application follows the granting of planning permission, 12/04945/FUL and subsequently 13/02470/S73, for a new 1000 cow dairy farm. This development included a slurry lagoon which was to be positioned within the northeast corner of the new farm site however the development was not carried out entirely in accordance with the approved details and the space where the slurry lagoon was to be constructed has been partly built into by other structures. A separate application (15/02867/S73A) is ongoing to address the other alterations to the farmyard and the slurry lagoon sought under this current application is required in place of that previously approved.

Witcombe Farm is a 1100 acre dairy farm and is split across two sites, the new farmyard referred to above and the old farmyard which is located a short distance to the west on the south side of Screech Witch Hill lane.

The application site for the proposed slurry lagoon is within the southwest corner of the field immediately to the south of the new farmyard and is within a slight natural dip. The field is enclosed by native hedgerows and a public footpath (Y 1/3) passes diagonally across the southeast corner of the field as does a high pressure gas pipeline. The site of the lagoon is positioned away from the gas pipeline but within the consultation buffer zone. Whilst the site of the new farmyard is within the consultation zone for various designated wildlife sites, including RAMSAR, SSSI, RSPB reserve and County Wildlife sites located to the north / northeast/west of the site, the site of the slurry lagoon is outside of these zones. It is noted that the wildlife site to the north is also a commercial fishery known as Ashmead Fishery.

The new farmyard site is accessed via Thornhill Drove, a green lane, along which passes a public footpath (Y1/17), which in turn gives on to Witcombe Lane. Under the previous

approvals it was agreed that farm traffic would arrive and leave via Witcombe Lane and would not use Ashmead Drove which leads into Back Street / Burrough Street in Ash.

The nearest residential properties are approximately 470m to the west of the site situated along Witcombe Lane with the nearest properties in Ash more than 700m to the south. There are a number of listed buildings within Witcombe however these are some distance from the site.

RELEVANT HISTORY

Planning history in respect of the new farmstead:

13/02470/S73: Section 73 application to amend condition 2 (Approved plans - to amend position of parlour building) and to discharge condition 3, 7, 8, 9, 10 and 13 on planning approval 12/04945/FUL. Permitted.

12/04945/FUL: Creation of a new dairy farm. Permitted.

Planning history in respect of the existing farmstead:

12/04552/FUL: Erection of an extension to a livestock building. Permitted.

12/03665/AGN: Notification of intent to erect an extension to an agricultural building to house straw and machinery. Permission required 2012.

97/02192/AGN: Notification of intent to erect a cattle shed. Permitted.

91067/C: Erection of agricultural buildings and use of an existing access. Permitted.

91067/B: Erection of agricultural dairy buildings including two silage barns, two cow buildings, loose boxes, bull pen, milking parlour and dairy and alterations to existing access. Permitted.

91067: Erection of an agricultural dwelling. Permitted.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be 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 policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

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

SD1 – Sustainable Development

TA5 – Transport Impact of New Development

TA6 – Parking Standards

EQ2 – General Development

EQ3 – Historic Environment

EQ4 – Biodiversity

EQ7 – Pollution Control

National Planning Policy Framework:

Part 1 – Building a strong, competitive economy

Part 3 – Supporting a prosperous rural

Part 4 – Promoting sustainable transport

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
Part 12 – Conserving and enhancing the historic environment

CONSULTATIONS

Ash Parish Council: Whilst it is accepted that the slurry lagoon is a necessity for the dairy farm there was a considerable amount of concern from the people living in the village that the proposed change of site would bring the lagoon closer to residential properties and would be likely to cause more of an impact due to smell. For this reason the Parish Council would prefer to see the lagoon within the curtilage of the site, also for odour tests to be carried out to determine the likely effect on residents of the village. They further note that the odour model shows that residents in Witcombe will be on the edge of the 'moderately offensive' zone so there will be times when they will suffer a loss of amenity.

Long Load Parish Council (adjoining parish): There was some concern that this may create extra traffic through Long Load.

Martock Parish Council (adjoining parish): No comments received.

Tintinhull Parish Council (adjoining parish): No comments received.

County Highways: No observations

SSDC Highway Consultant: No significant highway issues provided the spoil is not being taken off site.

County Rights of Way: (Comments from previous application) There is a public right of way (PROW) that runs over the access to the site (footpath Y 1/17). The proposed works must not encroach on the width of the footpath and the health and safety of walkers must be taken into consideration during works. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the development. It is an offence to drive a vehicle along a public bridleway unless the driver has lawful authority to do so.

County Archaeologist: No objections

Health and Safety Executive: Do not advise, on safety grounds, against the granting of planning permission.

National Grid: No comments received.

Environment Agency: No objections. You may feel that the conditions as per our responses to the previous applications (relating to a Construction Environment Management Plan and Farm Nutrient Management Plan) should apply to this new application.

Lead Local Flood Authority: No comments.

Environmental Protection Unit: No objections. I have read the odour assessment and agree with the method, results and conclusion of the report.

Natural England: No comments.

SSDC Ecologist: No comments or recommendations

Landscape Officer: No landscape objection.

The proposal places the lagoon in the northwest corner of the field to the south of the current dairy complex site. On the negative side, the lagoon is geometric in expression, and thus clearly a utilitarian structure rather than a natural feature, and its presence is exacerbated by the introduction of security fencing around the lagoon, and site safety notices. However, whilst this extends the operational footprint further south than was envisaged by the original layout, the potential effect upon the landscape is likely to be limited as the proposal is primarily a localised cut and earth fill exercise, resulting in a rectangular 'pool' area, modelled into the landform and grassed over.

In itself, the proposal will have a minimal landscape impact, and one that is primarily visual, for earth embankments and lagoon forms are not uncharacteristic of the moors and their edge, and as I understand it there is no built expression, the fencing aside. Visually, the site is contained from wider view, other than the right of way that crosses the field to the south of the site, from where the lagoon will clearly be apparent. Noting the geometric layout, and need for fencing, the proposal will have the capacity to draw the eye, yet it is not an overly dominant structure. Consequently I am satisfied that with a sympathetic approach to site enclosure and landscape treatment, the impact of this development can be mitigated, and to that end I would suggest;

- (a) The form of site fencing should be dull-toned and aim to maximise transparency. As such, the form of fencing should be agreed and a sample submitted for approval;
- (b) The presence of fencing will be exacerbated to passing view by the likely difference in grass management regimes inside and outside of the fence, which will highlight the geometric outline of the lagoon and its surround. I would suggest that an outer, sinuous fence line, is established across the corner of the field, with the land behind this fencing and containing the lagoon ideally left unmanaged, or at least subject to two-annual grass cut meadow management, to thus enable long grass/tall herbs/scrub to play down its outline, and;
- (c) Selective tree planting is grouped behind this outer fence line, located to break up the outline of the lagoon.

If these mitigation elements can be agreed, then I have no further landscape issues to raise.

REPRESENTATIONS

Written representations have been received from 14 local households raising the following concerns and objections to the proposal:

- The drip-feed nature of the changes have left the LPA and local residents in the dark regarding the developer's long-term intention for the site. The inclusion of an Anaerobic Digester at this late stage is an example of this.
- The slurry lagoon is only required because the applicant has totally ignored the original approved plans and has increased the working capacity and layout of the farm to accommodate more cattle. Who knows what the final headcount of cows will be.
- The works carried out have been done without full impact assessments to determine the effect on the surrounding villages, roads or environment.
- The lagoon appears to be bigger than currently required and I am therefore worried that is being done in advance of further piecemeal alterations to this dairy scheme.
- The application cites sustainable agricultural development objectives, this should surely include its environmental impact as well as business sustainability which in this context is

not sustainable.

- This 1000 cow dairy unit is operating without a slurry lagoon.
- On the original application the cow numbers stated was 800, the later Section 73 application added 200 cows via a note on a building drawing and not mentioned in any text statement. At a public meeting held on 01/06/2015
- There should be a condition restricting the number of cows accommodated on site to 1070 as the slurry lagoon can only support this number.
- Further information should be provided setting out how many tractor movements are needed to empty the lagoon.
- There is no application for a bio-digester so there is no need to change the position of the lagoon from that approved.
- The effluent system and lagoon should be constructed and positioned in accordance with the original planning approval.
- The slurry lagoon will be placed outside the agreed curtilage of the new dairy and mean that the dairy complex will encroach further towards Ash village.
- The lagoon will be between the village and the landscaping required as part of the original permission.
- Loss of yet another field to development.
- The lagoon will be clearly visible from the footpath overlooking and running through this field. Its original location was contained within the farm site and could not be seen by the general public. There is still space to locate a lagoon of this size within the original site.
- The new lagoon must be fully landscaped.
- The applicant has a second slurry lagoon half a mile away, how will the applicant dispose of the effluent from both of these lagoons. There are strict controls on the volume of slurry that can be applied to fields, they will be transporting slurry away from their farm to other locations via tractor.
- Department of agricultural and rural affairs best practice states that to prevent water, air and soil pollution slurry lagoons should be covered. No responsible LPA should pass a slurry lagoon which does not conform with best practice?
- We have smelt the dairy on three occasions in June (the iodine smell used for cleaning), if this smell is so pervasive the slurry lagoon built closer to use would most certainly cause problems with smells.
- The smell can / will last for days.
- This new location pushes the lagoon closer to the village and will cause problems with flies and odours to nearby residents. A closed lagoon might reduce these problems.
- The increase in lagoon size by 8000 cubic metres or by 33% increase from that originally approved means more slurry will need to be spread on the land. This must be injected into the ground and not just sprayed on to the surface in order to reduce odours.
- The position of the lagoon will provide an area of dead ground that will be available for further extensions.
- The position of the lagoon is to facilitate the development of an Anaerobic Digester (AD) in the future. The lagoon should be considered together with the potential AD plant. These various developments will result in a large scale industrial complex covering many acres.
- The delay in constructing the slurry pit has result in the continuous movement of tractors hauling away slurry from the site on the roads around Ash, contrary to the traffic impact assessment.
- Traffic movements have increased far above the original estimates. Tractors were ignored in the last assessment as they would be contained within the farm land.
- The increased traffic movements are destroying and eroding the grass verges. A larger farm operating with a 50% increase in slurry will only make this worse.
- Residents of Witcombe have endured horrendous traffic conditions during the last 18 months during the construction period. The necessity to service the dairy complex by huge

modern farm equipment is ongoing and it is now very apparent that this road will not withstand these pressures.

- There should be no further increase in the already dangerous traffic through the village, especially agricultural vehicles.
- Road surfaces and verges are constantly being eroded and the threat of a major accident is imminent. In hind sight, a facility of this magnitude should only have been approved on a site where access to a main highway is available.
- The dairy complex is accessed down a single track road accessed through a village which is inappropriate for large volumes of traffic including HGV's including large farm tractors and implements.
- The new lagoon site plan does not show how to access this site for removal of slurry. The access must be directly through the farm as per the original approval.
- New scalpings have been laid along Ash Drove, I am worried that this is being prepared for large farm vehicles / lorries which would come in via Burrough / Back Street.
- The lagoon will be built on land that is used for providing feed for the dairy. The dairy is reliant on silage and other crops being brought in from some distance on public roads. Building on this land will result in increased traffic.
- Every time a tractor passes my property, my house vibrates.
- Concerned about the unofficial passing place in front of our house (Ashdown Farm).
- What if the soil tests show that the site is unsuitable for the lagoon?
- We own Ashmead Fishery, a 17 acre wetland and fishery which supports a wide range of wildlife including otter, bittern, osprey, hobby, peregrine falcon, owl, warbler and marsh harrier, all of which are dependent upon the rich and unpolluted nature of the wetland. This large scale open slurry store will create a new and unacceptable pollution risk to our property. This type of lagoon has failed elsewhere, this would be catastrophic for our property and the catchment downstream.
- The existing development has already caused pollution problems due to silage effluent run-off entering the drainage ditches.
- The smell from the slurry lagoon will directly affect the value and amenity of our property (Ashmead Fishery) and the enjoyment of those who visit. This could significantly affect our income. This similarly would affect the amenity of any using the footpaths around the site.
- The plans do not mention the planned location for storing solids / manure after separation.
- The dairy has been in operation without an adequate effluent disposal system which explains why slurry is being pumped and removed by tankers on a daily basis, sometimes from 6.00am until late in the evening.
- The dairy was brought into production before the developers complied with the existing planning conditions.
- Lack of action by the planning authority in response to breaches of the original permissions.
- The applicant should be made to revert to the original approved plans.
- Consultation by the owner / developer in relation to the development of this site has been poor.

Representations have been received from a further local household in support of the slurry lagoon. They note that that it may be that previous applications have not been complied with in every detail but that is a separate matter which needs to be dealt with in a proportionate manner. They are of a very strong view that a dairy unit of this size must have a fully sized and properly designed slurry management plan. The alternative to this involves numerous trailers of slurry being driven through our hamlet which is unacceptable. An acceptable agricultural waste traffic and slurry plan must be properly implemented and managed and that this be a condition of an approval of this application. My concern is that local sentiment will be arguing for rejection of the application for the new slurry lagoon when in fact that is exactly what is needed as part of a suitable slurry management plan.

CONSIDERATIONS

This application is seeking permission to construct an earth-lined slurry lagoon to serve the new dairy farm at New Witcombe Farm. The application follows the granting of planning permission, 12/04945/FUL and subsequently 13/02470/S73, for a new 1000 cow dairy farm. This development included a slurry lagoon which was to be positioned within the northeast corner of the new farm site however the development was not carried out entirely in accordance with the approved details and the space where the slurry lagoon was to be constructed has been partly built into by other structures. A separate application (15/02867/S73a) is ongoing to address the other alterations to the farmyard and the slurry lagoon sought under this current application is required in place of that previously approved.

Substantial local concern has been raised in relation to the development at New Witcombe Farm, in particular that it has not been built in accordance with the approved details and is being sought in a piecemeal fashion. They have made reference to the applicant's intention to install an anaerobic digester in the future and that this is one of the reasons why the lagoon is proposed in this new position. They have also stated that there is room within the existing farm site for the lagoon to be accommodated. A commonly expressed view within the public representations is that the farmer should be made to revert back to the approved scheme.

Whilst it is unfortunate that the development has been carried out without full compliance with the approved details the applicant has a right to regularise the situation through a retrospective application which he is attempting to do with this application and the associated Section 73a application. He is also entitled to seek to reposition the lagoon in a manner that fits with the future operating requirements of his business. It is the merits of this proposal as submitted that must be considered, its outcome should not be influenced by the rights and wrongs of how the new farm has been developed.

The key considerations in respect of this application are considered to be landscape impact and visual amenity, impact of the amenity of nearby residents, pollution / contamination control and highway safety.

Principle:

The NPPF sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved and that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefit when assessed against the policies of the NPPF.

It has already been noted above that this slurry lagoon is required in association with an approved 1000 cow dairy unit. Although this proposal will result in the further encroachment of built form into farmland, given its agricultural nature and its essential need for the proper functioning of this holding it is considered to be acceptable in principle.

There have been queries as to the need for a slurry lagoon of this size and suspicion that it has been designed to allow the expansion of this dairy unit in the future. Whether the applicant is considering further expansions to his farm enterprise in the future is not relevant to this application. It is acknowledged that the lagoon is larger than that originally approved as part of the original farm scheme, and that its capacity (24,325 cubic metres) allows for six months storage capacity which is in-excess of the five month capacity currently required by the Environment Agency (EA). This increased capacity however allows for excessive rainfall and gives the farmer greater flexibility in terms of how they manage their farm waste, i.e. when the slurry is spread, and also helps to future proof the farm in regard to possible future legislation

changes. The EA has raised no objection to this proposal and as such the principle of the size of the lagoon is considered to be acceptable.

Visual amenity and landscape impact

There are local concerns that this application represents the further expansion of the new farm site, that the lagoon sits outside the area of landscaping agreed as part of the approved scheme and that it will be visible from the public footpath that passes across the southeast corner of the application field.

The proposed slurry lagoon measures 120 metres long and 60 metres wide and is in the position of an existing natural compression within the contours of the field and close to the northwest corner of the field and will be constructed on a cut and fill basis with the excavated soil spread around the lagoon area. The dug-in nature of the lagoon means that its presence within the wider landscape will be relatively limited. Although its geometric shape is far from natural in appearance the Landscape Officer is of the opinion that the earth embankments and lagoon form is not at odds with this edge of moor setting and that other than from the public right of way that crosses the field and brief views from Ashmead Drove it will by and large be well contained visually. Subject to the position, type and colour of the fencing being agreed as well as an appropriate landscaping scheme to include meadow planting and trees, which can both be secured through condition, this proposal is not considered to raise any substantive visual or landscape harm.

Highway safety:

The lagoon itself is not considered to raise any new highway safety concerns. It is to be accessed directly from the new farmyard which in turn is accessed by Thornhill Drove and on to Witcombe Lane to the west. Under the Farm Waste Management Plan (FWMP) agreed under application 13/02740/S73a the slurry would be transported to the fields adjacent to the dairy, which totals around 230 hectares, by an umbilical system and by tanker for land that is further afield. The applicant has confirmed that this remains their intention and it is accepted that this can be secured through an updated FWMP by way of condition. On this basis there is no reason why the proposed lagoon would result in any increased traffic or other highway related concerns to that which could be potentially generated by the approved scheme.

There have been numerous concerns raised by members of the public in relation to increased traffic through Ash and along Witcombe Lane since works on the farmyard commenced and the impact that this has had on highway safety and the condition of the highway and the verges. Much of this traffic however would appear to relate to construction traffic whilst the new farm was being built and which overlapped with the farm coming into operational use. The lack of a slurry lagoon has also significantly contributed to this as it would appear that without this storage facility and the pipework in place to transport it the farmer has been disposing of the muck as it is generated, i.e. on a continuous daily basis.

Residential amenity:

The proposed slurry lagoon will be within approximately 470m + of the nearest nearby residential properties situated along Witcombe Lane to the west, with other properties within the village of Ash approximately 700m to the south. A number of objections have been raised that this proposal moves the slurry lagoon closer to residential properties to that previous approved and that it will result in harm to their amenity as a result of odour and flies. During the course of the application the applicant has provided an Odour Impact Assessment report. SSDC's Environmental Protection Officer has carefully considered this report and accepts that the methodology used and its findings are sound and that odour exposure levels will be within

acceptable levels. The EP Officer further notes that odours issues usually only occur during spreading activities which are infrequent and are to be expected in rural areas and generally accepted subject to these activities according with the relevant associated environmental codes. The EP Officer raises no other concerns or any objections to this proposal, on this basis there is no reason to expect that this proposal should result in any demonstrable harm to residential amenity either by way of odour, flies or other nuisances.

Pollution / Contamination:

The Environment Agency are satisfied with the details of this proposal and subject to a revised Farm Waste Management Plan secured by way of a condition, and referred to earlier in this report, they raise no objection.

The owner of Ashmead Fishery, which is a 17 acre wildlife site and commercial fishery, is concerned that the lagoon could be a pollution risk to their property and have stated that similar lagoons elsewhere have been known to fail with catastrophic results. Provided the lagoon is constructed in accordance with the EA's requirements there is no reason why the proposed lagoon should fail and it cannot be assumed that the applicant will not construct the lagoon appropriately. Should any such failure occur then they will be in breach of separate environmental legislation and at risk of prosecution by the EA as well as possible private legal action by affected third parties.

Other matters:

The application site lies outside any designated ecologically important areas or their consultation areas. The Council's Ecologist raises no concerns or recommendations in regard to this proposal.

The position of the lagoon development is away from the public footpath and therefore is no reason why it should adversely affect this public right of way.

A high pressure gas pipeline passes through the application field and the Health and Safety Executive (HSE) and pipeline operator, the National Grid, have both been consulted. No comments have been received from the National Grid however the HSE has raised no objection.

There are a number of listed buildings within Witcombe however these are some distance from the site and it is not considered that the proposal, especially in view of its low profile and the approved dairy unit next door, would have an adverse impact upon their setting.

Conclusion

Notwithstanding the concerns and objections raised locally, it is considered that for the reasons set out above that the proposed slurry lagoon, which is required for the proper operational running of this dairy unit will not result in any new substantive adverse impact on visual amenity or landscape character, residential amenity, highway safety, pollution control or other material planning consideration. Indeed it is anticipated that the provision of the slurry lagoon should help to reduce traffic levels that have been experienced since the dairy first became operational and address many of the highway related concerns. On this basis the proposal is considered to be an acceptable form of development and is therefore recommended for approval.

RECOMMENDATION

Grant consent for the following reason:

The proposed slurry lagoon, which is essential infrastructure required for the proper operational running of this holding is, by reason of its nature, position, scale and design, considered to be an appropriate form of development that causes no demonstrable harm to visual amenity or landscape character, residential amenity, highway safety, pollution control, ecology or any heritage assets and as such accords with the aims and objectives of policies SD1, TA5, TA6, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

Subject to the following conditions:

01. The development hereby permitted shall be carried out in accordance with the following approved plans drawings numbered 01920-00-R DRG No 01 (Location Plan) and 00460-03 sheet 01 (Plans and Sections) received 20/04/2015 and 01920-00-R DRG No 02 (Location Plan) received 28/04/2015.

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

02. The slurry lagoon hereby permitted shall be constructed and become fully operational within four months of the date of this permission.

Reason: The slurry lagoon is essential to ensure the proper functioning of the associated dairy unit, in particular the Farm Waste Management Plan, to accord with policies SD1, TA5 and EQ7 of the South Somerset Local Plan.

03. The development hereby permitted shall not be commenced unless details of all new fencing, to include details of position, design, colour and finish has been submitted to and agreed in writing by the local planning authority. The approved details shall be implemented in full and shall thereafter be maintained and retained in this fashion unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of visual amenity to accord with policy EQ2 of the South Somerset Local Plan.

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

Reason: In the interest of visual amenity to accord with policy EQ2 of the South Somerset Local Plan.

05. Notwithstanding the submitted details, the development hereby approved shall not be commenced unless a Construction Environmental Management Plan, incorporating

construction details of the slurry lagoon, has been submitted to and approved by the local planning authority. The plan shall subsequently be implemented in full accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To prevent pollution of the water environment in accordance with policy EQ7 of the South Somerset Local Plan and Part 11 of the NPPF.

06. The development hereby approved shall not be commenced unless a Farm Waste Management Plan has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in full accordance with the approved details and agreed timetable and shall thereafter be permanently complied with unless otherwise agreed in writing by the local planning authority.

Reason: To prevent pollution of the water environment to accord with policy EQ7 of the South Somerset Local Plan and Part 11 of the NPPF.

07. All vehicle movements to and from the slurry lagoon hereby permitted, shall be via the adjacent dairy unit immediately to the south and shall not be via Ashmead Drove to the west.

Reason: In the interest of highway safety as Ashmead Drove, by reason of its means of egress into Burrough and Back Street, which are narrow lanes with few passing places, is not considered to be an appropriate route for use by large farm vehicles and machinery to accord with policy TA5 of the South Somerset Local Plan.

Informatives:

01. The proposed development must comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 (SSAFO). These regulations aim to prevent water pollution from stores of silage, slurry and agricultural fuel oil. They set out requirements for the design, construction and maintenance of new, substantially reconstructed or substantially enlarged facilities for storing these substances. Storage facilities should be sited at least 10 metres from inland freshwater or coastal water and have a 20-year life expectancy. The applicant must notify the Environment Agency in writing about any new, substantially enlarged or substantially reconstructed system at least 14 days before it is first used. Further information on the regulations can be viewed at <http://www.environment-agency.gov.uk/business/sectors/118798.aspx>.
02. Please note the comments made by County Rights of Way dated 21/01/2013 in respect of any disruption to the public footpath that bounds the site.
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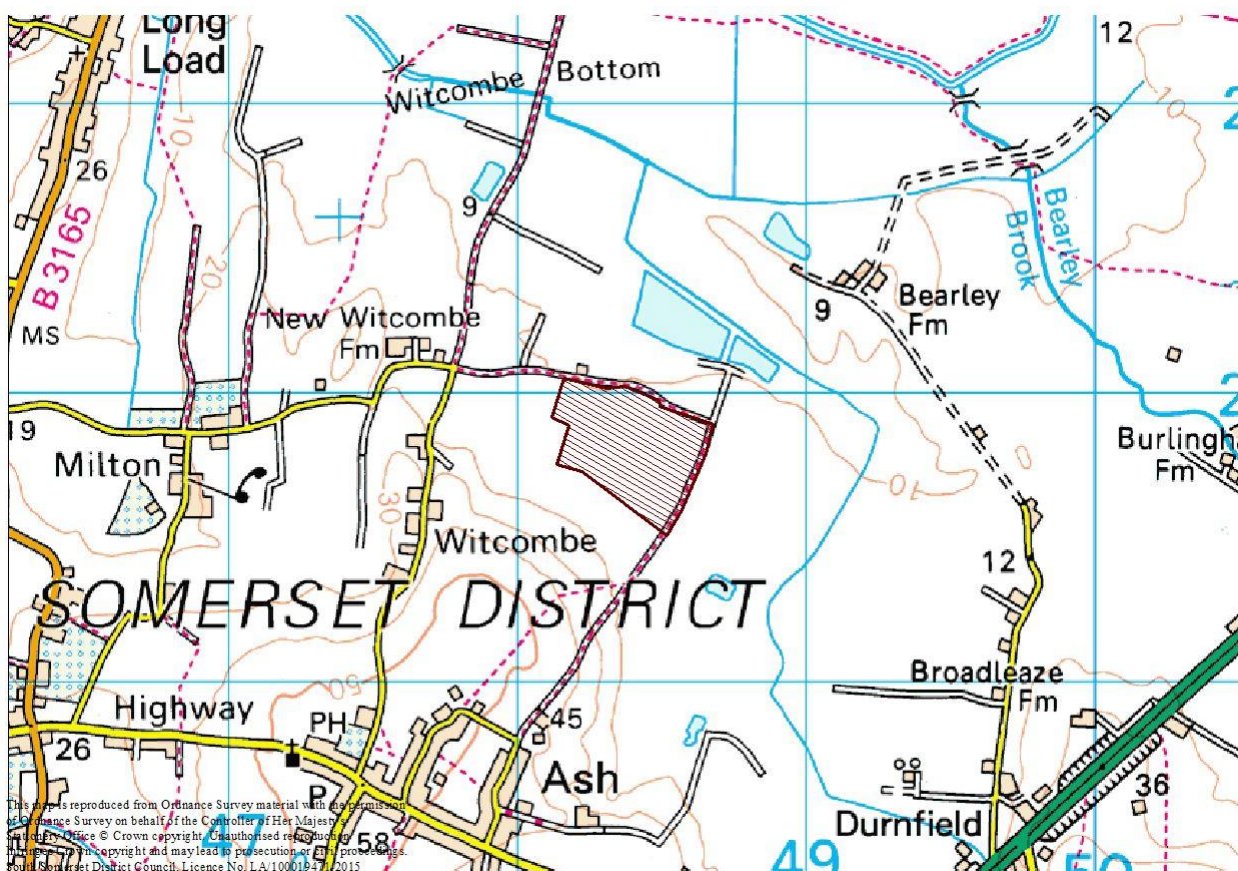
Agenda Item 11

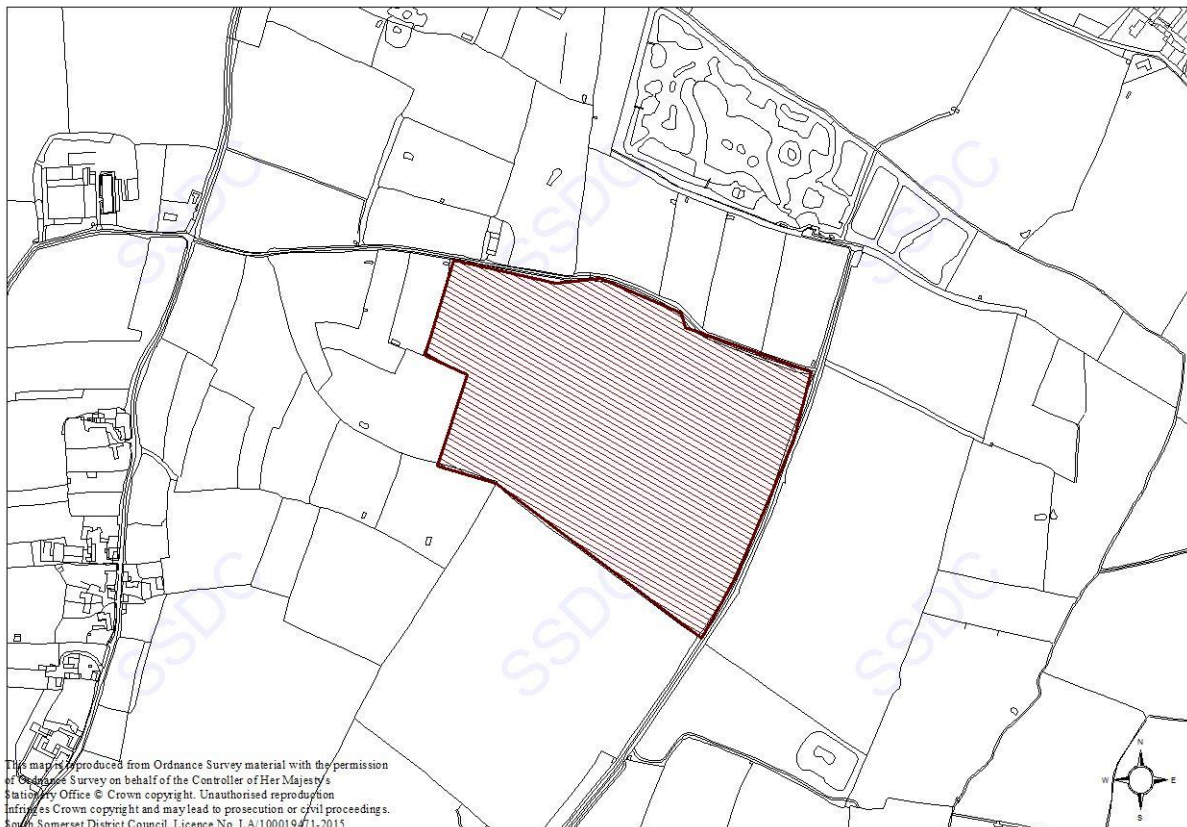
Officer Report On Planning Application: 15/02867/S73A

Proposal :	Section 73A application to amend condition 2 of planning approval 13/02470/S73 dated 30/08/2013 to amend previously approved plans (GR:347614/121348)
Site Address:	Witcombe Farm, Witcombe Lane, Ash.
Parish:	Ash
MARTOCK Ward (SSDC Member)	Cllr G Middleton Cllr N Bloomfield
Recommending Case Officer:	Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	21st September 2015
Applicant :	Mr Matthew Cobden
Agent: (no agent if blank)	Mr Vic Wheeler, Bourne Works, Collingbourne Ducis, Marlborough, Wiltshire SN8 3EH
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO AREA NORTH COMMITTEE

The size of the proposed development is such that under the scheme of delegation the application must be determined by committee.





SITE DESCRIPTION AND PROPOSAL

This Section 73 application is seeking to amend condition 2, the approved plans condition, of planning consent 13/02470/S73 (which in turn amended the original planning consent 12/04945/FUL) which relates to the creation of a new 1000 cow dairy unit.

The approved application is associated with the existing dairy / cattle holding known as New Witcombe Farm. The redline area of that application extended across a 17 hectare site and the development comprised the remodelling of a large section of the site, the erection of a cubicle building measuring approximately 330m long, milking parlour, general purpose storage building, isolation boxes, silage clamp, slurry lagoon, manure store, dirty water store, clean sand tank and attenuation pond. It is understood that the existing farmstead will operate as the farmer's cattle unit and for calve rearing with all the dairy operations taking place at the new unit.

The current application, which is in part retrospective, is seeking the following amendments to this approved scheme:

- Increased length to the cubicle building by 40 metres, with an overall increase of 8 cubicles;
- Substitution of the previously approved straw storage building with a building to accommodate dry cows and calving cows;
- Repositioned and re-designed silage clamp and straight store;
- Enlarged straight store;
- Omission of the slurry lagoon (to be repositioned to field to south, as per planning application 15/01725/FUL);
- Omission of the dirty water lagoon;

- Repositioning of sand separator; and
- Reduction in extent of hardstanding.

The farm extends to 1100 acres with the existing farmstead located approximately 480m to the west of the application site. The site of the proposed new dairy is accessed via Thornhill Drove, a green lane, along which passes a public footpath (Y1/17) and is approximately 470m to the east of the existing farmstead and which egresses on to Witcombe Lane.

The redline site is a single large field that occupies a relatively low position within the landscape and has a gently sloping gradient rising towards the middle of the field. The field is bounded by native hedgerows and appears to have last been used to grow maize. An overhead power line passes through the field which will need to be relocated to facilitate the proposed development. There are also two high pressure gas pipelines that pass close to the site, one to the north and the other to the south and the site is located within the middle consultation buffer zone for these pipelines. At the time of the visit there was a large mound of spoil deposited towards the western side of the field.

The site is located close to a number of designated wildlife sites including RAMSAR, SSSI, RSPB reserve and County Wildlife sites located to the north / northeast/west of the site. The wildlife site to the north is also used as a commercial fishery.

The nearest residential properties to the site include an agriculturally tied bungalow approximately 370m to the west, properties located within the hamlet of Witcombe approximately 490m to the west and a farmstead approximately 690m to the northeast. Lower Witcombe Farm, which is the last property in Witcombe en route to New Witcombe Farm, is grade II listed and is visible from the site.

HISTORY

Planning history in respect of the new farmstead:

15/01725/FUL: Engineering works to construct a slurry lagoon. Pending consideration

13/02470/S73: Section 73 application to amend condition 2 (Approved plans - to amend position of parlour building) and to discharge condition 3, 7, 8, 9, 10 and 13 on planning approval 12/04945/FUL. Permitted.

12/04945/FUL: Creation of a new dairy farm. Permitted.

Planning history in respect of the existing farmstead:

12/04552/FUL: Erection of an extension to a livestock building. Permitted.

12/03665/AGN: Notification of intent to erect an extension to an agricultural building to house straw and machinery. Permission required 2012.

97/02192/AGN: Notification of intent to erect a cattle shed. Permitted.

91067/C: Erection of agricultural buildings and use of an existing access. Permitted.

91067/B: Erection of agricultural dairy buildings including two silage barns, two cow buildings, loose boxes, bull pen, milking parlour and dairy and alterations to existing access. Permitted.

91067: Erection of an agricultural dwelling. Permitted.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be 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 policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

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

SD1 – Sustainable Development

TA5 – Transport Impact of New Development

TA6 – Parking Standards

EQ2 – General Development

EQ3 – Historic Environment

EQ4 – Biodiversity

EQ7 – Pollution Control

National Planning Policy Framework:

Part 1 – Building a strong, competitive economy

Part 3 – Supporting a prosperous rural

Part 4 – Promoting sustainable transport

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

Part 12 – Conserving and enhancing the historic environment

CONSULTATIONS

Ash Parish Council: Objects for the following reason:

- Over intensive use of the site with 20% more animals than originally agreed, therefore more vehicle movements, waste and smells.
- Loss of visual amenity. The reorientation of the feed silos presents more intrusive concrete view from Ash Drove.
- A marginal odour impact on the residents of Witcombe, based on the odour report.

Martock Parish Council (adjoining parish): No comments received.

Long Load Parish Council (adjoining parish): No comments received.

Tintinhull Parish Council (adjoining parish): No comments received.

County Highways: No observations.

SSDC Highway Consultant: No significant highway concerns. Refer to SCC highway comments.

County Rights of Way: No comments received.

County Archaeology: No objections.

National Grid: No objection.

Health & Safety Executive: Do not advise, on safety grounds, against the granting of planning permission.

Environment Agency: No objection.

Lead Local Flood Authority: No comments.

Somerset Drainage Board Consortium: No objection.

SSDC Engineers: No comments received.

Environmental Protection: No objections.

Natural England: No comments to make in reference to the proposed amendments.

Somerset Wildlife Trust: No comments received.

RSPB: No comments received.

Ecology: No comments nor recommendations to make.

Landscape Officer: No objection.

The main changes appear to be;

- 1) an extension in the length of the cubicle building circa 10%;
- 2) a slight increase in the size of the straights, and the dry and calving cow buildings;
- 3) the sand separator relocated to the south side of the silage clamps, and;
- 4) a reduction in concrete hardstanding.

I am satisfied that whilst item (1) is extending a singularly uncharacteristic and substantial building, it is sited within the same sector of the field, and is mitigated by a commensurate block of woodland planting that is planned to intervene in the elevated views from the south, consequently in this instance the increase can be accepted from a landscape standpoint. Item (2) represents small-scale increases within the overall site. The building now being utilised for the dry and calving cow building lays to the north of the cubicle building, and in being viewed in relation to it, raises no further landscape issues. The straights building however, has increased the extent of built form against Ash Drove, and whilst the extent is not unacceptable, I do envisage a need for further planting along this edge, to help counter too over-bearing a presence of built form.

Whilst the sand separator (item 3) is not a sizable addition, it appears that its footprint intrudes into the approved area for strategic landscape planting, thus the footprint of the approved planting needs to be adjusted accordingly, to ensure mitigation is not weakened in a location where the development footprint has increased. On the matter of the reduction of the concrete hardstanding, I view this as a positive element of this proposal.

If you are minded to approve this section 73 application, please condition an amended landscape proposal, to pick up the points raised above.

REPRESENTATIONS

Written representations have been received from one local resident in respect of this application raising the following concerns:

- We are very concerned that the smell from the slurry lagoon will travel for miles.

When they spray the fields, the bad smell travels to the top of Ash and windows have to be shut, so from experience of slurry lagoons we know the bad smell travels for miles. Could they not transport the slurry to a site that can dispose of it safely and not affecting surrounding homes / families. We realise we live in the country and should expect farm smells etc but when it becomes over-powering then alternative avenues should perhaps be considered.

In this instance, it is also considered appropriate to acknowledge the comments received in respect of the associated slurry lagoon application 15/01725/FUL which is also on this committee agenda and which are of some relevance to this proposal.

CONSIDERATIONS

Planning permission for this new dairy unit was first permitted under application 12/04945/FUL in 2013, which was later amended under 13/02740/S73 which principally allowed the re-orientation of the milking parlour and also discharged a number of pre-commencement conditions. Since that time the dairy unit has been largely completed and as such the current application is in part retrospective and seeks to regularise some of the works already carried out as well as amend other elements yet to be implemented, such as the sand separator.

The associated slurry lagoon application generated substantial local concern that appears to relate more generally to the development at New Witcombe Farm, in particular that the developer has not built in accordance with the approved details and that development is being sought in a piecemeal fashion. A commonly expressed view within the public representations was that the farmer should be made to revert back to the approved scheme.

Whilst it is unfortunate that the development has been carried out without full compliance with the approved details the applicant has a right to regularise the situation through a retrospective application, which he is attempting to do with this application and the associated slurry lagoon application. Each of these applications must be considered on their own merits as they have been submitted and their outcome should not be influenced by the rights and wrongs of how the new farm has been developed.

The key considerations in respect of this application are considered to be cumulative impact in relation to landscape and visual amenity, impact of the amenity of nearby residents, pollution / contamination control and highway safety, as a result of the changes to the built form and increased livestock being kept on site.

Principle

The principle of a 1000 cow dairy unit on this site has already been established through the previous permissions. The current amendments includes increasing the length of the cubicle building by an additional 40 metres and the inclusion of an additional cow building to accommodate dry cows and calving cows and which will result in increased numbers of livestock being kept on this site.

Within the Design & Access Statement the applicant has stated that the approved scheme did not meet the latest animal welfare regulations in terms of cubicle size and spaces or that they require 5% more cubicle spaces than there are cows. As a result of these revisions it is noted that whilst the length of the cubicle building has enlarged by an additional 40 metres this has resulted in only 8 additional cubicles. The applicant states that to meet the 5% capacity rules they will only accommodate a maximum of 950 animals within this building at any one time. The new calving and dry cow building is designed to accommodate up to 120

cows which results in an additional 70 cows being kept on site to that anticipated under the previous application.

Given the scale of the development already permitted on this site this level of increase is not considered to be inappropriate and bearing in mind the positive contribution the scheme will make to the rural economy and its agricultural nature it is in principle considered to be acceptable.

Visual amenity and landscape impact

The overall impact of this new farm development was previously considered under the original application which concluded that there would be no undue impact upon settlement or listed building settings, nor that the visual impact upon local receptors are significantly adverse once landscape mitigation measures are put in place.

Whilst the changes to the cubicle building, silage clamp, straight store, storage building (now to be cow building) and sand separator have increased the density of built form on this site, this increase is relatively small scale and these buildings should still be well contained by the anticipated planting scheme, to include block tree planting to the north and additional supplementary planting around the perimeter of the site. It is acknowledged that the changes to the Straight Store mean that it has a greater visual impact from Ashmead Drove and as such additional planting between this building and the drove is required to soften this impact. Provided a revised landscaping scheme is secured, a matter that can be dealt with appropriately by condition, the Landscape Officer has raised no objection and the proposal is not considered to raise any new substantive landscape or visual amenity concerns.

Residential amenity

The proposed amendments do not bring the development any closer to nearby properties than previously approved. The incremental increase in livestock numbers on site will inevitably result in additional effluent that will need to be stored on site and eventually disposed of on the land and which in turn can create smells and flies and cause a nuisance to nearby residents. The Environmental Protection Officer is of the opinion that this amended proposal will not lead to any new significant concerns to neighbour amenity and on this basis there is no reason to believe that it will result in any new demonstrable harm to residential amenity.

Environmental Impact Assessment (EIA)

The original proposal (12/04945/FUL) was subject to an EIA Screening Opinion, as set out within Part 1c of Schedule 2 of The Town and Country (Environmental Impact Assessment) Regulations 2011, which determined that the potential effects of the development were not so significant as to require an EIA. Given that this revised scheme increases the total built floor area and total number of animals being kept on site it was considered appropriate to carry out a further EIA Screening Opinion in respect of this development, however this also concluded that the potential impact of the development were not so significant as to require an EIA.

Flood risk / drainage, storage and disposal of farm waste

The issues of flood risk and drainage were dealt with under the previous approved applications as was a Farm Waste Management Plan which addressed the storage and disposal of slurry and dirty water generated by the dairy unit. The Environment Agency has raised no objection to this revised scheme and subject to a condition seeking a revised Farm Waste Management Plan, to address the revised slurry lagoon position and its increased capacity, there is no reason why adequate measures cannot be installed to safeguard against potential run-off and contamination concerns.

Highway safety:

According to the details provided by the applicant this revised scheme will only accommodate up to a maximum of 70 additional animals compared to that which was accepted at the time of the 2013 approval. This additional head of livestock will inevitably lead to an additional feed requirement and increased effluent and for these reasons there is likely to be some increase in traffic movements. Updated traffic details were requested from the applicant to reflect this change but to date this has not been received. Regardless of this, however, given the relatively modest increase in stock levels, the proportional level of increased associated traffic is unlikely to be so great as to result in any new substantive highway safety concerns. The highway authority has raised no objection to this revised proposal and there is no evidence to demonstrate that it would lead to new demonstrable harm to highway safety as a result of any associated traffic increases.

Other matters:

- There are two high pressure gas pipelines that pass close to the site, one to the north and one to the south. Neither the Health and Safety Executive or the National Grid have raised any objection to the proposal and it is understood that this revised scheme should not affect access to the pipelines for maintenance purposes or result in any health and safety concerns.
- The council's ecologist has raised no new concerns or recommendations in respect of this revised proposal and there is no reason why it should result in any new ecological concerns to that already considered through the previous approved schemes.
- There are a number of listed buildings within Witcombe however these are some distance from the site and it is not considered that the proposal would result in any new adverse impact upon their setting.

Conclusion

This revised scheme, which will result in a modest expansion to the livestock numbers that are capable of being accommodated on site, will be of benefit to the local rural economy without resulting in any new demonstrable harm to landscape character and visual amenity, residential amenity, highway safety or the environment. For these reasons the proposed development is considered to be an appropriate and sustainable form of development that accords with the aims and objectives of policies SD1, TA5, TA6, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework and is therefore recommended for approval.

RECOMMENDATION

Grant consent for the following reasons:

The proposed dairy unit will make an important contribution to the rural economy without significant adverse impact on landscape character, visual amenity, residential amenity, highway safety, ecology or the environment and therefore accords with the aims and objectives of policies SD1, TA5, TA6, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

Subject to the following conditions:

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:

- Site Plan - 01920-00-R (drawing no. 03);
- Floor Layout (Cubicle Building) – 01920-01-E (Sheet 01);
- Elevations (Cubicle Building) – 01920-01-E (Sheet 03);
- Plans (Parlour Building) – 01920-03-C (Sheet 01);
- Elevations (Parlour Building) 01920-03-C (Sheet 03);
- Floor Layout (Dry Cow & Calving Building) – 01920-04-B (Sheet 01);
- Elevations 1 (Dry Cow & Calving Building) – 01920-04-B (Sheet 02);
- Elevations 2 (Dry Cow & Calving Building) – 01920-04-B (Sheet 03);
- Plan and Elevations (Straight Store) – 01920-05-B (Sheet 01);
- Plan (Silage Clamp) – 01920-06-D (Sheet 01);
- Elevations (Silage Clamp) 01920-06-D (Sheet 02);
- Sand Separation System, drawing number AG010D16 Sheets 1 to 5).

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

03. Within two months of the date of this permission a revised external lighting scheme shall be submitted to and agreed in writing by the local planning authority. Thereafter there shall be no other external illumination / lighting other than that set out within the approved external lighting scheme, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the rural character of the locality to accord with policy EQ2 and EQ7 of the South Somerset Local Plan.

05. Within two months of the date of this permission an updated Farm Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in full accordance with the approved details and agreed timetable and shall thereafter be permanently complied with unless otherwise agreed in writing by the local planning authority.

Reason: To prevent pollution of the water environment to accord with policy EQ7 of the South Somerset Local Plan and Part 11 of the NPPF.

06. Within two months of the date of this permission a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out within the first planting and seeding season following the date of this permission. For a period of five years after the completion of the planting scheme, the trees and shrubs that form part of the approved scheme shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or by appropriate trees or shrubs as may be agreed in writing by the local planning authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the rural character of the area to accord with policy EQ2 of the South Somerset Local Plan.

Informatives:

1. The applicant's attention is drawn to the advice and recommendations set out within the Environment Agency's letter dated 10/07/2015 and National Grid's letter dated 01/07/2015.
 2. The applicant's attention is also drawn to the Code of Good Agricultural Practice (GoCAP) for the disposal of slurry wastes and is reminded that a 10m buffer zone should be established excluding the spreading of wastes around any sensitive ecological sites.
 3. Please note the comments made by County Rights of Way dated 21/01/2013 in respect of application 13/02470/S73 which apply equally to this application.
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Agenda Item 12

Officer Report On Planning Application: 15/01736/FUL

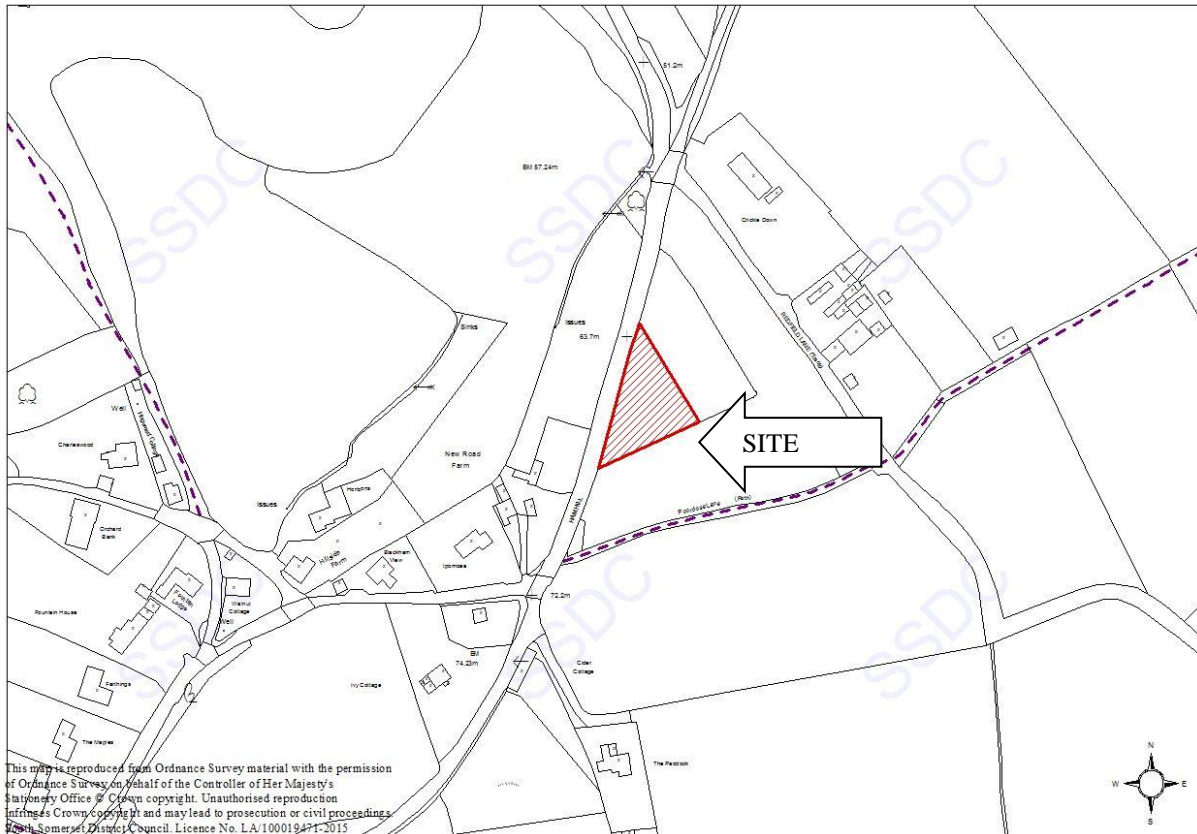
Proposal :	Erection of a dwellinghouse and change of use of land from agricultural to residential (GR:342850/131692)
Site Address:	Land At Ham Hill, High Ham, Langport.
Parish:	High Ham
TURN HILL Ward (SSDC Member)	Cllr S Pledger
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	15th June 2015
Applicant :	Mr Rick Crane
Agent: (no agent if blank)	
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at request of the Ward Member with the agreement of the Vice Chair to enable the issues raised to be fully debated by Members.

SITE DESCRIPTION AND PROPOSAL





The application site comprises a triangular plot of agricultural land on the east side of Ham Hill, beyond the northern edge of High Ham. The site is separated from the village edge by open countryside, although extended development presence along Hillside Farm Road does come almost as far as the site, although this is on the opposite side of the road. The topography of the site slopes steeply down to the east, with the eastern field boundary being approximately 7m below the adjoining road level. There are several small agricultural buildings on site, including a caravan, a couple of sheds and a greenhouse.

The application made for the change of use of part of the site to residential use and the provision of a 'Passive House' type, low impact eco dwelling. The proposed dwelling is a 3 bedroom, one and a half storey house, constructed with timber cladding with the roof finished with fully integrated PV panels to the south elevation and sedum roof to the north. It is also proposed to provide a new vehicular access onto Ham Hill, which is a classified 'C' road.

HISTORY

15/00008/FUL: Erection of a dwellinghouse and change of use of land from agricultural to residential - Application withdrawn.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of

planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

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

SD1 - Sustainable Development
SS1 - Settlement Strategy
SS2 - Development in Rural Settlements
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ2 - General Development

National Planning Policy Framework

National Planning Policy Framework (March 2012):
Core Planning Principles - Paragraph 17
Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 11 - Conserving and Enhancing the Natural Environment

National Planning Practice Guidance

Design
Natural Environment
Rural Housing

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

Parish Council: No objection in principle on the basis of the plans and supporting information submitted.

The Parish Council have advised that they would not support any further infill between the proposed development site and the neighbouring property 'Cider Cottage', a dwelling about 100m to the south.

SCC Highway Authority: The County Highway Authority and the applicant carried out in depth pre-application discussions. Following the carrying out of a speed survey, the Highway Authority agree that visibility splays of 43m southbound and 78m northbound are appropriate, both of which should be taken from 2.4m in from the highway's edge at the centre point of the site access. It was initially advised that no details of these splays were provided, however additional information has been provided in the course of the application.

In the event of permission being granted, conditions relating to the provision of the access, drainage provision and parking and turning are requested.

SDDC Highway Consultant: Refer to SCC comments. Consider sustainability issues (transport). The standard and details of the existing access have presumably been approved

previously (for the double garage). Proposed car parking provision accords with SPS. Secure extent of visibility splays (2.4m x 120m including tangential splays) at site entrance and on-site parking and turning facilities.

SSDC Environmental Protection Officer: No comments.

SSDC Landscape Architect: Whilst there are sporadic pockets of residential development outside the core of High Ham village, these fall short of the site before us, and as such I do not consider this site to lay within the village envelope, which lays primarily on the plateau head to the south. The landscape view is that this is a countryside location, where residential development is not favoured. By laying outside the village core, on land falling away from the village; being sited within a paddock which clearly has agricultural origins; and in eroding the small field buffer that lays between the village edge and its outlying farmsteads, I view the proposal to be at variance with local character, and thus failing to preserve and enhance it as is required by LP policy EQ2.

REPRESENTATIONS

Two letters of objection has been received from nearby properties within High Ham. The main points raised are as follows:

- Approval of this proposal would set a precedent which could lead to much more farm land being turned into residential land, with new houses built in a village with little infrastructure. High Ham is not designated for development and there are more suitable areas for development.
- The provision of an eco-friendly dwelling is not relevant as the land was never intended for residential use. Approving this proposal will lead to the loss of agricultural land forever.
- The applicant approached local residents with his plans, which was to be a single storey building. The proposed dwelling appears to be a larger size and height than expected. It will be completely out of keeping with the rest of the properties in the village and visually undesirable.
- The need to widen the access will further expose the property to public view.
- The size of the house is not that of a typical family home and it is not believed to have any positive impact on the village, in terms of enhancing local facilities or bringing younger families into the village.
- The site is outside of the 30mph zone and increased access will create a much higher risk of traffic accidents.
- There is no pavement outside the site, with pedestrians having to cross the main road to reach the nearest footpath. This is not safe for this location.
- The removal of hedging to create the access will ruin the landscape.
- The proposal doesn't refer to early objections raised in pre-application consultation and gives the impression that the impacted neighbours were happy and that parish support was given. It is understood that this was not the case because issues of infill and highway safety were debated and remain the reasons why planning permission should not be granted.

Three letters of support have been received from residents of Thorney, Huish Episcopi and Henley, making the following main points:

- Support the provision of an ecological dwelling. The applicant has always been passionate about nature, conservation and the environment. It is important to support people and their families wanting to create their own homes that are environmentally sustainable, as this helps create affordable housing, reduces the negative impacts of climate change and

- empowers families to create healthy, sustainable homes and communities.
- The applicants would be an asset to any community having used their experience and skills to commit to and support community organisations.
- Precedents have been set in the parish for supporting individuals wanting to live in a 'non-traditional' way on agricultural land.

A further letter has been received from a nearby resident, making general observations. These are as follows:

- It is noted that over half of the land in the applicant's ownership is not within the application site, making it possible to apply for more houses in the future.
- The land is agricultural and lies outside the natural development area of the village.
- Permission would potentially open the door for future development of land to the north.
- The applicant has stated that it is his wish to live in the house with his family. If the application is approved, the applicant should reside there long enough to prove that this application is not made to just make a substantial return on the modest price of the land.

CONSIDERATIONS

Principle of Development

The application site lies beyond the edge of the northern developed limits of High Ham, protruding into open countryside. In policy context, national guidance contained within the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, advising that "local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances." Paragraph 49 of the NPPF also states housing applications should be considered in the context of the presumption in favour of sustainable development, as does policy SD1 of the South Somerset Local Plan (2006-2028).

Policy SS1 (Settlement Strategy) highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements, including High Ham, are 'Rural Settlements', which policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2. The previously referenced development area has now been deleted. Policy SS2 states:

"Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or
- Creates or enhances community facilities and services to serve the settlement; and/or
- Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation. Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at paragraph 5.41 (i.e. local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility, primary school)."

In considering this application against Local Plan policy SS2, it is acknowledged that there are some key services within the village of High Ham, however there is still the need to meet the policy requirements in terms of providing development that *meets identified housing need*. In this case, the proposal is for a two/three bedroom eco-dwelling, designed to 'Passive House' standards, which the applicant wishes to develop and move into. It is noted that the application has the support of the Parish Council, following pre-application consultation, however the Parish Council identify the application as meeting an identified housing need, while also raising concern about future infill between the application site and another property along Ham Hill. There are also some letters of support, as well as objections received from local residents. While noting the objections, the general Parish support is acknowledged. Nonetheless, the proposal still fails to be justified by an identified **local need** that would meet the requirements of Local Plan policy SS2. In addition to no appropriate justification having been put forward, there is no neighbourhood plan, housing needs survey, or any other formal document identified to support the proposal. It must therefore be concluded that the proposal fails to satisfy policy SS2 of the Local Plan as it does not provide employment opportunities, enhance community facilities and services to serve the development, or meet an identified housing need, particularly for affordable housing.

Scale and Appearance

The application site lies at the edge of the northern developed limits of High Ham, protruding into an existing agricultural land within open countryside at the village edge. While the site is close to existing dwellings at the junction of Hillside Road and Ham Hill, the site is on the opposite side of Ham Hill and would further extend development to the north east of the current developed limits of the village in a manner that is not considered to relate to the local pattern of development. It is further noted that the site drops steeply to the east further exacerbating the impact of the proposed development of this agricultural land beyond the existing confines of the village.

Policy EQ2 states that "development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district. Furthermore, development proposals...will be considered against (among other things):

- Conserving and enhancing the landscape character of the area
- Reinforcing local distinctiveness and respect local context
- Local area character
- Site specific considerations

In this case, the intrusion into open countryside beyond village edge location, coupled with the changing topography, means that the proposal is considered to be at variance with local character and therefore fails to preserve or enhance that character and appearance of the locality as required under Local Plan policy EQ2.

Residential Amenity

The proposal is located at some distance from the nearest dwellings, and will therefore avoid any unacceptable impact on the residential amenity of local residents.

Highway Safety

In considering the highway safety issues, the County Council Highway Authority have raised no objections in principle. The site is outside of the 30mph zone so national speed limits apply at this point, however speed surveys have been carried out indicating that visibility splays of 43m to the south and 78m to the north are adequate. This is accepted by the County Highway Authority, however they initially indicated that there was insufficient information to show how this was to be achieved. Further information has been submitted by the applicant to demonstrate that there is sufficient space within land in their ownership and Highway Authority land to ensure appropriate visibility. The site is also of sufficient size to ensure that other requirements such as the provision of parking and turning space and surface water disposal arrangements can be properly provided. Overall, it is considered that the proposal is acceptable from a highway safety point of view.

Conclusion

Despite there being no identified harm to residential amenity or highway safety, the failure to relate to general pattern of development and associated intrusion into open countryside are considered to make the scheme unacceptable, as is the failure to satisfy Local Plan policy SS2 as it does not provide employment opportunities, enhance community facilities and services to serve the development, or meet and identified housing need, particularly for affordable housing.

RECOMMENDATION

Refuse permission

FOR THE FOLLOWING REASON:

01. The proposed development, comprising the erection of a new dwelling, is located at the edge of a "Rural Settlement", where development will be strictly controlled and limited to that which provides employment opportunities, enhances community facilities and services to serve the development, or meets an identified housing need, particularly for affordable housing. The proposal fails to satisfy any of the aforementioned criteria and as such constitutes unsustainable development that is contrary to policies SD1, SS1 and SS2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.
02. The proposed development, as a result of its form, scale and siting, which intrudes into open countryside beyond the village edge, is at variance with the local pattern of development and thereby fails to preserve or enhance local character. As such, it has an unacceptable impact on the character, appearance and the rural context of the locality. The proposal is therefore contrary to policy EQ2 of the South Somerset Local Plan (2006-28) and provisions of chapters 7, 11 and the core planning principles of the National Planning Policy Framework.

Agenda Item 13

Planning Appeals

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

Purpose of the Report

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

Public Interest

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

Recommendation

That members comment upon and note the report.

Appeals Lodged

14/04123/OUT – Land adjacent Triways, Foldhill Lane, Martock TA12 6PG.
Outline application for residential development of up to 35 dwellings.

15/01058/OUT – Bartons Thatch, 2 Lower Orchard, Barrington TA19 0QZ.
Outline application for the erection of a detached dwellinghouse and garage and the formation of access from Lower Orchard with some matters reserved.

14/05118/PAMB – Stonegate Farmers Ltd, Portfield Lane, Curry Rivel TA10 0NJ.
Prior approval for the change of use of former poultry farm building to three dwellinghouses.

14/04971/PAMB – Beacon Bottom, Peak Lane, Compton Dundon TA11 6NZ.
Prior approval for the change of use of agricultural storage building to dwelling.

14/04975/PAMB – Land OS 7314, Street Road, Compton Dundon.
Prior approval for the change of use of a covered cattle yard into residential.

Appeals Dismissed

None

Appeals Allowed

14/04954/PAMB – Blue Lias, Furpits Lane, High Ham TA10 9HJ.

Prior approval for the change of use of agricultural storage building to dwellinghouse.

Enforcement Notice Appeal - Westend Stores (also known as Westland Bungalow and as Legg's Stores), West Street, Stoke Sub Hamdon TA14 6QL.

The Inspector's decision letters are shown on the following pages.

Appeal Decision

Site visit made on 8 July 2015

by **Andrew Dawe BSc(Hons) MSc MPhil MRTPI**

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

Decision date: 30 July 2015

Appeal Ref: APP/R3325/W/15/3005005

Agricultural Building, Land West of Furpits Lane, Picts Hill, Langport, Somerset TA10 9HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr D Mitchell against the decision of South Somerset District Council.
 - The application Ref 14/04954/PAMB, dated 28 October 2014, was refused by notice dated 23 December 2014.
 - The development proposed is change of use of an agricultural building to a dwelling.
-

Decisionanem

1. The appeal is allowed and approval is granted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO 2015) for change of use of an agricultural building to a dwelling at land at Agricultural Building, Land West of Furpits Lane, Picts Hill, Langport, Somerset TA10 9HJ in accordance with the terms of the application Ref 14/04954/PAMB, dated 28 October 2014 subject to the conditions in the attached Annex.

Application for costs

2. An application for costs was made by Mr D Mitchell against South Somerset District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The GPDO 2015 came into force on 15 April 2015 replacing the previous GPDO. I have therefore had regard to the GPDO 2015 in determining this appeal. In terms of the section which is relevant to this appeal, Class Q has replaced the old Class MB. However, in respect of the issues relating to this case, the content of the GPDO 2015 is not materially different to the old GPDO. The Council and appellant have also both acknowledged this change within their submissions.
4. The description in the fourth bullet point in the above header is taken from the appellant's Planning Statement as referred to in Section 4 of the planning application form.

Main Issue

5. The main issue is whether or not the location and siting of the building makes it impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.

Reasons

6. The existing agricultural building is mainly of timber clad construction with a blockwork plinth and cement fibre sheeting roof cladding. It has a number of windows in varying states of repair and entrances at either end and on the eastern side of the building. The site includes the building and its curtilage comprising an adjoining part of the surrounding field that would be no larger than the land area occupied by the building. It is not demarcated by any boundary treatment such that the building is set within an open field which itself is bordered by hedgerow and vegetation on its western and northern sides. It is in a raised location in relation to the existing dwelling of Blue Lias and located well to the west of it. The site is accessible via an existing access onto Furpits Lane and a grass drive with compacted wheel tracks leading to the field surrounding site.
7. Beyond the site to the north are open fields and, just within view of the site, another dwelling set a long way back from Furpits Lane. To the south are dwellings and associated buildings fronting the B3153 whilst to the west is ancillary land to one such property which is significantly vegetated.
8. Schedule 2, Part 3, Class Q of the GPDO 2015 sets out that development is classed as permitted development if it consists of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of that Schedule. This is subject to a number of situations where such development is not permitted, listed under Q.1, and to conditions in Q.2 setting out the matters for which an application to the local planning authority for determination as to whether the prior approval of the authority will be required.
9. In this case, the Council has not raised any issues with regard to the exclusions under Q.1, and I have no reason to conclude differently. With regard to Q.2, the matter at issue relates to Q.2(1)(e) only and again I have no reason to conclude differently. Q.2(1)(e) relates to whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.
10. I do not consider there to be any impractical reason as the site is well connected to the local highway network and close to existing dwellings in terms of, for example, connectivity to utility services. It remains to be considered whether or not it would be undesirable.
11. The National Planning Policy Framework (the Framework), in paragraph 17 states, amongst other things, that planning should encourage the reuse of existing resources, including conversion of existing buildings. Notwithstanding the criteria and conditions set out in Q.1 and Q.2 of the GPDO 2015, it would

be inevitable that any conversion of an agricultural building to residential would result in external indications of domestication including associated paraphernalia, such as for example garden furniture, washing lines and play equipment, as well as cars. The question is whether or not, in this case, those externalities, would be obtrusive in the context of the setting concerned.

12. The building is and would be seen from very few public vantage points in the vicinity and then only by way of glimpses either between buildings and vegetation along the B3153, or via the access point and through mature roadside vegetation along Furpits Lane. Therefore, although also visible from the small number of the nearby dwellings adjacent to the field in which the site lies, it would continue not be a prominent building and site in the context of the wider surrounding area. Furthermore, although set well away from the road unlike many others locally, it would not appear as a particularly isolated dwelling due to its relatively close proximity to those other nearby dwellings. It would also be seen to some extent in the context of the existing dwelling set away from the road to the north.
13. In this context, any external evidence of domestication of the site would not be prominent, obtrusive or jarring in respect of the wider surrounding area, particularly as the site boundary is tightly related to the building. Furthermore, I have no basis for considering that such elements would spill out beyond the curtilage of the site, other than the provision of vehicular access, despite there being no proposal for boundary treatment and particularly as the rest of the field would not be in residential use. This would be regardless as to whether or not the future occupants are related to or associated with the appellant. Provision for car parking is also shown on the plans to be within the building's curtilage.
14. The curtilage, by definition, is closely associated with the building, no larger than the land area occupied by that building. That shown on the submitted plans is therefore not unrealistically small or contrived in that context. Details of any boundary treatment that might be proposed in the future could also be secured by condition in order to ensure its appropriate design but there is no substantive basis for requiring such treatment in principle.
15. Concern has also been raised about the visual impact of surfacing and lighting of the access. I have not received any indication that any such upgrading is proposed and neither would it necessarily be required. However between the end of the track and the site is currently just open field. Because of that, it would be likely that some form of track would be formed across that land. There is no reason why it would have to be any more formal than the existing track and in any case, for the same reasons as above, it would not be highly visible or prominent from surrounding public vantage points and would be set well away from those existing dwellings along the B3153. Details of any future surfacing and lighting requirements could also be controlled by condition so as to ensure visual acceptability.
16. I have also had regard to the effect of car headlights, in respect of the character of the area. The access and parking area would be set well away from the nearby dwellings and the level of vehicle movements associated with just one dwelling would also be likely to be small. Therefore, any intrusion from vehicle lights over and above that associated with activity relating to the

existing agricultural building, on what is not a highly prominent site in the wider context, would be unlikely to be of a harmful nature.

17. For the above reasons, the location and siting of the building would not make it impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. As such it would accord with the Framework which in paragraph 17 states that planning should take account of the different roles and character of different areas and, amongst other things, recognising the intrinsic character and beauty of the countryside.
18. The Council has suggested some conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government's Planning Practice Guidance and have amended some of the wording and also omitted others. Under Class W of the GPDO 2015, conditions should be reasonably related to the subject matter of the prior approval.
19. The condition relating to the timescale for completion of the proposed development is set out under the GPDO in paragraph Q.2(3) and so this does not need to be repeated. For the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans would be required.
20. In the interests of the character and appearance of the site and surrounding area, samples of materials proposed to be used on the external surfaces of the building would be necessary. In the same interests, it would also be reasonable to secure details of any hard standing and surfacing on the site, and relating to any access track surfacing, along with any external lighting, prior to its installation.
21. In respect of landscaping, there are no trees or hedges which would be likely to be directly affected by the proposed development and so it would not be necessary to secure the protection of the same by condition. Furthermore, there is no indication of any proposed planting associated with the development and, in any case, the space on the site would be very restricted for any significant tree or shrub planting. As I have found that the proposed building and associated access would not be highly prominent, additional landscaping would not be necessary for screening purposes and so a condition to secure new landscaping would not be necessary.
22. I have found that there is no substantive basis for requiring boundary treatment in principle. It would however be reasonable, in the interests of the character and appearance of the site and surrounding area, to secure details of any such fences, walls or gates before they were installed should future residents require it.
23. The proposed development would generally maintain the simple form of the existing agricultural building, in what is fundamentally an agricultural setting. Therefore, in order to prevent any discordant additions in that context, it would be reasonable to remove the permitted development rights for any future extensions or other alterations and for any outbuildings or other external structures, including any fences, gates or walls not otherwise controlled by the separate condition relating to boundary fences or walls.

Conclusion

24. For the above reasons, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR

Annex

Conditions

- i) The development hereby permitted shall be carried out in accordance with the following approved plans: 6441-01 and 6441-02.
- ii) No development shall take place until samples of the materials to be used on the external surfaces of the building concerned have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- iii) Prior to the erection of any boundary fences, walls or gates, details of such structures shall be submitted to and approved in writing by the Local Planning Authority. The structures concerned shall be installed and maintained in accordance with the approved details.
- iv) Prior to the installation of any hard standing or surfacing, including vehicular access track surfacing, details of such hard standing or surfacing shall be submitted to and approved in writing by the Local Planning Authority. The hard standing or surfacing concerned shall be installed and maintained in accordance with the approved details.
- v) Prior to the installation of any external lighting, including any lighting of the vehicular access track, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting concerned shall be installed and maintained in accordance with the approved details.
- vi) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension or other external alteration, other than as expressly authorised by this permission, shall be made to the exterior of the building.
- vii) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no outbuildings or other structures shall be erected on the site and no fences, walls or gates shall be erected other than as agreed under condition iii.

Costs Decision

Site visit made on 8 July 2015

by **Andrew Dawe** BSc(Hons) MSc MPhil MRTPI

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

Decision date: 30 July 2015

Costs application in relation to Appeal Ref: APP/R3325/W/15/3005005 Agricultural Building, Land West of Furpits Lane, Picts Hill, Langport, Somerset TA10 9HJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr D Mitchell for a full award of costs against South Somerset District Council.
 - The appeal was against the refusal to grant approval required under a development order for change of use of an agricultural building to a dwelling.
-

Decision

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

Procedural matters

2. I have taken into account the Government's Planning Practice Guidance (PPG), issued on 6 March 2014, in reaching my decision.
3. The Council, in claiming that the end character of the converted building has to be considered with regard to certain external domestic features, refers to another appeal decision¹ where the Inspector found that various external domestic features would be visually intrusive. Whilst I have had regard to that decision, I do not have the full details of the case to enable its full and proper consideration and have determined this application for costs on its merits.

Reasons

4. The PPG advises that, irrespective of the outcome of the 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.
5. The appellant claims that the Council has behaved unreasonably by means of: misapplying or misunderstanding the terms of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO 2015) insofar as Q.2 does not require applicants to provide information about servicing, amenity space, landscaping, hard surfacing or demarcation of the curtilage and that the absence of such information does not make it impractical or undesirable to change the use of the building to residential use. It is also claimed that such matters as the hard surfacing of the access, demarcation of

¹ Ref: APP/M0933/A/14/2221968

the curtilage, fencing and other paraphernalia, none of which are proposed, could, if desired to be created or installed in the future, be legitimately controlled by appropriate planning conditions.

6. I am satisfied that the Council did not refuse the application on the grounds that the information referred to above was not provided, rather it was considered that the nature of the proposal is such that it would be likely to result in the need for those features. I consider that it was reasonable for the Council to consider the implications of a residential use in terms of likely associated features even if they were not set out in the proposals.
7. Whilst control of such features could be controlled through conditions where appropriate, the Council was entitled to take the view that those features would be unacceptable in principle such that conditions would not overcome its concerns.
8. In conclusion I find that the Council did not behave unreasonably in determining the planning application and that, therefore, the applicant's costs in pursuing the appeal were not unnecessarily incurred or wasted. For this reason, and having regard to all other matters raised, neither a full or partial award of costs is justified.

Andrew Dawe

INSPECTOR



Appeal Decision

Site Inspection on 23 July 2015

by **Graham Self MA MSc FRTPI**

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

Decision date: 6 August 2015

Appeal Reference: APP/R3325/C/14/3000142

Site at: Westend Stores (also known as "Westland Bungalow" and as "Legg's Stores"), West Street, Stoke sub Hamdon, Somerset TA14 6QL

- The appeal is made by Mr Michael Legg under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by South Somerset District Council.
- The notice is dated 9 October 2014.
- The breach of planning control alleged in the notice is:
 - "On the 30th April 2002 planning permission with reference number 02/00453/COU was granted for the use of the land and buildings for residential and retail purposes. This planning permission was subject to a condition stating as follows:
'The use hereby permitted (other than that allowed on appeal on 6th October 1954) shall be for a limited period expiring on 1 March 2007 and by the end of such period the use shall cease and any buildings, works or structures comprised in the said development shall be removed and the land restored to its former condition'.
 - It appears to the Council that the latter condition has not been complied with because the retail use of the land has continued since the 1st March 2007 and is still continuing and the buildings, works or structures comprised in and/or forming part of the said retail use have not been removed from the land, nor has the land been restored to its former condition."
- The requirements of the notice are:
 - (i) Cease the use of the Land for the display and/or storage of all windows, doors, garden sundries, fencing and other non-domestic items;
 - (ii) Clear and remove from the Land the said doors, windows, garden sundries, fencing, other non-domestic items, debris and rubbish (including in such removal all structures and non-domestic paraphernalia connected with such use); and
 - (iii) Restore the land to its condition before the breach of planning control took place.
- The period for compliance is specified as:
 - (a) From a line forward of the principle [*sic*] elevation of the residential dwelling toward West Street: by 31st December 2014
 - (b) As regards the remainder of the Land: by 31st March 2015.
- The appeal was made on grounds (a), (c), (f) and (g) as set out in Section 174(2) of the 1990 Act.

Summary of Decision: The appeal is allowed and the enforcement notice is quashed for legal reasons, without consideration of the grounds of appeal pleaded.

"The Land" as Defined in the Enforcement Notice

1. For reasons which will become apparent later in this decision, I record here that "the Land" as defined on the enforcement notice plan excluded some areas hatched blue. These areas appear to coincide with the location of various outbuildings in the rear part of the site occupied by the appellant.

Procedural Matters

2. After my site inspection I arranged for a message to be sent from the Planning Inspectorate to both main parties, because I considered it necessary to invite comments on certain matters before reaching a decision. I have delayed my decision to allow for this procedure and I have taken into account the representations submitted in response.

The Enforcement Notice and Legal Issues

3. One of the reasons for the procedure just described is that from what I saw at the site and from reading the case papers, the allegation in the enforcement notice as drafted by the council appeared to be flawed. As I pointed out in the message to the parties, what has happened at the appeal site has been unauthorised development consisting of a material change of use to use for mixed storage and residential purposes. Apart from a sign at the front, the appeal site does not have the character of a retail (or mixed residential and retail) use, and the available evidence suggests that any retail activity which may occur is nominal, ancillary or *de minimis*. Indeed, both the council and the appellant seem to have the same view - the council's statement says that "the LPA is of the view that there is currently an...unauthorised use for the storage of used windows, doors and other non-domestic items along with a small amount of ancillary sales"; and the appellant evidently sought planning permission in 2013 for "continued use for residential and B8 storage of used windows and doors with ancillary sales". The enforcement notice is incorrect in stating that "the retail use is continuing", despite the council's own assessment that it has ceased.
4. Mr Legg has obviously become a hoarder, and storage is the predominant component in the current use. The extent of storage is such that parts of the site are inaccessible, and it is difficult to move around inside the bungalow.
5. It is sometimes possible for something which is unauthorised to consist of both "development" (as defined in Section 55 of the 1990 Act) and a breach of condition; but in this instance since the retail use has evidently ceased (except perhaps for a minimal amount), the real breach is the unauthorised change of use to the current mixed storage and residential use.
6. Inspectors have powers to correct and vary enforcement notices, provided such action would not cause injustice to any party. In this case there are complications. The appellant (through his agent) has asked for time to modify his case to give consideration to an appeal on ground (d) if the notice were to be corrected. Such time could be granted. But the appellant's agent (as part of the responding comments) has also submitted that:

"The enforcement notice does (correctly) exclude the areas hatched blue on the plan and we would stress that our ground (c) appeal relates to the

agreed position that a certain amount of ancillary storage is considered lawful in relation to the extant planning consent for retail use".

7. If the allegation were to be changed to refer to mixed storage and residential use, this would relate to the whole of what for the purposes of planning law has to be treated as the "planning unit" (that is to say, the unit of occupation). The concept of the blue-shaded areas having some lawful use rights for ancillary storage would not apply - the mixed residential and storage use involves the whole planning unit and the logical requirement of an enforcement notice directed at this unauthorised use would be the cessation of the use. Moreover, under-enforcement would have the effect of creating an unconditional planning permission covering parts of the site, and I suspect that this has not been fully realised by both sides.¹
8. Another point relates to the exclusion of the blue-shaded areas from the definition of the land enforced against. It is not possible to require the unauthorised mixed use to cease whilst purporting to allow storage use to continue in the blue-shaded areas because access to those areas can only be obtained across the rest of the site, and this means that the parts of the site used for access would still be used for storage purposes.²
9. The same problem applies to the enforcement notice as drafted by the council. The requirement to cease the use of the "land" as defined in the council's notice (that is to say, the open areas not hatched blue) for storage, whilst leaving the blue-hatched areas excluded from this requirement, is contradictory and impossible to implement because of the access considerations just mentioned - the buildings could not be used for storage without the storage use impinging on other parts of the site. So even if I were not to amend the allegation, the enforcement notice would still be defective.
10. It is not legally possible for me to correct and vary the enforcement notice if the result would be more onerous than the original notice, as that could be regarded as causing injustice to the appellant. Redefining the definition of the "land" so that it equates to the planning unit, amending the allegation so that it refers to an unauthorised change of use to use for mixed storage and residential purposes, and then requiring the storage component to cease and all the stored items to be removed from the site would be more onerous than the original requirements.
11. If this appeal had been decided by means of a hearing or inquiry it might have been possible for me to explain all the relevant points of law to the parties orally, so that alternative courses of action could have been discussed more readily than is possible with written representations. With that in mind I have considered the possibility of arranging for a hearing to be held; but allowing for all the statutory requirements, such a course would take a considerable time, and the outcome might not differ from my decision.
12. In all the circumstances described above, I have decided that the enforcement notice is flawed beyond correction. I shall therefore quash it. I reach this conclusion reluctantly because all those involved, including neighbouring residents, have waited a long time for the issues involved in this site to be resolved, and if matters cannot be resolved by other means the next step may well be a further enforcement notice, with a corrected allegation and perhaps with

¹ The planning permission referred to here arises because of the effect of Section 173(11) of the 1990 Act.

² In case it might help to explain this point by means of a simple analogy, for the purposes of planning law the use of a driveway to a typical house standing in its own plot is "residential" or "dwellinghouse", not "driveway" or "car parking" or "access", because the driveway is part of the residential planning unit.

requirements more onerous than before. (The local planning authority and the appellant's agent will no doubt be aware of the so-called "second bite" provisions under Section 171B of the 1990 Act.) I am also concerned from a humanitarian, welfare and medical viewpoint about the poor and possibly unsafe living conditions which Mr Legg has created for himself, but I can only deal with planning matters.

13. For the enforcement notice to be quashed for the legal reasons I have explained, it is necessary to allow the appeal. The grounds of appeal pleaded (grounds (a), (c), (f) and (g) under Section 174(2) of the Act), become superfluous and do not fall to be considered. This decision should not be taken as in any way accepting or permitting the unauthorised development at the site.

Formal Decision

14. I allow the appeal and direct that the enforcement notice be quashed. The application deemed to have been made under Section 177(5) of the 1990 Act does not fall to be considered.

G F Self

Inspector

Agenda Item 14

Grant to Tintinhull Parish Council for New Village Hall (Executive Decision)

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Kim Close/Helen Rutter, Communities
Service Manager: Charlotte Jones, Area Development Manager (North)
Lead Officer: Teresa Oulds, Neighbourhood Development Officer (North)
Contact Details: Teresa.oulds@southsomerset.gov.uk or (01935) 462254

Purpose of the Report

Councillors are asked to award a grant of £40,000 to Tintinhull Parish Council towards the overall cost of building a new village hall.

Public Interest

Tintinhull Parish Council has applied for financial assistance from SSDC towards the overall cost of building a new village hall. A Neighbourhood Development Officer has assessed the application and submitted this report to allow the Area North Committee to make an informed decision on the application.

Recommendation

It is recommended that a grant of £40,000 is awarded to Tintinhull Parish Council towards the overall cost of construction of a new village hall, the grant to be allocated from the District Executive Village Hall Grants Budget (£6,000) and the Area North capital programme (Local Priority Schemes) (£34,000), subject to SSDC standard conditions for community grants (Appendix A) and the following special conditions:

- 1) Confirmation of the allocation of a Big Lottery Reaching Communities Buildings Fund grant to the project.
- 2) Submission of a final copy of the Business Plan (including a financial operating plan for the first three years) as submitted to the Big Lottery.
- 3) The applicant will consider its final designs in the light of the access review recently completed by Access for All, including outside and landscaped areas, and will work with SSDC to achieve the recommendations.
- 4) Submission of the new trust deed for Tintinhull Community Hall when enacted, obtaining the written approval of SSDC, together with formal confirmation by the trustee to accept the grant conditions.

(Note: The Capital Appraisal document is attached as Appendix B)

Application Details

Name of applicant	Tintinhull Parish Council (Tintinhull Community Hall)
Project	Construction and equipping of new village hall
Total project cost	Circa £1,128,520
Amount requested from SSDC	£40,000 (4%)
Recommended special conditions	<ol style="list-style-type: none"> 1) The applicant will confirm the allocation of a Big Lottery Reaching Communities Buildings Fund grant to the project. 2) The applicant will provide a final copy of their Business Plan (including a financial operating plan for the first three years) as submitted to the Big Lottery. 3) The applicant will consider their final designs in the light of the recently completed access review, including outside and landscaped areas, and will work with SSDC to achieve the recommendations. 4) Submission of the new trust deed for Tintinhull Community Hall when enacted, obtaining the written approval of SSDC, together with formal confirmation by the trustee to accept the grant conditions.
Application assessed by	Teresa Oulds, Neighbourhood Development Officer (North)

Community Grants Assessment Score

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

Category	Maximum Score Possible	Score
A Eligibility	Y/N	Y
B Equalities Impact	7	5
C Evidence of Need	5	5
D Capacity of organisation	15	15
E Financial need	7	6
F Innovation	3	3
Total	37	34

Background

Tintinhull is a rural village with 483 houses and a population of around 1150 spanning all age groups. There is a primary school, parish church, pub, swimming pool and recreation field, but the shop and post office closed some time ago (there is a satellite post office open one morning a week in the Working Men's Club). The existing village hall, owned by the Parish Council, was built in 1953 but a professional structural survey has shown it is now in very

poor condition as a result of deterioration. It is consequently very expensive to heat. The future of the hall has been under consideration since 2008.

The Tintinhull Community Plan, produced in 2012 and endorsed by SSDC, revealed the inadequacies of the present hall and the need for a new facility to meet all village needs and modern community requirements. This view was confirmed by information gathered from the results of a similar questionnaire in September 2014.

In December 2012 the Parish Council resolved to *“pursue a new build strategy to provide a village hall to the highest level of affordable sustainability and to design space as flexibly as possible to embrace Tintinhull Community Plan objectives. Funding requirements should bear in mind Parish Council responsibilities to the precept”*.

A New Build Village Hall Working Group was formed to manage the project and this group has worked hard since then to reach the point where they are now at the last stage of their application to the Big Lottery for the majority of the funds needed. Recognising the need for professional expertise in managing such a large project the group has, following a rigorous selection process, appointed a firm of architects to manage the design and build.

Currently the village hall is in the ownership of the Parish Council, but it has been agreed that the new hall will be run as a charity which will ensure local residents are proactively involved in the management of the hall's future.

Using information gleaned from questionnaire, survey and open day results as well as gaining valuable advice from visits to similar projects, the project team has built up a good base of evidence of the community's needs, as stated in their application:

1. *The elderly are feeling increasingly isolated, exacerbated by reduced public transport services and a lack of access to activities and services.*
2. *There are no community facilities for the disabled.*
3. *There is nowhere for young mothers and toddlers to gather together and socialize.*
4. *The youth club is restricted from developing further through lack of suitable facilities.*
5. *There is no longer a post office, village shop or anywhere to purchase basic provisions – the nearest being over three miles away – which used to serve as a village social focal point.*
6. *Village clubs cannot simultaneously hold meetings, thereby potentially restricting the number of clubs.*
7. *There is nowhere to house and display the village's extensive historical archives.*

Consultation

There has been extensive consultation and regular updates with the community throughout to ensure that everyone has been given the opportunity to have input to the design of the building, with questionnaires, well-attended consultation and information days and exhibition of the plans. Adjustments to the design of the roofline were made as a direct result of feedback from one of the open days.

Ongoing consultation, particularly regarding the operation of the hall, will continue in order that the views and needs of residents remain paramount and are addressed.

Access for All has been consulted on the final design and has offered its full support. In their expert view, the Design and Access statement addresses the needs of disabled users. They go on to say *“the new facility should greatly benefit the village and increase community use”*.

Benefit to the Community

The stated aim of the group on the application is that:

“All sections of the local and visiting community will benefit from having a welcoming village “hub” in which they can gather, hold their meetings, keep fit and enjoy local entertainment. It will provide the older generation, of which there are over 300, a mutually convenient place to gather to meet others in a similar situation; it will provide a place for village entertainment to be staged for all the community, whether it be the annual pantomime, a Christmas concert, a Take Art evening or a private party. The village has 550 working adults who enjoy living in a village atmosphere that offers varied entertainment without having to go further afield; the hall will provide a welcoming venue for weddings, complementing the lovely village church or wedding licensed National Trust house, both within walking distance; it will enable the younger generation (over 150 under the age of 16) to gather after school. Local groups will be able to make use of the kitchen and coffee shop facilities...”

“The building is being built on the site of the old hall in the middle of the village so most people can walk to it. For those who have difficulty we plan to provide transport to key events. ... We will make it as simple as possible for anyone to book and hire the hall by using a web based booking system, by email or by telephone, which removes a major barrier that other halls have encountered. Information contained within the foyer will be accessible during the day, even when the rest of the hall is closed thus improving access. ... The group’s aim is to be as inclusive as possible, in particular helping those who are disadvantaged by old age and loneliness, disabled, single parent and those with caring responsibilities by giving them somewhere to meet others in a local, friendly environment. ... The Management Committee will review all aspects on a quarterly basis to ensure lessons are learned and assessed.”

The hall is expected to be fully self-funded by the end of its third year of operating and making a profit that can be returned to the village to help with further activities and projects.

Current Position

An application to the Big Lottery Reaching Communities Buildings Fund in 2014 resulted in the group being invited to the final part of the process, Stage Three. The deadline for submission is 27 September 2015. A Big Lottery Development Grant of £85,000 was awarded towards the cost of obtaining professional advice and information to support the preparation of comprehensive financial and technical design and assessments.

Local fundraising events continue to generate money towards the project and the group continues to seek funding from other grant providers. Confirmation of a grant from SSDC would be helpful to them in this regard. The Area Development Team will continue to offer support to the group as necessary.

Management and Ownership

With guidance from the Community Council, a Charitable Trust (Tintinhull Community Hall) is being formed to govern the future ownership and management of the hall. The Trust Deed has been approved and signed by the Parish Council and submitted to the Charity Commission. This will ensure local residents and users of the hall are proactively involved in the future management of the hall.

A detailed business plan with predicted income and expenditure for operation of the project in years one to three is scheduled for submission to the Big Lottery Fund in September 2015 and the final version will be submitted to SSDC at the same time.

Assuming the final funding application to the Big Lottery is successful, build is due to complete by April 2017. Thereafter the hall will be funded from the revenue generated from hiring the facilities and the coffee shop profits.

Parish Information

Parish	Tintinhull
Parish Population	1,150
No. of dwellings	483

Project Costs

The new hall will be 496m². The predicted costs for the proposed traditional build, which include the associated car parking, have been established by a Quantity Surveyor and are considered reasonable. There will be a formal tender process once the funding from the Lottery is confirmed and SSDC standard grant conditions state that the grant paid will reduce if the final project costs are lower than anticipated. Similarly, the amount would not increase if the final costs exceeded expectations.

Item or activity	Cost £
Construction costs	760,000
Furniture, fittings and equipment	35,400
Professional fees*	116,350
Other costs: preliminaries	90,000
Other costs: demolition, leveling, asbestos removal	45,000
Contingency (includes inflation on capital costs)**	58,500
Non-recoverable VAT	23,270
Total project cost (A)	1,128,520

*Professional fees include design, contract administration, QS, planning, Construction Design and Management etc.

**This is 7% of the build cost which is generous (usually around 5%) but considered prudent.

Funding Plan

Funding Source	£ secured (S) or pending (P)
Parish Council*	170,000 (S)
Lottery**	85,000 (S)
Lottery	670,000 (P)
Veolia	50,000 (P)
Village fund raising	15,000 (S)
Village fund raising	15,000 (P)
Yarlington	5,000 (P)
Heritage	10,000 (P)
“Brick” sales	15,000 (P)
Awards for All	10,000 (P)
Other applications	43,520 (P)
Total Project Funding	1,088,520
Amount requested from SSDC (A-B)	40,000***

* PC's contribution represents 15% of the total project cost.

** Development grant towards costs incurred during design development to RIBA Stage 3.

***Amount requested from SSDC represents 4% of the total project cost.

Consents and permissions

A planning application (15/02685/FUL) is due to be determined at the Area North Committee on 26 August 2015.

The project will require building control consent and use of the SSDC Building Control service is included as a standard condition to beneficiaries of SSDC community grants.

Risk Assessment

The standard conditions for SSDC grants, together with the recommended special conditions, cover the risk of the grant to the Big Lottery being unsuccessful. In the unlikely event of the project failing, the Trust Deed for the Tintinhull Village Hall Charity would ensure any monies from the disposal of the land remains for the use of Tintinhull community.

Conclusion and Recommendation

This application is for £40,000, representing 4% of the total project cost.

The existing hall is in urgent need of repair or replacement and after a considerable period of consultation and evaluation of options, it was established that the latter was a more sensible option for the village.

Members of the New Build Village Hall Working Group bring a wide range of skills and experience to this project and a high level of commitment to strengthening and improving the quality of life for all in their local community. They have evolved plans, underpinned by thorough consultation, which have undergone the extensive scrutiny of the Big Lottery to reach Stage Three of the Reaching Communities Buildings Fund. Representatives of local community groups (whether current users of the hall or not) have contributed invaluable insight to assist the development of the plans in order to ensure they best address the well-documented requirements of the residents. They will become increasingly involved in the hall's development as the project progresses to the next stage.

It is therefore recommended that this application for £40,000 is approved. Given the timing of this application and in seeking to secure the council's long term interests for its investment a number of special conditions are recommended:

- 1) The applicant will confirm the allocation of a Big Lottery Reaching Communities Buildings Fund grant to the project.
- 2) The applicant will provide a final copy of their Business Plan (including a financial operating plan for the first three years) as submitted to the Big Lottery.
- 3) The applicant will consider their final designs in the light of the access review recently completed on behalf of SSDC, including outside and landscaped areas, and will work with SSDC to achieve the recommendations.
- 4) Submission of the new trust deed for Tintinhull Community Hall when enacted, obtaining the written approval of SSDC, together with formal confirmation by the trustee to accept the grant conditions.

Financial Implications

There is £6,000 of funding remaining in the DX Village Hall Grants budget and the Area North unallocated Local Priority Schemes fund has £209,190. If this application is approved and £34,000 used from the Area North unallocated fund, £175,190 will remain in that reserve for future years.

Council Plan Implications

The project has been included in the Area North Development Plan over a number of years and supports the following Council Plan objectives:

Focus One: Jobs

Focus Four: Health & Communities

Carbon Emissions & Climate Change Implications

Construction of the Community Centre will meet the current standards for heating and insulation to minimise energy consumption and energy loss.

Equality and Diversity Implications

Construction of the village hall will provide the village with a meeting place, café and changing facilities that meet the current standards for accessibility.

Access for All fully supports this application and will advise on the final plans.

Standard conditions applying to all Community Grants.

This grant offer is made based on the information provided in application form no. AN15/04 and represents 4% of the total project costs. The grant will be reduced if the costs of the total project are less than originally anticipated. Phased payments may be made in exceptional circumstances (e.g. to help with cash-flow for a larger building project) and are subject to agreement.

The applicant agrees to: -

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

Standard conditions applying to buildings, facilities and equipment

- Establish and maintain a “sinking fund” to support future replacement of the building / facility / equipment as grant funding is only awarded on a one-off basis.
- Use the SSDC Building Control service where buildings regulations are required.
- Incorporate disabled access and provide an access statement where relevant.

Special conditions

- 1) Confirmation of the allocation of Big Lottery Reaching Communities Buildings Fund grant to the project.
- 2) The applicant will provide a final copy of their Business Plan including a financial operating plan for the first three years) as submitted to the Big Lottery.
- 3) The applicant will consider their final designs in the light of the access review recently completed on behalf of SSDC, including outside and landscaped areas, and will work with SSDC to achieve the recommendations.

Appendix B



South Somerset District Council

**Capital Grant or Contribution
Investment Appraisal Form**

Approved Budget within Service Plan? **Yes (Area
North Capital Programme)**

Project Number: <TBC>

Project Name: <Tintinhull New Community Hall>

Date Created <01/08/2015>

Document Version: <1.0>

Author: <Charlotte Jones>

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0 Document Control

0.1 Document Approval

Name	Organisation	Role	Approval	Date
Charlotte Jones		ADM (North)	yes	16-08-2015

0.2 Revision History

Version	Author	Review	Reason For Issue	Date

0.3 Document Distribution

Name	Organisation	Role
Area North Committee		Determine allocation within Area North Capital Programme

0.4 Document References

Section Reference	Document Referred	Document Title

1 Project Outline

The existing village hall, owned by the Parish Council, was built in 1953 but a professional structural survey has shown it is now in very poor condition as a result of deterioration. It is consequently very expensive to heat. The future of the hall has been under consideration since 2008.

The Tintinhull Community Plan, produced in 2012 and endorsed by SSSC, revealed the inadequacies of the present hall and the need for a new facility to meet all village needs and modern community requirements. This view was confirmed by information gathered from the results of a similar questionnaire in September 2014.

The project is to construct a new village hall on the existing site.

1.1 Authority Responsible

Tintinhull Parish Council. The new hall will be vested in a new charity – Tintinhull Community Hall.

1.2 Project Objectives & Outcomes

- The project is to construct and operate a new village hall serving Tintinhull and the surrounding area.
- This project will help increase the network of cultural facilities across South Somerset and help deliver a range of social and economic benefits for residents.
- The hall is expected to be fully self-funded by the end of its third year of operating and making a profit that can be returned to the village to help with further activities and projects.

1.3 Quality Expectations

The new hall will be accessible and energy efficient.

The project will be subject to the standard SSSC community grants conditions.

1.4 Anticipated Benefits

- *All sections of the local and visiting community will benefit from having a welcoming village “hub” in which they can gather, hold their meetings, keep fit and enjoy local entertainment.*
- *It will provide the older generation, of which there are over 300, a mutually convenient place to gather to meet others in a similar situation;*
- *it will provide a place for village entertainment to be staged for all the community, whether it be the annual pantomime, a Christmas concert, a Take Art evening or a private party.*
- *The village has 550 working adults who enjoy living in a village atmosphere that offers varied entertainment without having to go further afield;*
- *the hall will provide a welcoming venue for weddings, complementing the lovely village church or wedding licensed National Trust house, both within walking distance;*
- *it will enable the younger generation (over 150 under the age of 16) to gather after school.*
- *Local groups will be able to make use of the kitchen and coffee shop facilities.*

- *The building is being built on the site of the old hall in the middle of the village so most people can walk to it.*
- *The group's aim is to be as inclusive as possible, in particular helping those who are disadvantaged by old age and loneliness, disabled, single parent and those with caring responsibilities by giving them somewhere to meet others in a local, friendly environment.*

1.5 Options

In past years the village has considered a number of alternative options including other sites, and conversion of a former pub. These options have been subject to extensive consultation including a local referendum.

In December 2012 the Parish Council resolved to *"pursue a new build strategy to provide a village hall to the highest level of affordable sustainability and to design space as flexibly as possible to embrace Tintinhull Community Plan objectives.*

A Big Lottery Development Grant of £85,000 was awarded towards the cost of obtaining professional advice and information to support the preparation of comprehensive financial and technical design and assessments.

1.6 Key Project Information Summary

1.6.1	Expected Duration Of Project			
	Start date:	Subject to outcome of current grant applications.		
	Other Key Milestones with Dates:			
	Expected Completion Date:	End 2016		
1.6.2	Estimate of Officer Time Required: -			
	Officer's Name	Estimate of officer hrs	Officer available? Y/N	Agreement of Officer? Y/N
	<i>Teresa Oulds – Neighbourhood Development Office (North) – Grants Officer</i>	20	yes	yes
	Comment by Property Services:	N/A		
	Comment by Information Systems (if new IT system):	N/A		
	Comment by Other Services requiring significant input:	N/A		
1.6.3	Risk Assessment			
	Risk	Steps taken to mitigate Risk		

	The project could start on site and then only partially complete – incurring costs but not benefits. The project could be poorly managed and incur over spends or over runs. The project may not sustain in the long term and the capital asset disposed of.	The standard conditions for SSDC grants, together with the recommended special conditions, cover these risks, together with close monitoring by the Grants Officer. In the unlikely event of the project failing at some future point, the Trust Deed for the Tintinhull Village Hall Charity would ensure any monies from the disposal of the land remains for the use of Tintinhull community.
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2 Financial Investment – Capital Projects

Funding Plan

Funding Source	£ secured (S) or pending (P)
Parish Council*	170,000 (S)
Lottery**	85,000 (S)
Lottery	670,000 (P)
Veolia	50,000 (P)
Village fund raising	15,000 (S)
Village fund raising	15,000 (P)
Yarlington	5,000 (P)
Heritage	10,000 (P)
“Brick” sales	15,000 (P)
Awards for All	10,000 (P)
Other applications	43,520 (P)
Total Project Funding	1,088,520
Amount requested from SSDC (A-B)	40,000***

* PC’s contribution represents 15% of the total project cost.

** Development grant towards costs incurred during design development to RIBA Stage 3.

*** Amount requested from SSDC represents 4% of the total project cost.

Breakdown of main areas of Capital cost

Item or activity	Cost £
Construction costs	760,000
Furniture, fittings and equipment	35,400
Professional fees*	116,350
Other costs: preliminaries	90,000

Other costs: demolition, leveling, asbestos removal	45,000
Contingency (includes inflation on capital costs)**	58,500
Non-recoverable VAT	23,270
Total project cost (A)	1,128,520

2.4 Revenue Implications of Capital scheme							
		Cost Centre	2015/16 £'000	2016/17 £'000	2017/18 £'000	2018/19 £'000	2019/20 £'000
	Loss of interest @ 3.15% (PWL B 10yr rate 10.7.15)	FT922		£1260			
	(Savings in expenditure)						
	Revenue Costs by Individual Budget: (List)						
	Revenue Income						
	Total Revenue Expenditure / (Net saving)			£1260			
	Cumulative (To be completed by Financial Services)			£1260			
2.5 VAT Implications							
This needs to be completed by Karen Horley, in Exchequer Team, on x2223, before submission to Financial Services							
	<i>None for SSDC. Grants are paid net of VAT if zero rating or recoverable VAT.</i>						
2.6 Impact on Band D							
	Additional spend						
	Lost interest at 3.15%			£1260			
	Divided by tax base						
	Cost per band D tax payer						

3 Interested Parties

Name	Reason	Action required
SSDC Building Control	Provide BC services	As per grant condition

3 Other information

Access for All fully supports this application and will advise on the final plans.

Agenda Item 15

Somerset Levels and Moors Local Action Group – Appointment of a Member to the Executive Board (Executive Decision)

Strategic Director: Rina Singh/Vega Sturgess Interim Chief Executive
Assistant Director: Ian Clarke, Legal and Corporate Services
Service Manager: Angela Cox, Democratic Services Manager
Lead Officer: Becky Sanders, Democratic Services Officer
Contact Details: becky.sanders@southsomerset.gov.uk or 01935 462596

Purpose of the Report

To seek an appointment from SSDC to the Somerset Levels & Moors Local Action for Rural Communities (LARC) Programme Executive Board.

Public Interest

LEADER is an investment programme funded by the European Union and DEFRA to assist with local economic development. Individual programmes are agreed by DEFRA and operate through a Local Action Group (LAG) made up of a range of organisations and individuals covering local business and community interests.

South Somerset District Council appoints a councillor to the Executive Board (EB) of the Local Action Group for the Levels and Moors, and this decision is made by the Area North Committee. The EB makes decisions on the investments made by the programme and monitors the results of previous grants. The EB members are expected to promote the programme and support community engagement.

Recommendation

The Committee is asked to appoint one member to serve on the Somerset Levels & Moors Local Action Group Executive Board for the remainder of the municipal year 2015-16.

Background

Councillor Jo Roundell Greene was appointed in May 2015 for a term of one year. Due to other commitments she has requested that a replacement appointment is made.

LEADER is an investment programme funded by the European Union and DEFRA to assist with local economic development. Individual programmes are agreed by DEFRA and operate through a Local Action Group" (LAG) made up of a range of organisations and individuals covering local business and community interests.

The Executive Board oversees the implementation of the Local Development Strategy that was developed through public consultation. Once the Levels & Moors Annual Delivery Plan has been agreed by DEFRA the programme will be open to outline applications; it is anticipated that this will be sometime in September.

Further information about the Somerset Levels and Moors Local Action Group is attached as Appendix A.

Financial Implications

None from this report. SSDC does not contribute financially to the programme other than officer time to support the work of the executive group for example in the assessment of applications to the programme. This is estimated at around 6 days per year.

Council Plan Implications

The opportunity to contribute to the success of the Levels and Moors Local Development Strategy can support a number of actions within the Council Plan 2012 – 15.

Focus One – Jobs

- Provide targeted support for start-ups and small businesses and those with the aspiration to expand.
- Enhance the vitality of town centres....
- Work with partners, to contribute to tackling youth unemployment.

Focus Two – Environment

- Deliver campaigns and projects that help ... cut energy use and adapt to climate change.

Focus Four – Health and Communities

- ...help communities to develop transport schemes and local solutions to reduce rural isolation and inequalities to meet existing needs of those communities.
- Maintain and enhance the South Somerset network of leisure and cultural facilities, optimising opportunities for external funding to promote healthy living.

Carbon Emissions and Climate Change Implications

None from this report – however a proposed activity of the Levels & Moors Local Development Strategy is support community-owned renewable energy schemes for the benefit of the local economy and environment.

Equality and Diversity Implications

Applications to the Levels and Moors programme are assessed for equality and diversity implications. The programme has supported a range of projects including those which targeted younger and older people and those facing rural exclusion / isolation.

Background Papers: *Minute 14, Area North Committee - 24 June 2015.*

Appendix A

The Levels and Moors Local Action Group for the LEADER Programme

What is LEADER?

LEADER is part of the Rural Development Programme for England (RDPE). It's a French acronym which roughly translates as 'Liaison among Actors in Rural Economic Development'.

Through the LEADER programme funding is available to:

- Private organisations
- Public organisations
- Voluntary organisations and
- Someone who wants to start a business

to help create jobs, develop rural businesses and support the local economy. Local Action Groups decide on the allocation of funding, based on a set of criteria approved by DEFRA.

How Local Action Groups work

A LAG is made up of people from the local community and the local public and private sector.

LAGs decide which projects they will fund in their area. This depends on their priorities but all projects must support one or more of the 6 LEADER priorities. These are to:

- support micro and small businesses and farm diversification
- boost rural tourism
- increase farm productivity
- increase forestry productivity
- provide rural services
- provide cultural and heritage activities

Projects funded under the new LEADER Programme (2014-2020) will need to focus on delivering jobs and growth, 70% of all projects funded under LEADER will need to show tangible outcomes of how they directly support the rural economy (e.g. through creating and developing micro and small sized rural businesses, offering employment etc), the remaining 30% of projects will also need to demonstrate that they are contributing to improving the local rural economy by, for example, by increasing visitors to a particular area or providing an essential rural service.

In South Somerset we now benefit from three Local Action Groups in the LEADER programme:

- *The Levels and Moors* - an established area stretching from A303 to the coast, taking in parts of Sedgemoor, Taunton Deane and Mendip plus the whole of SSDC Area North.
- *Making it Local* – Is largely based on the Blackdown Hills taking in Chard and western parishes of Area West.

- *Heart of Wessex* follows the A303/A30 corridor area. It covers the remaining, parts of the district in Area East, South and West excluding Yeovil, which is too big to be considered for the scheme.

Following a process of consultation, Local Development Strategies have been developed by each of the LAGs, which were then submitted to DEFRA. Each of the South Somerset LAGs has been successful in their bids; the funding allocation for Levels and Moors is £1,635,000, which equates to approximately £1,340m grants pot and £294,300 Management & Administration. (Variations will occur over the life of the programme as the funding is drawn down in Euros and subject to variance in exchange rates).

LEADER Partnerships have an Executive Group which is made up of a combination of representatives of businesses, agencies, communities and appointed councillors from local authorities. SSDC appoints one councillor representative to each of the three LAGs from the main area of benefit. With the support of an officer from the Area Development team, the councillor's role is to ensure that information and views are transmitted to communities in the LAG catchment, to disseminate information to the Area Committee, to act as an advisor on the executive board of the Local Action Group and to evaluate how applications might benefit the economic vitality and sense of place in the Levels and Moors.

The L&M programme is managed by a programme manager, under the auspices of Somerset County Council, who act as the accountable body for this scheme and its sister scheme in West Somerset.

Meetings are usually every other month lasting about two hours a piece. Representatives need to allow time for travel and some before/after reading of papers etc. There may also be ad hoc contact in between meetings which would be via email, if decisions need to be taken outside of a set meeting.

During the previous programme, I am very pleased to say that schemes and projects in Area North did very well. Over at Barrington Court the National Trust achieved a grant of £100,000 towards the further development of their craft units and individual businesses there also received development grants. In Langport, a grant of over £20,000 helped to improve pathways on the moor and river bank and provided new signage and leaflets to promote the offer to visitors. The LEADER programme gives us a great opportunity to support the local economy and help ensure that our rural businesses continue to thrive!

If you should need any further information, please contact me:

Pauline Burr, Neighbourhood Development Officer (North)
Pauline.burr@southsomerset.gov.uk 01935 462253 or 07968428037

Agenda Item 16

Area North Committee – Forward Plan

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

Purpose of the Report

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

Public Interest

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

Recommendation

Members are asked to:

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

Area North Committee Forward Plan

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

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

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

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

Background Papers: None

Area North Committee Forward Plan

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

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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
23 Sept '15	Area North Development Plan – review of priorities	A report of the achievements of the Area Development Plan for 2014-15 and discussion of priorities for the new committee.	Charlotte Jones, Area Development Manager (North)
23 Sept '15	Area North – Historic Buildings at Risk	An update report on the Council's Historic Buildings at Risk Register	Adron Duckworth, Conservation Manager
25 Nov '15	Presentation about Careline	Presentation about Careline to raise awareness of the service.	Alice Knight, Welfare and Careline Manager
<i>TBC</i>	<i>Conservation – service update</i>	<i>A service report from the SSDC Conservation team.</i>	<i>Adron Duckworth, Conservation Manager</i>
<i>TBC</i>	<i>Neighbourhood Policing – Area North</i>	<i>An overview of local crime and community safety priorities</i>	<i>Sgt Dean Hamilton – Area North Neighbourhood Policing team</i>
<i>TBC</i>	<i>Endorsement of Community led Plans</i>	<i>Curry Rivel Parish Plan South Petherton Parish Plan and Neighbourhood Plan</i>	Charlotte Jones, Area Development Manager (North)

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
<i>TBC (may be planned as an informal workshop)</i>	<i>Affordable Housing</i>	<i>As requested by Councillors – a discussion / presentation covering definition, criteria and guidelines for affordable housing, and the construction of modular / eco housing</i>	<i>TBC</i>
<i>TBC</i>	<i>SSDC land and property – Area North</i>	<i>As requested by Councillors - a report on asset management / land and property holdings in Area North</i>	<i>TBC</i>
<i>TBC</i>	<i>Licensing Service</i>	<i>Update report on the Licensing Service.</i>	<i>Nigel Marston, Licensing Manager</i>