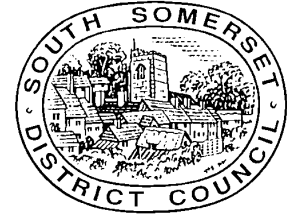


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 16th December 2015

2.00 pm

**Edgar Hall
Cary Court
Somerton Business Park
Somerton TA11 6SB**

(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 no earlier than 3.15pm.

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 8 December 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 no earlier than 3.15pm, following a break for refreshments, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A representative from the Area Highways Office will 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.

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 16 December 2015

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 25 November 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 27 January 2016** at a venue to be confirmed.

5. Public question time

6. Chairman's announcements

7. Reports from members

Items for Discussion

8. Area North Neighbourhood Policing Update (Page 9)

9. Citizens Advice South Somerset (Page 10)

10. Community Offices Update (Pages 11 - 18)

11. Assessment of Nominations Under Community Right to Bid - Methodist Church, Stoke-Sub-Hamdon (Pages 19 - 22)

12. Area North Committee Forward Plan (Pages 23 - 25)

13. Planning Appeals (Pages 26 - 30)

14. Schedule of Planning Applications to be Determined By Committee (Pages 31 - 32)

15. Planning Application 15/04038/FUL - Southern Counties Fresh Foods Ltd, Muchelney Road, Huish Episcopi. (Pages 33 - 47)

16. Planning Application 15/02269/FUL - OS 0062, Mildmays Road, High Ham. (Pages 48 - 60)

17. Planning Application 15/04538/OUT - Derelict Barn at Compton Durville, South Petherton (Pages 61 - 69)

18. Planning Application 15/04256/FUL - Rectory Cottage, Tintinhull Road, Chilthorne Domer (Pages 70 - 74)

19. Planning Application 15/04998/S73A - Land South of South Barton, Martock Road, Long Sutton. (Pages 75 - 79)

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.

Recording and photography at council meetings

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

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

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

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

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Agenda Item 8

Area North Neighbourhood Policing Update

The Neighbourhood Beat Manager of Avon and Somerset Police, the officer responsible for neighbourhood policing across Area North, will attend the Area North Committee, to provide a brief verbal update on local policing matters for the area.

Agenda Item 9

Citizens Advice South Somerset

Assistant Director: Kim Close/Helen Rutter (Communities)
Service Manager: Kim Close, Assistant Director (Communities)
Lead Officer: Kim Close; Assistant Director (Communities)
David Crisfield; Third Sector & Partnerships Co-ordinator
Angela Kerr; Chief Executive Officer, CASS

Contact Details: kim.close@southsomerset.gov.uk 01935 46206)
david.crisfield@southsomerset.gov.uk 01935 462240
angela.kerr@southsomcab.org.uk 01935 847661

Angela Kerr, Chief Executive of Citizens Advice South Somerset (formerly known as South Somerset Citizens Advice Bureau) will be attending Area North Committee to deliver a presentation to members on the work and future development of Citizens Advice South Somerset.

Agenda Item 10

Community Offices Update

Assistant Directors: Kim Close/Helen Rutter, Communities
Lead Officer: Lisa Davis, Community Office Support Manager
Contact Details: lisa.davis@southsomerset.gov.uk 01935 462746

Purpose of the Report

To update Councillors on the yearly footfall/enquiry figures across the district and the results of the recent customer satisfaction survey.

Public Interest

South Somerset District Council (SSDC) has 6 community offices which enable the public to access a wide range of Council related information and other assistance. This supports the other ways of contacting SSDC, which is by phone or the website. This report gives an update of the number of customers who visit the offices and also includes results of the customer survey carried out in September 2015.

Recommendation

That Area North Committee members note the report.

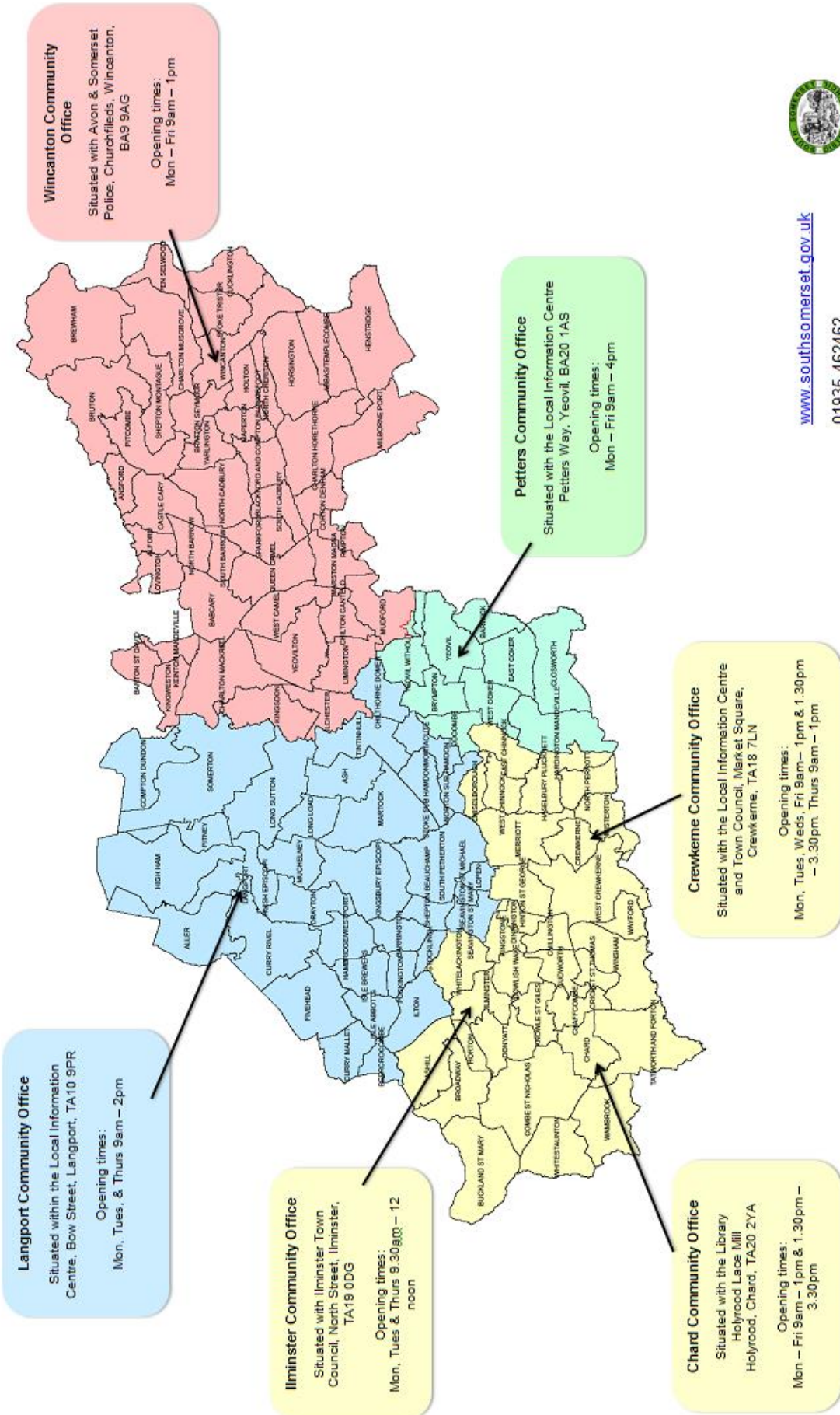
Background

The community offices are located in Yeovil, Crewkerne, Chard, Ilminster, Langport and Wincanton and are managed by the Community Office Support Manager and Deputy Community Office Support Manager, reporting to the Assistant Director, Communities. There are 13 (9.5FTE) Community Support Assistants (CSA) across the team who provide customer access to services assistance at the 6 Community offices. They also provide administrative and project support to the Area Development teams.

The Community Offices - The main SSDC services that customers visit our offices for are:

Housing and Council Tax Benefits	Receipt, verification and scanning of applications forms and evidence, general advice and guidance
Council Tax	Advice and guidance on moving in/out of area, discounts and exemptions and instalment plans, processing of payments (debit cards)
Homefinder (online social housing service)	Help with accessing the Homefinder service and weekly bidding process
Waste and Recycling	Advice on collection days, missed collection reports, ordering of new/replacement bins, payment of garden waste bins/bags
StreetScene	Report litter, fly tipping, dead animals, discarded needles, dangerous and stray dogs, dog fouling and graffiti
Community Protection	Report pest problems (rats, wasps, insects)
Horticulture	Report problems with shrub / tree / hedge maintenance
Planning/Building Control	Hand out application forms
Community Safety	Recording incidents

SSDC Community Offices



www.southsomerset.gov.uk
 01935 462462

Not all offices have exactly the same facilities either due to location or number of customers.

- Cash machines are available in Petters Way and Chard. Customers can make payments for council tax, parking fines, planning and building control applications.
- There is free public computers and phone access in Petters, Chard, Crewkerne & Wincanton allowing customers to access online services through self-service or assisted self-service.
- All offices are co-located with other authorities / agencies.
- All front offices have a hearing loop.
- All offices are fully accessible, except for Ilminster where it hasn't been possible to fully adapt.

The community offices provide face to face service and enables customers to receive advice and assistance to many SSDC services, as well as the ability to signpost to other agencies where necessary. They ensure vulnerable members of the community and those who find it difficult or unable to contact the council by other means are able to fully access our services.

As well as the community offices customers are also able to access SSDC services over the phone and/or via the SSDC website. There are a number of services now available online; completing applications, various payment options, reporting issues (including missed waste and recycling collections) and registering to vote. Homefinder applications can only normally be done via the internet.

All CSAs are trained to deal with the wide range of front office enquiries and are able to cover any community office ensuring that full opening hours are maintained across the district. Generally there is only one member of staff on the front desk, but back up support is provided in the busier offices to help reduce customer waiting time.

The Community Support team have access to the online referral system which enables them to refer customers as appropriate to the Welfare Benefits team and outside agencies such as CAB, SSVCA. The Welfare Benefits Advisors provide support and advice to many of the visitors to the front office and work closely with the Community Support team to raise awareness of the benefits that they may be entitled to.

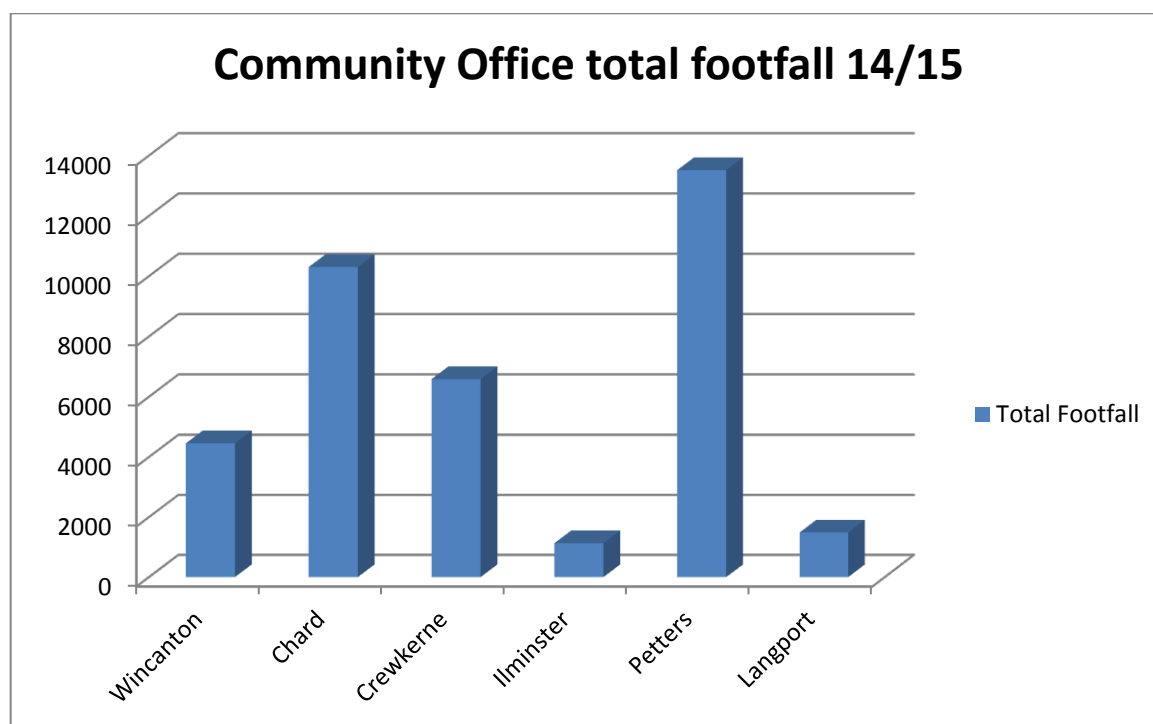
The complexity of enquiries at the front office can vary please see appendix 1 for case studies.

Footfall figures (Number of customers visiting the Community Offices)

Total footfall comparisons for all Community Offices from April 2012 - April 2015

All SSDC Community Offices	12-13	13-14	% change from previous year	14-15	% change in footfall 13/14 - 14/15
Benefits	18561	15345	-17%	13560	-12%
Council Tax	4270	4282	0.3%	4250	-0.7%
Housing & Homelessness	3450	2608	-24%	2306	-12%
Refuse & Recycling	1882	1411	-25%	1469	4%
*Core services total	28163	23646	-16%	21585	-9%
Other SSDC enquiries	5768	4067	-29%	4206	3%
Non SSDC enquiries	10522	8102	-23%	6832	-16%
Reception duties	8462	6189	-27%	4848	-22%
Total Footfall	52915	42004	-21%	37471	-11%

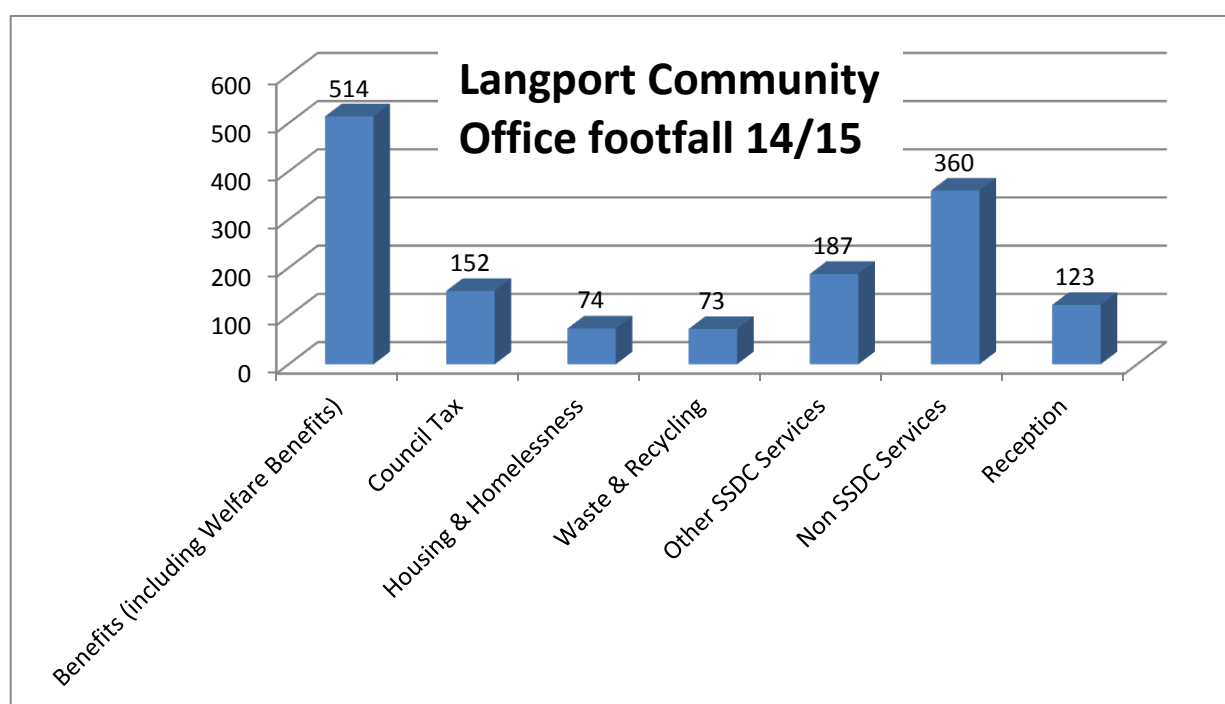
*Core services relate to Benefits, Council Tax, Housing & Homelessness and Refuse & Recycling



Total footfall comparisons for Langport from April 2012 - April 2015

Langport	12-13	13-14	% change from 12-13 to 13-14	14-15	% change from 13-14 to 14-15
Benefits	675	523	-23%	513	-2%
Council Tax	167	139	-17%	152	9%
Housing & Homelessness	178	73	-59%	74	1%
Refuse & Recycling	100	57	-43%	73	28%
Total core services	1120	792	-29%	812	3%
Other SSDC enquiries	176	143	-19%	188	31%
Non SSDC enquiries	349	287	-18%	360	25%
Reception duties	246	120	-51%	123	3%
Total Footfall	1891	1342	-29%	1483	11%

Although footfall has reduced from the previous year across the district the decline is not as significant and there has been an increase in footfall at Langport. It should be noted that whilst increasing numbers of the public are accessing services via the website or telephone the residual enquiries tend to be from more vulnerable people many of whom have complex enquiries which take longer to deal with.



The highest proportion of work undertaken by the CSAs in Langport front office relates to Benefit enquiries. This is receiving and processing benefit applications forms, evidence and other enquiries.

It should be noted that the non SSDC enquiries include bus pass enquiries/issue of forms, Town Council and SCC enquiries and any other enquiries that fall outside of SSDC's remit.

SSDC lease a space with Langport Local Information Centre

Customer Survey

A customer satisfaction survey is carried out every year and was compiled in September 2015 in all of the community offices and 467 responses were received.

Customer age group analysis

16-29	27%
30-44	26%
45-59	22%
60-74	18%
75+	7%

The team once again received a 99% satisfaction score of Good or Very Good relating to the overall service received.

Out of 458 responses 449 customers rated the waiting time before being seen as Good (95) or Very Good (354).

Out of 455 responses 448 customers rated the knowledge of the staff as Good (81) or Very Good (367)

98% of customers said that the CSA had been able to provide the information or help that was needed with the other 2% of customers being referred to another agency.

Comments received from customers on help provided:

- *“Excellent, brilliant, superb”*
- *“Very helpful and nice to speak to”*
- *“Very helpful”*
- *“Very helpful, friendly”*

Customers were also asked why they had chosen to call at the office rather than using another office, phone us or use our website.

79% of customers said the offices was near to their home with 6% saying they found it easier to communicate face to face due to speech, hearing or language problems.

Comments received from customers on why the use the offices:

- *“I am not confident using a computer or do not know how to access the website on my phone”*
- *“Couldn’t get through to Yeovil by phone”*
- *“Misunderstanding, easier to understand in Person”*
- *“Find it easier to communicate face to face”*
- *“Prefer to deal face to face when providing evidence”*

The results for Langport show that 8% of customers completing the survey would find it very difficult to get to another office. This highlights the importance of local offices for the more vulnerable residents who are unable or find it difficult to contact SSDC online or by

phone or who would be unable to access a central office. 100% of customers received the information or help that they needed whilst visiting Langport.

Future development

We will continue to promote the Community Offices and the services that are provided through leaflets, Town and Parish Councils, SSDC website and other methods as appropriate.

Financial Implications

None arising directly from this report.

Council Plan Implications

Focus on Health and Communities. Continue to provide Welfare Benefits support and advice to tackle poverty for our vulnerable residents.

Carbon Emissions & Climate Change Implications

Reduce carbon emissions by increasing awareness of local offices and use of alternative methods of contact i.e. online transactions

Equality and Diversity Implications

All front desk services are accessible, except our Ilminster office, which can only be improved if suitable premises can be found.

Background Papers:

Appendix 1 - Enquiry examples

Example 1

A non-English speaking lady come to the office and was accompanied by a friend to translate, despite this there were still language barriers.

The lady in question had previously failed to pay her Council Tax and therefore received a summons which had been passed to Ross & Roberts (SSDC debt collectors). The lady had then at this point fulfilled her repayments and the account was cleared.

The lady then received another bill from Ross & Roberts for the same amount and was confused and very upset. Having compared the bills, everything was identical except for a variance on the surname.

I tried to explain to her friend how the error had occurred and reassured them both that nothing was owed but because of the language barrier it was quite difficult for them to understand.

I contacted Council Tax who confirmed the error and said they would get in touch with Ross & Roberts.

I also checked current liability to ensure everything was up to date.

This whole process took about half an hour to resolve but I did manage to reassure the lady that it would be dealt with and she went away happy.

Example 2

A recently widowed lady brought in details of her husband's small private pension. She was hard of hearing and found it difficult to use the phone.

She asked if I could ring and pass on the details, including her email address and mobile phone and explain to them that any communication would have to be done via email or text message if they needed any more information.

Whilst she was in the office I was able to request Single Person Discount with Council Tax, plus knowing that she was in receipt of benefits I explained that she may be able to get help with the funeral costs. I printed and helped her fill in the application form from the Gov.uk website, including a note explaining that she was hard of hearing and could only deal with communication via email or text message.

I also assisted with her moving – ie. arranging for her garden bin to be removed, processing the move on our systems and reminding her to take final readings on electricity and gas meters etc.

She was very grateful for all the assistance given, saying that she felt comfortable coming in the office.

Agenda Item 11

Assessment of Nominations Under Community Right to Bid – Methodist Church, Stoke-Sub-Hamdon (Item for information)

Assistant Director: Helen Rutter/Kim Close, Communities
Service Manager: Charlotte Jones, Area Development Manager (North)
Lead Officer: As above
Contact Details: charlotte.jones@southsomerset.gov.uk 01935 462565

Purpose of the Report

This report is to inform councillors of the result of an assessment completed by the Area Development Manager (North) following a nomination for the Methodist Church in Stoke-Sub-Hamdon to be added to the council's Register of Assets of Community Value.

Public Interest

The Community Right to Bid is one of a series of community rights established by the 2010 Localism Act. It can 'pause' the sale of buildings or land a community cares about such as the local pub, shop, library or playing field. It gives the community time to develop a bid to buy it.

Before this can happen, the land or building must be registered by the local council in its 'Register of Assets of Community Value'. If the property on this register is offered for sale, (and providing certain criteria are met) a local community organisation can have up to six months to prepare a bid.

Further information is published at <http://www.southsomerset.gov.uk/communities/ssdc-and-the-localism-act/community-right-to-bid/>

Background

In August 2013 District Executive agreed a process for considering nominations received from communities to place assets of community value onto the SSDC Register of Assets of Community Value, based on criteria which are set out in the Localism Act. SSDC has 8 weeks to consider a nomination.

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

The assessment

This report publishes the assessment, which is set out in the appendix attached to this report.

- Appendix A is the assessment for Methodist Church at Stoke-Sub-Hamdon – the nomination was received on 9th November and the assessment completed on 4th December 2015 together with the map showing the relevant area for the nomination.

The nomination meets the relevant criteria and so qualifies for inclusion on the council's Register of Assets of Community Value. Consultation with the ward member and Area Chairman either supported or raised no objections to this conclusion.

Next Steps

Notification letters are sent to the Land Registry, relevant parish councils, property owners and the nominating group and the asset will be placed on the SSDC Register of Assets of Community Value.

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

Once an asset has been listed, nothing further will happen until the owner decides to dispose of the asset (either through a freehold sale or the grant of a lease for at least 25 years). At this point the owner must* notify SSDC of the intention to sell (*some exemptions apply).

SSDC then publicises the opportunity under the Community Right to Bid for a relevant group to trigger the moratorium period. A relevant 'community interest group' has six weeks to notify SSDC that it intends to bid for the property(s).

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

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

Financial Implications

None at this stage

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

Council Plan Implications

None from this report

Carbon Emissions & Adapting to Climate Change Implications

None from this report.

Equality and Diversity Implications

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

Appendix A

Community Right to Bid Assessment – Methodist Church, Stoke-Sub-Hamdon

Name of property/land	Methodist Church, Stoke-Sub-Hamdon		
Date of decision	11 th November 2015		
Area Development Manager	Charlotte Jones		
	Community Right to Bid criteria	Detail	Fits Criteria Y/N
Nominating body	Does the nominating body fit the definition of a 'Community Interest Group?'	Stoke-Sub-Hamdon Parish Council	Yes
Area of interest	Does the nominating body have a 'local connection'?	Parish Council in Parish the Church is situated.	Yes
Use in recent past	Does the current use of the property or its use in the recent past (ie. the past 5 years) further the social wellbeing and interests of the local community?	As church, this property has fulfilled a wide social purpose over many years to the residents of Stoke and the surrounding area. The church closed for services at the end of 2012. It has continued to be used for a variety of social purposes including the Hamdons Youth Group and the Little Fishes playgroup.	Yes
Proposed future use	Does the proposed continued use (or in the next 5 years) further the social wellbeing and interests of the local community?	Develop as a youth and community centre to complement existing local facilities. In particular this is to secure the future of the Hamdons Youth Group and other regular users.	Yes
Conclusion	Churches are included within the definition of community assets, and the Methodist Church has fulfilled a clear role in furthering the social wellbeing and interests of the community. The nominating body meets the definition of a community interest group with a relevant local connection. It is not unreasonable to think that a business plan could be developed for this asset by the community to continue to provide a range of community benefits.		
Decision	The Stoke Methodist Church to be added to the Council's Register of Assets of Community Value.		
Name	Charlotte Jones, Area Development Manager (North) South Somerset District Council 4 th December 2015		
Area Chair	Cllr Shane Pledger		
Ward Member	Cllr Sylvia Seal		

SOUTH SOMERSET D C
28 SEP 2015
PLANNING



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Rev	Description	Date	By
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LAND & PLANNING DIVISION
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CHARD SOMERSET
TA20 1QF
TEL: 01460 238380
FAX: 01460 68266

PROJECT TITLE
The Methodist Church
West Street
Stoke Sub Hamdon

DRAWING TITLE
Proposed conversion to
single residential dwelling
Location Plan

STATUS	planning	SHEET	A4
SCALE	1:1250	DRAWN	lehm
DATE	August 2015	REVISION	
DWG NO.	2240-PL-01		

Agenda Item 12

Area North Committee – Forward Plan

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
27 Jan '16	Building at Risk	Update report on a particular Building At Risk - Confidential	Adron Duckworth, Conservation Manager
27 Jan '16	Area North Priorities and Area Development Plan	Update report.	Charlotte Jones, Area Development Manager (North)
27 Jan '16	Environmental Health Service	Service update report.	Alasdair Bell, Environmental Health Manager
<i>24 Feb '16</i>	<i>Highways Update</i>	<i>Service update report</i>	<i>Chris Weeks, Assistant Highway Service Manager, SCC</i>
24 Feb '16	Affordable Housing Programme – Area North	Update report on affordable housing in Area North.	Colin McDonald, Corporate Strategic Housing Manager
24 Feb '16	Licensing Service	Update report on the Licensing Service.	Nigel Marston, Licensing Manager

<i>23 Mar '16</i>	<i>Countryside Service</i>	<i>Update report on the work of the Countryside Service</i>	<i>Katy Menday, Countryside Manager</i>
<i>TBC</i>	<i>Tourism Service</i>	<i>Update report on the work of the Tourism Service</i>	<i>Justine Parton, Tourist Information Centres Operations Supervisor</i>
<i>TBC</i>	<i>Endorsement of Community led Plans</i>	<i>Curry Rivel Parish Plan South Petherton Parish Plan and Neighbourhood Plan</i>	<i>Charlotte Jones, Area Development Manager (North)</i>

Agenda Item 13

Planning Appeals

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

14/05234/OUT – Land OS 5775 North of Kelways, Wearne Lane, Langport.
Residential development of land, formation of vehicular access, provision of roads and open space, demolition and alteration of wall.

14/05235/LBC – Old Kelways, Somerton Road, Langport TA10 9YE
Demolition of western end of wall.

14/04300/FUL – Land at Aller Court Farm, Church Path, Aller.
Proposed solar park comprising the erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks, ancillary equipment and ecological mitigation measure.

13/00101/BRCOND – Westend Stores, West Street, Stoke Sub Hamdon
Appeal against serving of enforcement notice.

Appeals Dismissed

14/04561/FUL – 3 Westfield, Curry Rivel TA10 0HX.
Erection of an attached dwelling and associated access, parking for new and existing dwelling and amenity spaces.

Appeals Allowed

None

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

Appeal Decision

Site visit made on 5 October 2015

by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI

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

Decision date: 27 November 2015

Appeal Ref: APP/R3325/W/15/3009458

3 Westfield, Curry Rivel, Langport TA10 0HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by C. Grant against the decision of South Somerset District Council.
 - The application Ref 14/04561/FUL, dated 30 September 2014, was refused by notice dated 17 November 2014.
 - The development proposed is for an attached dwelling and associated access, parking for new and existing dwelling and amenity spaces.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. Since the application was refused planning permission, the Council has adopted the South Somerset Local Plan 2006-2028 (LP), which has replaced the former Local Plan. As such, there is now a suite of new policies relevant to the determination of this appeal. The appellant is aware of the policy changes and has had the opportunity to comment on them. As such, I am satisfied that no party has been prejudiced by these policy alterations.
3. The Council's settlement strategy contained within policies SS1 and SS2 from the LP would strictly control and limit development in Rural Settlements such as where the appeal site is located. However, these policies are clearly relevant to the supply of housing and, given the Council's acceptance that it cannot demonstrate a five year supply of housing sites, in the context of the National Planning Policy Framework (the Framework), they are out of date.

Main Issues

4. In view of the above the main issues are whether:
 - any adverse impacts of allowing the appeal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole;
 - the proposed level of parking off-road would have any adverse consequences for highway safety.

Reasons

Sustainable Development

5. The Council's settlement strategy consists of a hierarchy of settlements identified on the basis of their current role and function, with future growth concentrated within specific settlements at the higher end of the hierarchy. Rural Settlements are the lowest category within the hierarchy. LP Policy SS2 sets out that development would be strictly controlled and limited to that which provides appropriate employment opportunities, creates/enhances community facilities and/or meets identified housing need, particularly affordable housing. On its face, the appeal scheme would conflict with this policy's requirements.
6. However, given the accepted housing supply situation I am attaching considerable weight to the presumption in favour of sustainable development set out in the Framework and in particular, the decision-taking part of paragraph 14. There are three dimensions to sustainable development: environmental, economic and social.
7. Turning to the social dimension first, this aims to provide the supply of housing required to meet the needs of present and future generations. An important part of that supply, other than just boosting numbers and supporting strong, vibrant and healthy communities, is the need to provide affordable housing. Meeting the affordable housing needs of South Somerset is a key objective of the Council based on evidence that there is a net annual affordable housing requirement for 659 dwellings. A means of addressing that need is to seek commuted financial contributions from housing proposals such as the appeal scheme, with that money being used to provide affordable housing elsewhere. Policy HG4 from the LP legitimately seeks appropriate levels of contributions from sites such as this, and; the mechanism to secure this is an obligation under S106 of the 1990 Act. In the absence of this, the scheme is in conflict with the affordable housing aims of LP policy HG4. Consequently, it also does not meet the social role of sustainable development.
8. I am aware of the appellant's misgivings about the introduction and application of policy HG4 late on in the appeal process, given that it was not an original reason for refusal. However, paragraph 10.24 from the LP reflects the state of flux about whether or not affordable housing contributions could be sought on sites of 10 units or less and the Council's letter to its regular agents explains that it was not until the middle of this year and, following a successful High Court challenge, that the situation was clarified. It is acknowledged that for whatever reason, the Council did not make known the relevance of this background to this appeal until the end of October 2015. Nevertheless, it raises the fact that there is a further policy from the development plan relevant to this appeal that I must take into account when reaching my decision. I cannot set it aside as the appellant wishes me to do.
9. Importantly also, whether or not the Council's actions were unreasonable, the appellant has been given the opportunity to comment on the implications of this situation on the appeal outcome. As such, the principles of fairness have been followed and no injustice has been caused. There may be economic reasons why an affordable housing contribution should not be sought from this site but there is no viability evidence for me to consider. I therefore maintain the findings reached above.
10. Turning to the environmental dimension of sustainable development, the appeal site comprises the side garden area of a semi-detached property within an established residential area. Despite the Council's concerns relating to

design, the proposal is for a modest property of similar design to the existing semi-detached properties. LP Policy EQ2 requires developments to meet high standards of design by promoting local distinctiveness and preserving or enhancing local character. I do not accept that the designs of either the front projection or the car port's oversail feature would be incongruous. There is a mix of house types and designs throughout the estate and there is no distinct common building line. Also, materials would match the existing adjacent property and reflect those found in the immediate vicinity.

11. In terms of location, Westfield is situated within easy access to village shops, services and facilities. Despite the recent policy changes, the use of the private car would not be a necessity for all people living at this location. Thus in environmental terms, the appeal proposal would be consistent with the Framework and would comply with LP Policy EQ2 in terms of design.
12. As far as the economic dimension is concerned, building the new house would mean work for the construction sector, thus supporting growth and helping to build a strong, responsive and competitive economy. Paragraph 55 of the Framework advises that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It is likely that future occupants would use the facilities within the village and those of nearby higher order settlements, including Langport. For these reasons the proposal would meet the economic role of sustainable development.
13. Notwithstanding my findings relating to the economic and environmental roles, the harm arising due to the scheme not addressing the need for affordable housing significantly and demonstrably outweighs the relatively limited benefits of one more house to the overall supply of housing in the district. The scheme also conflicts with the affordable housing aims of LP policy HG4. Thus the appeal scheme is not sustainable development.

Parking provision and highway safety

14. The scheme in total proposes 4 parking spaces, two would be provided for the existing property and two for the appeal dwelling. One of the two spaces for the existing property would be created by the integral garage that forms part of the appeal proposal. All four spaces would be constructed to provide parking bays measuring 2.4m x 8m.
15. The Framework seeks to maximise public transport, walking and cycling, and advises that parking standards should take account of the accessibility of development and the levels of car ownership. A recent Written Ministerial Statement (WMS) dated 25 March 2015 highlights that local parking standards should only be imposed where there is clear and compelling justification. The local highway standards in Somerset suggest that 3 bedroom houses in rural settings should each be served by a minimum of three off street spaces.
16. From my observations, Westfield lies in a sustainable location with a range of services and facilities close to hand, together with public transport links. Properties here enjoy good levels of off-street parking facilities. In the absence of evidence of a local parking issue, I do not consider that one additional dwelling would result in a material shortage in parking provision off road in this location. Nor has it been demonstrated that even if there was a material deficiency, it would be bound to have a harmful effect on highway safety.

17. The Council also points out that the resulting width of the garage parking and parking bays proposed would be below the normally accepted width of 3 metres. The preferred standard size for garages of 3m x 6m is derived from Manual for Streets in recognition that garages are often used for domestic storage and parking. Otherwise, it is considered that 2.4m x 6m is sufficient for parking bays. I am satisfied that the appeal proposal would provide acceptable provision for off-street parking.
18. Accordingly this proposal accords with LP Plan Policies TA5 and TA6 and also with the provisions of the Framework, which seek to provide adequate parking provision thereby avoiding harmful amenity and highway safety issues.

Other Matters

19. Concern is expressed by the occupiers of the neighbouring semi-detached property (No.4) that the proposal will effectively create a terrace of three properties and impact on the value of their property. However, planning is concerned with land use in the public interest and that the protection of purely private interests such as the impact of a development on the value of a neighbouring property is not a material planning consideration.

Conclusion

20. Despite my positive finding about parking and highway safety, for the reasons given, the scheme would not be sustainable development. That is the overriding consideration. Therefore, having had regard to all other matters raised, it is concluded that the appeal should be dismissed.

Gareth W Thomas

INSPECTOR

Agenda Item 14

Schedule of Planning Applications to be Determined by Committee

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 3.15pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 3.10pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
15	LANGPORT & HUISH	15/04038/FUL	Continued use of site for abattoir etc. Construction of various structures etc.	South Counties Fresh Foods Ltd, Muchelney Road, Huish Episcopi.	Mr T Curran
16	TURN HILL	15/02269/FUL	Change of use of land for the creation of two additional gypsy pitches	OS 0062, Mildmays Road, High Ham	Mr A Hughes
17	SOUTH PETHERTON	15/04538/OUT	Erection of a dwelling with associated parking	Derelict Barn at Compton Durville, South Petherton.	Messers N & E Wakely & Mrs A Denning
18	ST MICHAELS	15/04256/FUL	Erection of timber boundary fencing (part retrospective)	Rectory Cottage, Tintinhull Road, Chilthorne Domer.	Mr R Gillman
19	TURN HILL	15/04998/S73A	Application to vary condition 2 of 14/05217/FUL – change in roof material	Land South of South Barton, Martock Road, Long Sutton.	Mr & Mrs S Cox and Mr & Mrs J Lane

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

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

Agenda Item 15

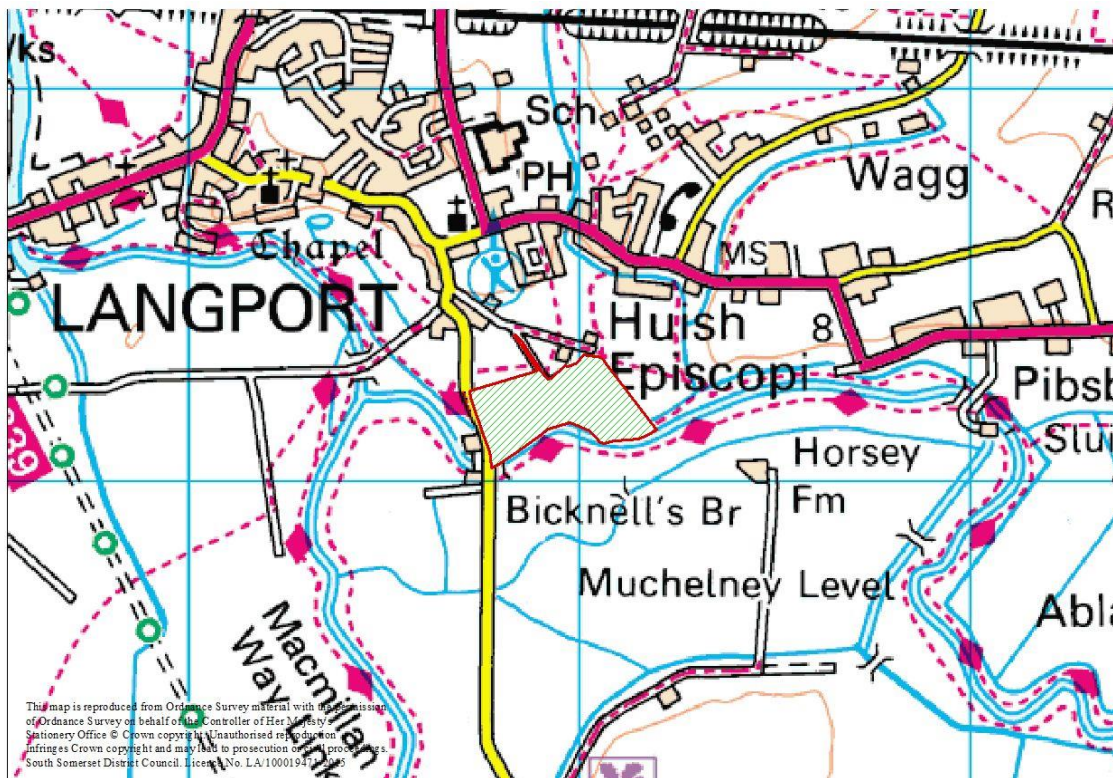
Officer Report On Planning Application: 15/04038/FUL

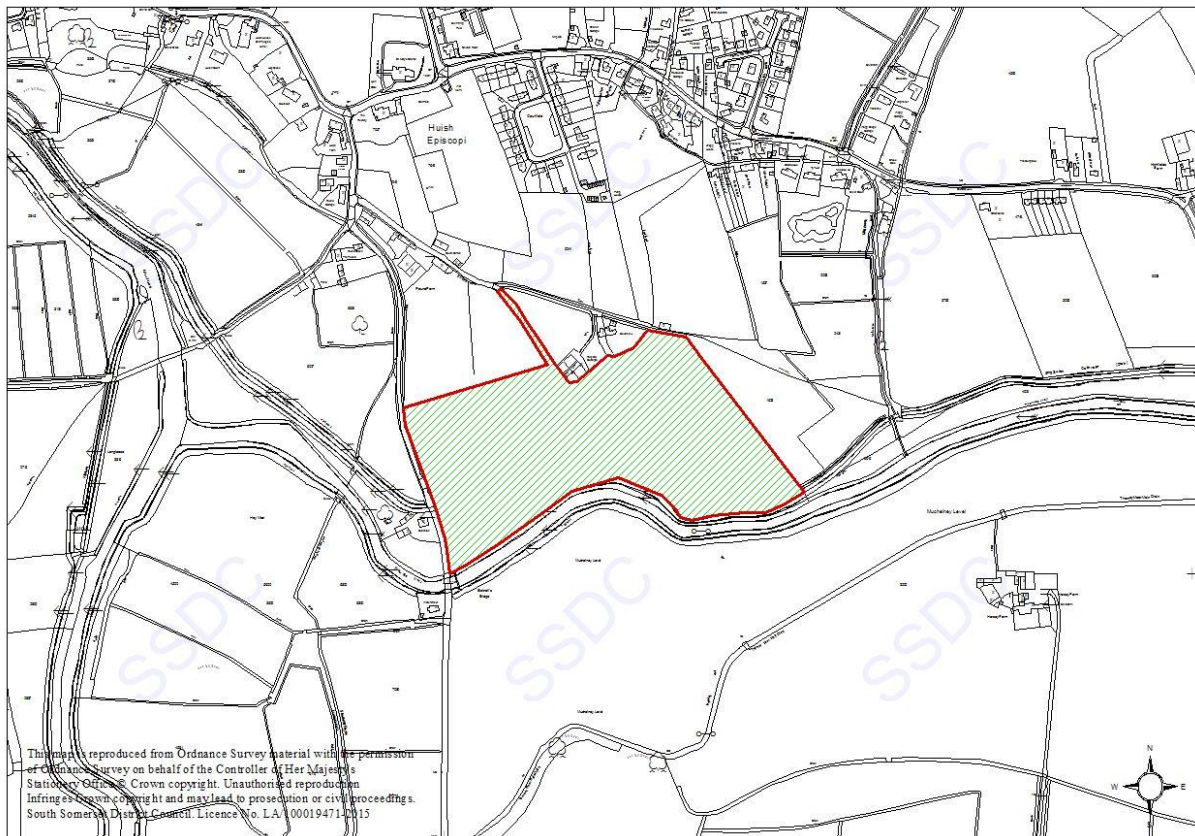
Proposal :	Continued use of site for abattoir and associated purposes. Construction of additional carcass chills and an energy centre. Construction of storage including dry goods and finished product. Infill construction of a covered by-products yard and construction of a relocated security office (GR:342890/126238)
Site Address:	Southern Counties Fresh Foods Ltd, Muchelney Road. Huish Episcopi.
Parish:	Huish Episcopi
LANGPORT AND HUISH Ward (SSDC Member)	Cllr C Aparicio Paul
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	7th December 2015
Applicant :	Mr Tony Curran
Agent: (no agent if blank)	
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee by the Development Manager in consultation with the Ward Member and Area Chair in the interests of a full discussion of this major application.

SITE DESCRIPTION AND PROPOSAL





The 7.5 ha site is located to the south east of the 'local market town' agglomeration (as identified in the Local Plan) of Langport/Huish Episcopi. The site has been used as an abattoir for over 40 years. It is bounded to the south by the River Yeo, to the east by open agricultural land. Immediately adjacent to the northern boundary (at the end of Tanyard Lane, is a group of cottages). Within the ownership of the applicant is a large open field to the north of this (used at times as a helicopter landing site). Further north is another group of dwellinghouses. The site is developed with a large two large groups of structures: the existing abattoir (including packaging and processing areas, offices, etc) and a secondary abattoir building further towards the south east, used infrequently. Recently, the eastern part of the site has been extensively tidied up, with redundant structures having been removed.

The current proposal seeks planning permission for various extensions to the existing main abattoir building, including carcass chills, an energy centre, goods storage and a security office. The rationalisation of the complex allows not only for additional space, but for a radical revision of the operating 'flow' within the buildings. The proposal would provide a net additional floorspace of 4394 sq m (446 sq m existing space would be lost).

The application has included within the red-line area all of the relevant land being used currently by the abattoir, under various historical permissions. Along with rationalising the operation of the site, this process offers the opportunity of bring all the planning controls under one permission, with a single legal agreement.

HISTORY

There have been a large number of applications relating to the abattoir over the last 30 years. Many of these applications have involved alteration and amendment of earlier permissions (amendment of conditions etc). This current application seeks to rationalise these permissions

and controls into a single permission with a single legal agreement. The most relevant historical permission is 09/03571/FUL (details below). However, permissions have not all applied to all of the site. This has often required piecemeal amendments to permissions, and a sometimes confusing array of decision notices and agreements. Of most relevance to this application are:

09/04391/S73 - 09/04395/S73 Application to vary condition 3 of various decision notices to permit the extension of working hours - permitted with conditions.

09/03571/FUL - The erection of extension to provide a bone lorry cover and additional processing and chiller space - permitted with conditions

08/04363/COU - Change of use of part of premises from abattoir for "older cattle disposal scheme" to abattoir processing cattle for human consumption - permitted with condition (this refers to the secondary abattoir building situated at the eastern end of the site)

05/02167/FUL - Extension to abattoir facility - permitted with conditions

All of these permissions carried through a standard set of conditions. A Section 106 Agreement signed in October 2000 is relevant to the site, controlling routing of vehicles approaching and leaving the site, as well as operation of the site.

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
- SS3 Delivering New Employment Land
- SS6 Infrastructure Delivery
- SS7 Phasing of Previously Developed Land
- LMT2 Langport/Huish Episcopi Direction of Growth
- EP3 Safeguarding Employment Land
- EP4 Expansion of Existing Businesses in the Countryside
- TA1 Low Carbon Travel
- TA5 Transport Impact of New Development
- TA6 Parking Standards
- EQ1 Addressing Climate Change in South Somerset
- EQ2 General Development
- EQ3 Historic Environment
- EQ4 Biodiversity
- EQ7 Pollution Control

National Planning Policy Framework (March 2012):

1. Building a strong, competitive economy

3. Supporting a prosperous rural economy
4. Promoting sustainable transport
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
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: *No objections, however Councillors stressed the continuing need for ABP to maintain a robust dialogue with its neighbours, addressing their concerns regarding privacy, proximity and access as this proposed development of the site progresses.*

Langport Town Council: *The Council raised no objections, but continues to have concerns over HGV traffic and fully supports any comments made by Huish Episcopi Parish Council.*

Highways Authority: *No objection is raised: The proposed development is not considered likely to generate significant numbers of additional vehicles onto the highway network as it appears to be largely a consolidation of existing practice and therefore there will not be an "in principle" objection to the proposal. The proposed car parking appears to be sufficient to cater for the likely demand.. Subject to conditions.*

SSDC Highway Consultant: *Refer to SCC comments. The over-riding issue arising from the Transport Statement is that there will be no increase in traffic movements to and from the site. Provided that this is this case, there should be no significant highways issues with the proposals. The existing routing agreement should be maintained.*

SSDC Landscape Officer: *The proposal intends the re-organisation of the above site, including some removal of outbuildings, with the new build and infill introducing a minor increase in the overall massing of the building group at the moor's edge.*

A landscape and visual statement (LVS) is submitted in support of the application, which has evaluated the likely landscape and visual effects of the proposal upon its context. It notes that in most part, the new buildings will predominantly cover existing hard surfaced areas, with the main impact being upon existing cypress hedgerows to the west and south of the complex. Neither hedgerow is of good quality, nor do they reflect local character. On visual matters, it is observed that many of the views from the north, including the conservation area, will see the new build in an established context of built form, with the increase in massing due to new build to be slight only. Whilst from the moor to the south, views are more open, again the new build results in a marginal massing increase only, and is seen against the context of the current building outline. These are minor impacts, and to mitigate landscape and visual effects of the consolidated building mass, the LVS proposes:

- (a) wet woodland planting to the south and southwest side of the site, to play down building mass from this quarter;
- (b) additional and replacement planting to the west of the site, associated with the access and parking areas, to soften the main approach to the building, and;
- (c) a field corner copse to intervene in views toward the abattoir from the conservation area, to filter and soften views from this quarter.
- (d) additional planting lines are included along the north boundary with residential properties.

I have reviewed the LVS, and agree with its evaluation of site impact. As there will be a consolidation of the existing built form, with only a small increase of the overall massing effect, then I consider that there will be no more than a minor adverse effect arising from development impact. This impact is countered by the mitigation proposals. Consequently, with this mitigation an integral part of the scheme, I have no objection to the proposals before us. If minded to approve, please condition the planting proposals to be undertaken as detailed on drawings TD779-03C and 04C, with the planting of two areas; (a) to the south of Long Sutton catchwater, and (b) alongside Tanyard Lane (N of the heliport) to be undertaken during the planting season immediately following approval, to ensure that the prime areas of mitigation are in place as construction gets underway.

SSDC Planning Policy: *The development plan for South Somerset comprises the adopted Local Plan 2006-28, and the saved policies and proposals from the Local Plan 1991-2011. The National Planning Policy Framework (NPPF) is an important material consideration.*

Local Plan policy SS3 sets the approach for the delivery of land for economic development across the district over the plan period 2006-28, identifying 3.67 hectares of additional employment land and 284 jobs to be delivered at Langport/Huish Episcopi. The proposal is located just beyond the 'direction of growth' for Langport/Huish Episcopi as set out in Local Plan policy LMT2. Therefore, technically it should be considered against policy EP4 'expansion of existing businesses in the countryside' although it is acknowledged that in reality the location is closely related to the settlement of Langport/Huish Episcopi, a Local Market Town in the Local Plan (policy SS1).

Policy EP4 includes a number of criteria that should be met to permit the expansion of existing businesses in the countryside - the business has clearly been operating for more than three years, the applicant explains that the proposal is necessary to support the business, and land within the curtilage of the development is used. You will need to consider whether the proposal is also consistent with the other criteria in EP4 relating to the impact on the countryside, wildlife sites, and traffic impacts, although it does not appear there are adverse impacts.

The National Planning Policy Framework (NPPF) places significant weight on the need to support economic growth (para 19) and supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings (para 28).

Overall, it is considered that the proposal is consistent with policies in the adopted Local Plan and the NPPF.

SSDC Ecologist: No comments or recommendations.

SSDC Environmental Protection Officer: *Having considered the application the main issue from an Environmental Protection viewpoint is that of noise. An acoustic report has been provided as part of the application and this has been reviewed.*

The site is already subject to various noise limits. The report has assessed the noise impact of the proposed changes in relation to these existing noise limits, as agreed with this team. The report acknowledges that the noise limits are not currently being met. It concludes that with controls on the overnight running of chilled vehicles, and with acoustic attenuation on much of the external plant, that it should be possible to comply with the noise limits.

Additional information was requested, and supplied by the applicant. Further comments were offered, along with appropriate draft conditions:

There are still some uncertainties regarding the noise from plant and machinery on site, but the consultants have clearly stated that:

'A detailed noise assessment will be undertaken during the detailed design stage once the final plant selection has been confirmed to demonstrate compliance with the site noise limits.'

They have also advised that they are confident that they can design mitigation to deal with any noise identified in that assessment that is in excess of the noise limit. In particular with regard to noise from the vac pac chill room they have stated that:

'If it is determined during the detailed design phase, that the break out noise is higher than predicted in the noise model, additional mitigation will be used, for example increasing the sound reduction of the façade or reducing the internal noise from the chiller by careful selection of plant and/or using silencers or enclosures.'

With that assurance in mind and without further details being available at this stage, my recommendation is that the following conditions be applied to any condition granted in order that detailed noise assessments and acoustic design can be considered prior to any use of the facility.

SSDC Economic Development Officer: *There are no reasons why this application cannot be supported. The demolition of previous unsuitable buildings has created an opportunity to re-design the layout of the abattoir and make it a more efficient building and therefore business to manage. Ultimately, this reconfiguration will safe guard jobs in the vicinity and if the advertising hoardings in the locality are anything to go by, present opportunities for apprentices and additional employees. I raise no concerns with this application.*

SSDC Area Development Manager: *We support the application and I can confirm our understanding of general community support, notwithstanding some local concerns.*

Community involvement and support

The abattoir has been a significant part of the local economy for a number of years and an Abattoir Liaison Group was established some years ago to allow for the discussion of issues raised by local residents. This group (comprising local residents and members of the abattoir's senior management, together with parish, town, district and county councillors) meets at regular intervals, most recently in October 2015. At that time, the current application was discussed in detail and the need for the proposed development explained. Those present accepted the need for the changes and were pleased to hear that local concerns about landscaping and noise will be addressed and managed through planning conditions.

The current management at the abattoir continues to make itself available to residents outside of the Group's scheduled meetings if issues arise.

The neighbouring parish and town councils are supportive of the planning application, with the caveat that ABP maintains its robust dialogue with its neighbours both during and after the

proposed work. I would endorse this view.

SSDC Climate Change Officer: No objection - comments made about potential for on-site generation of energy.

Environment Agency: No objection, subject to informatives.

Lead Local Flood Authority (County): No comment received.

Local Drainage Board: No comment received.

County Archaeologist: No objection.

Natural England: No objection.

Wessex Water: No objection. Advice given for applicant (including details about construction near to a public sewer).

REPRESENTATIONS

Representations have been received from three local residents. The following main issues are raised:

- Noise levels from the development need to be set and managed; monitoring is a concern
- lighting of the site causes concern, and can lead to light pollution affecting local residents;
- landscaping and screening of the site are a concern, and need attention; planting of trees on the south side of the building are mentioned as a possible solution to screen views from Muchelney, and have some possible sound absorption effect;
- odour - whilst this does not currently constitute a major concern, it should be addressed;
- amenity concerns are raised for properties immediately adjacent to (north of) the site, with loading bays being closer to dwellinghouses; the increase in vehicle movement adjacent to dwellinghouses will cause amenity harm; light pollution and diesel pollution from vehicles will be an issue;
- concern is raised about the fence and gate between the site and the dwellinghouses (position, height, etc); there is a particular concern that the siting of the fence should provide adequate space on the north side for manoeuvring by local residents;
- covenants and issues in property deeds are mentioned in respect of the access area beyond the site - concern is raised that these are not being adequately considered.

CONSIDERATIONS

Background

The site has long been operated as an abattoir and meat processing plant. In the course of this time, numerous planning applications have been considered, many dealing with ad hoc changes to details of the operation and layout of the site. The resulting current set of planning controls is, therefore, confusing and unclear. With the current proposals, the operators of the site are seeking to rationalise the way in which the site works, and the way in which it fits into the general setting. This presents the opportunity not only to improve and enhance the way the business operates, but to amalgamate, clarify and simplify the planning controls applicable to the site. The end result of this proposal would be a single planning permission relevant to the

entire site, with a simple S106 Agreement controlling the aspects of the development not suitable for control by planning condition.

The abattoir is an economically important business in the Langport/Huish Episcopi area, employing 220 people on site, as well as providing work for numerous contractors. Despite its size, it has managed to operate successfully in this locality with minimal environmental and amenity impacts.

Principle of Development

The use of the site has been long established. The principle of the proposed extension and consolidation of the premises is broadly supported by the NPPF and the Local Plan, as discussed in detail by the Council's Policy Officer (above).

Visual and Landscape Impact

As set out by the Landscape Officer (above), the proposed enlargement and extension of the abattoir, because of the close arrangement of the massing of buildings, can be achieved with minimal visual impact on the setting. Much improvements has resulted from the removal of dispersed structures over a larger portion of the site, and the concentration of development centrally offers an easier opportunity for appropriate screening. The applicants have submitted proposals as to where additional planting would be appropriate, and these are accepted. Subject to securing the necessary landscape mitigation, it is considered that the visual and landscape impact would be acceptable.

Ecology

The application is accompanied by an ecological appraisal. The site does not fall within any designated sites, but is within a 1km radius of various designated sites (two SSSI's, one SPA and one RAMSAR site). The application has been considered by both Natural England and the Council's Ecologist. No ecological harm is identified.

Impact on Residential Amenity

The site adjoins dwellinghouses at the Tanyard Lane entrance to the site. There are also residential properties further north of the site. The long history of operation of the site has focused closely on the impact of noise, odours and vehicle movement associated with the abattoir. Whilst there have been concerns over the years, the Council's EPU unit is now of the view that, subject to imposition of appropriate conditions, the current proposals do not represent a significant change in operations on the site. Whilst the proximity of the dwellings on Tanyard Lane is not ideal, this situation has long existed. The EPU team is of the view that the proposed changes to the operation on site can be accommodated without exacerbating amenity impacts. Whilst the objections of near neighbours are therefore noted, it is not considered that there is demonstrable harm that would indicate a refusal of this proposal to rationalise and enhance the operation of the existing abattoir.

Impact on Highway Safety and Road Network

The Highways Authority raises no objection on the basis that the proposal represents consolidation of an existing operation on site. It is proposed to retain existing conditions controlling numbers of routing of vehicles, and numbers of vehicle movements. Adequate on-site parking is provided. It is therefore considered that the proposal maintains acceptable highway safety parameters and accords with the relevant plan policies and guidance in this regard.

Concerns Raised by Residents

The concerns raised by local residents have been carefully considered and largely dealt with in the body of the report. The following additional comments are made:

- noise, light and other forms of pollution have been considered in detail by the Council's EPU officers, who participate in the liaison committee for the abattoir; where considered workable and appropriate, conditions are proposed that would deal with these concerns;
- the current proposals make provision for extensive landscaping and planting, which is to be secured by condition, and required to be maintained in perpetuity;
- odour, as the correspondent noted, is not currently a major issue on the site; control of the site is subject to environmental permits and other legislation; it is not considered necessary to include any specific conditions relating to this issue;
- a new fence and gate onto the Tanyard Lane entrance are proposed as part of the scheme; the fence is to be set back to provide a gap between the dwellings and the site;
- covenants and matters in property deeds are not a material consideration in planning applications.

Relevant S106 Agreement

The S106 Agreement relevant to the site was signed on 30 October 2000, and includes issues previously incorporated into agreements. It regulates:

- routing of heavy goods vehicles on the public highway network;
- implementation of a noise management policy;
- noise monitoring and control;
- high standards of maintenance in relation to effluent and waste
- operation of the buildings on site (doors kept closed);
- loading and unloading of livestock;

The only issue not covered by the currently recommended conditions, which would need inclusion in a new S106 Agreement, is the routing of vehicles on the public highway. A new agreement is therefore proposed, dealing with this issue.

EIA Regulations

The site was the subject of a Screening Opinion under the EIA Regulations, and it was determined that an impact assessment was not required.

Conclusion

The proposal represents an acceptable rationalisation and enlargement of the existing abattoir and meat processing plant. This plant has been operating on the site for a long period of time, and is an important local employer and driver of economic activity. The proposal will consequently make a significant contribution to local economic activity. The development has been designed to minimise the visual and landscape impact of the new works, and operate within the existing noise and traffic generation constraints. It is not considered that there is any amenity or highway safety harm resulting from the proposal that would indicate a refusal of the application. The proposal is accordingly recommended for approval.

S.106 AGREEMENT

A S106 Agreement will be required to secure the routes to be taken by large delivery vehicles approaching and leaving the site, to be signed prior to the grant of planning permission. The Agreement should also rescind, as necessary, previous permissions and agreements.

RECOMMENDATION

That application reference 15/04038/FUL be approved subject to:-

a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to ensure that:-

1. HGVs approaching and leaving the site use agreed routes, as provided for in previous legal agreements regulating the site.
2. Previous relevant permissions and agreements are rescinded, as necessary.

b) the following conditions

01. The proposal represents an acceptable rationalisation and enlargement of an existing industrial and employment site, located on the edge of a Local Market Town that respects the character and appearance of the setting and causes no demonstrable harm to residential amenity or highway safety, in accordance with the aims and objectives of the NPPF and Policies SD1, SS3, LMT2, EP4, TA5, TA6, EQ1, EQ2 and EQ4 of the South Somerset Local Plan, 2006 - 2028.

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. LP-15, numbers 58A, 60, 62, 63, 64 and 66, and the Site Location Map Rev A,

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;
- b) full design details and material and external finish to be used for all windows, all external doors, entrance gates, boarding and openings;
- c) details of all eaves and fascia board detailing, guttering, downpipes and other rainwater goods;
- d) details of the surface material for the parking and turning area;

- e) details of all boundary treatments , including the proposed new 3m high fence with double gates; and
- f) details of the finished floor level of the buildings.
- g) The details, once approved, shall be fully implemented and thereafter retained and maintained.

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

04. No development hereby permitted shall 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. The scheme shall be in accordance with the plans ref. TD779-03C and 04C contained in the submitted Landscape & Visual Statement. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out at the earliest opportunity following the grant of this permission but at the latest within the first planting and seeding season following or concurrent with the commencement of development. 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. The scheme of planting and landscaping shall thereafter be permanently retained and maintained.

Reason: To safeguard the character and appearance of the area, and to accord with Policy EQ2 of the South Somerset Local Plan.

05. No development hereby permitted shall be commenced unless a final detailed noise prediction model for the extended development, based on the finalised plant scheme, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include final noise mitigation measures to be agreed with the Local Planning Authority before work commences. The noise mitigation scheme, once approved, shall be fully implemented and shall be maintained and not altered without the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity and to accord with Policy EQ2 of the South Somerset Local Plan.

06. Day Time noise emitted from the application site shall not exceed 60 dBL Aeq (1 hour) when measured on any boundary of the application site.
Night time noise emitted from the application site shall not exceed 35 dBL Aeq (10 minutes) when measured on the Muchelney Road boundary of the application site or 45 dBL Aeq (10 minutes) on any other boundary of the application site.

For the purpose of this condition the day time shall apply between:-
0630 to 2300 hours on Monday to Fridays
0630 to 1600 hours on Saturdays
0800 to 1430 hours on Sundays
0630 to 1500 hours on Bank Holidays

The night time limit shall apply at all other times.

Reason: In the interests of residential amenity and to accord with the NPPF and Policy EQ2 of the South Somerset Local Plan.

07. All vehicles shall access and egress to and from and proceed whilst on the site strictly in accordance with the vehicle routes shown on the drawing Appendix 4 (Plan B- Routing of HGV's) contained in the submitted Transport Statement.

Reason: In the interests of residential amenity to accord with the NPPF and Policy EQ2 of the South Somerset Local Plan.

08. There shall be no burning of any waste or other materials on the site, except in an incinerator, the details of which shall have been approved in writing by the Local Planning Authority before being brought into use. The use of the incinerator shall be strictly in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

09. The area allocated for parking and turning on the submitted plan ref. LP-15-58A shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and to safeguard the amenities and character of the area to accord with Policies EQ2, TA5 and TA6 of the South Somerset Local Plan.

10. No development hereby permitted shall be commenced unless the details of areas on the site for the cleaning and washing of vehicles have been submitted to and approved in writing by the Local Planning Authority. There shall be no cleaning or washing of vehicles other than in the areas specified in such approved details.

Reason: In the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan.

11. No machinery shall be operated, no process shall be carried out (with the exception of essential cleaning and maintenance and occasional slaughter solely in the interests of animal welfare) and no loading of vehicles shall take place on the application site other than as follows:-

Slaughtering

- 0630 to 1800 hours - Monday to Fridays
- 0630 to 1300 hours - Saturdays and Bank Holidays

Meat Processing (within the boning room and associated rooms as shown on the submitted plan ref.LP-15-62).

- 24 hours - Mondays to Fridays
- 0630 to 1600 hours - Saturdays
- 0800 to 1430 hours - Sundays
- 0630 to 1300 hours - Bank Holidays

Loading

0630 to 2300 hours	-	Mondays to Fridays
0630 to 1600 hours	-	Saturdays
0800 to 1430 hours	-	Sundays
0630 to 1500 hours	-	Bank Holidays

Reason: In the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan

12. There shall be no changeover of weekday meat processing shifts at the plant between the hours of 2230 and 0630 Monday to Friday (inclusive).

Reason: In the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan.

13. The change over of weekday shifts at the plant shall not take place between the hours of 1530 and 1630.

Reason: In order to minimise conflicting traffic movements along the A372 at the end of the school day.

14. There shall be no more than 130 movements of heavy goods vehicles with unladen weight of 7500kg or more in or out of the site within any 24 hour period. Of these movements, there shall be no more than 8 movements per night in or out of the site between the hours of 2200 and 0630. Records of all such vehicle movements shall be kept and made available to the Local Planning Authority.

Reason: In the interests of residential amenity and highway safety and to accord with the NPPF and Policies EQ2 and TA5 of the South Somerset Local Plan.

15. (a) Prior to commencement of development, a phasing plan for the construction of the development hereby permitted shall be submitted to and agreed with the Local Planning Authority. The applicant shall, on completion of all works on each identified phase, and on completion of the development as a whole, employ an acoustic consultant to monitor noise levels from the site to check and ensure full compliance with the conditioned noise levels. Should monitoring show non-compliance this shall be reported to the local planning authority as soon as reasonably practicable along with proposed actions to reduce the noise to within the set limits. Once agreed, actions shall be implemented in full.
- (b) The applicant shall notify the Local Planning Authority in the event of any replacement or installation of fixed plant or machinery, or changes to structures or installations on the site which would materially affect noise emissions, and agree with the Local Planning Authority any further necessary noise monitoring and appropriate mitigation measures.

Reason: In the interests of residential amenity and to accord with Policy EQ2 of the South Somerset Local Plan.

16. All HGV chiller trailers units shall be run on electric hook-ups at all times whilst on site, with the exception of times when they are departing from site or arriving. There shall be no HGV trailers at all parked on the loading bay on the east side of the building (the loading bay shown on the plan ref. LP-15-58A immediately adjacent to the 'Dry Goods' area) outside of the following hours:-

0630 to 2300 hours Monday to Fridays
0630 to 1600 hours on Saturdays
0800 to 1430 hours on Sundays
0630 to 1500 hours on Bank Holidays.

Reason: In the interests of residential amenity and to accord with Policy EQ2 of the South Somerset Local Plan.

17. With the exception of windows to the office accommodation (as indicated on the submitted plan ref. LP-15-62) all external doors and windows to the premises shall be kept closed at all times except for the explicit purpose of entry to or exit from the premises.

Reason: To avoid unnecessary noise from open doors and windows, in order to protect the amenity of the locality, especially for people living nearby in accordance with Policy EQ2 of the South Somerset Local Plan.

18. Any forklift trucks used on the application site shall be fitted with noise attenuated reversing alarms. All such alarms are to be kept in working condition and operable wherever a forklift truck is used on the site.

Reason: In the interests of residential amenity and to accord with Policy EQ2 of the South Somerset Local Plan.

19. No additional external lighting shall be erected on the site unless a lighting scheme for such exterior lighting on the site has been submitted to and approved in writing by the Local Planning Authority to provide that:

1. Light into neighbouring residential windows generated from the floodlights shall not exceed $5/10 \times E_v$ (lux) (vertical luminance in lux)
2. Each floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical.
3. The floodlighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 2.5/5%.

Any submitted scheme shall include an isolux diagram showing the predicted luminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties. No exterior lighting shall be erected on site other than that approved under the scheme. The approved scheme shall be implemented prior to beneficial use and thereafter permanently retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and to accord with Policy EQ2 of the South Somerset Local Plan.

Informatives:

01. The applicant's attention is drawn to the advice of the Environment Agency set out in their letter of 1 October 2015, a copy of which was sent to the applicant.
02. The applicant's attention is drawn to the advice of Wessex water, particularly in relation to construction within 3m of a public sewer, in their letter dated 14 September 2015, which can be viewed on the Council's website.

03. Noise and dust control

The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of the development. This should include not working outside regular day time hours, the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environmental Health service.

Planning and Permitting

The premises concerned benefits from an existing permit issued by the Environment Agency under the Pollution Prevention and Control (England and Wales) Regulations 2000.

The permit covers:

Slaughtering animals at a plant with carcass production capacity of more than 50 tonnes per day.

Disposal of non-hazardous waste in a facility with a capacity of more than 50 tonnes per day by physico- chemical treatment.

Planning and permitting decisions are separate but closely linked. Planning permission determines if a development is an acceptable use of the land. Permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution.

04. In respect of Conditions 14 and 15, 'movement' is defined as either the arrival or departure of a vehicle from the site.

Agenda Item 16

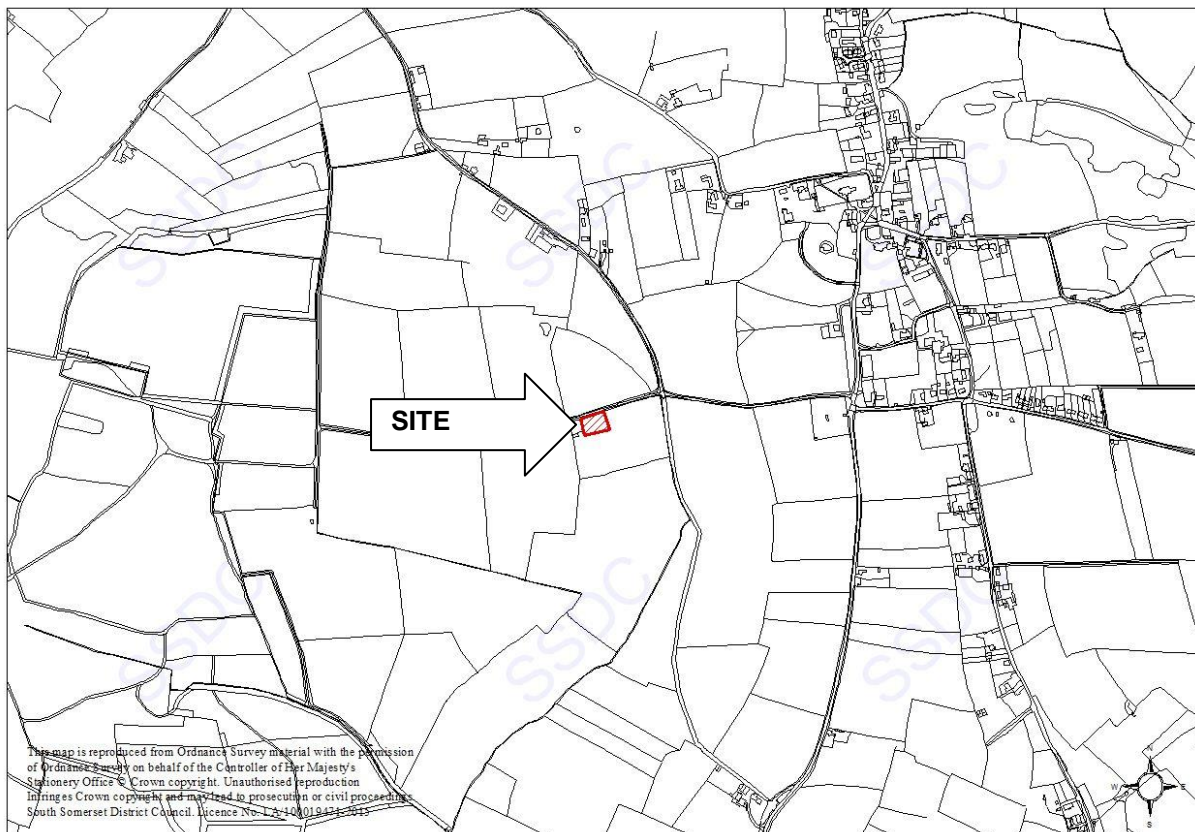
Officer Report On Planning Application: 15/02269/FUL

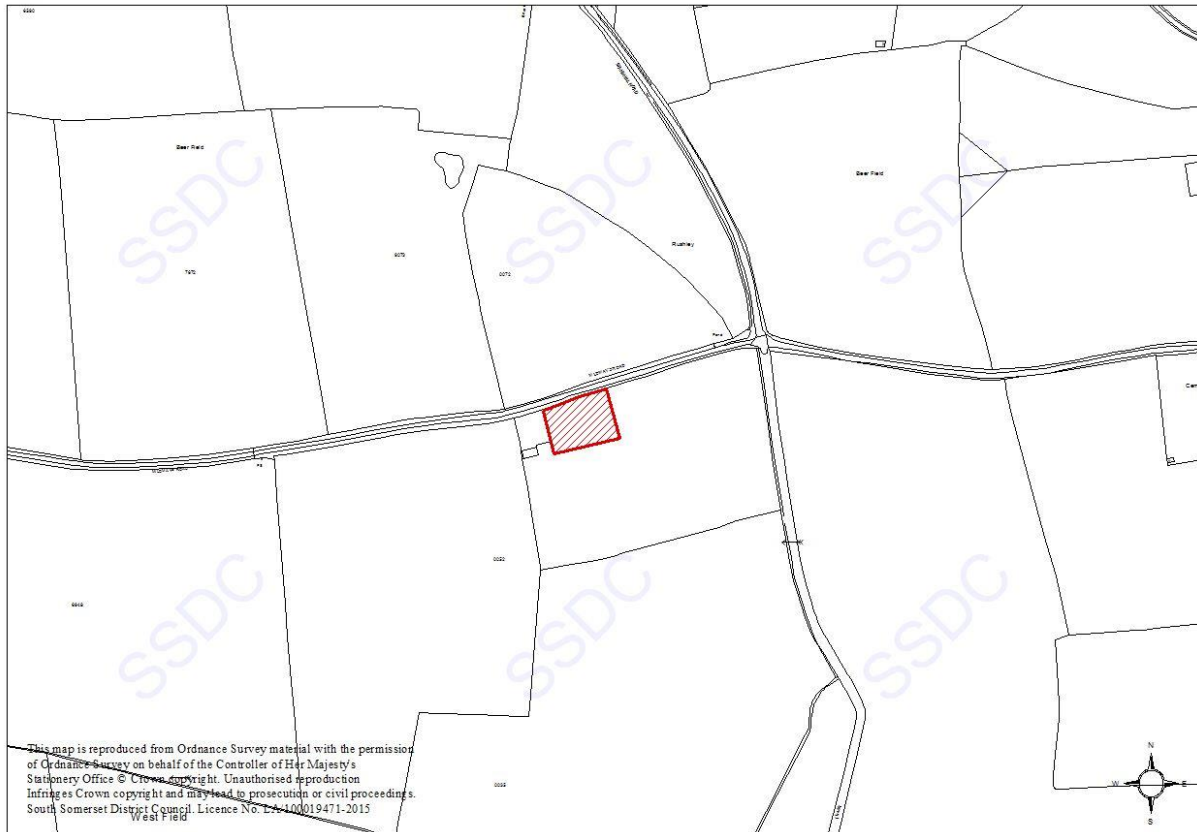
Proposal :	Change of use of land for the creation of two additional gypsy pitches for occupation by family members of the applicant (GR: 342092/130602)
Site Address:	OS 0062 Mildmays Road, High Ham.
Parish:	High Ham
TURN HILL Ward (SSDC Member)	Cllr Shane Pledger
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date :	6th July 2015
Applicant :	Mr Arthur Hughes
Agent: (no agent if blank)	
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is referred to Area North committee at the request of the Ward Member and with the agreement of the Vice Chair in order for the merits of the extended site to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The site is located 1km southwest of the village of High Ham and is accessed via a no through road (Mildmays Road). The site is located in the northwest corner of larger field, the eastern boundary of which is directly adjacent to the junction of Mildmays Road, Standhill Road and Tauntons Lane. Direct access into the site is gained in the north west corner of the site, off Mildmays Road.

Planning permission was granted in 2010 for the change of use of land for 1 gypsy pitch. This current application seeks planning permission to provide an additional 2 gypsy pitches on land to the east of the existing site, on the southern side of Mildmay's Road.

HISTORY

Relevant Planning History

10/03068/COU - Change of use of land for siting of one mobile home and one touring caravan for one traveller/gypsy residential pitch (Approved November 2010).

Enforcement

Back in 2003 and 2009, the Council had received complaints and enforcement cases set up in connection with the occupation of a caravan and storage of vehicles respectively. It is not clear if those cases have any connection with the current applicant/owner, but those cases were resolved and the cases closed.

In 2011, a complaint was received about the erection of a building and gates/walls in non-compliance with the 2010 planning approval for the gypsy site. The keeping of horses was also investigated. The building is the concrete block structure that currently exists on site

alongside the roadside hedgerow. The walls are those at the entrance to the site. Given the approval for a gypsy site, it was not considered expedient to take any further action and the case was closed.

POLICY

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

Relevant Development Plan Documents
South Somerset Local Plan (adopted April 2006)
SD1 - Sustainable Development
HG7 - Gypsies, Travellers and Travelling Showpeople.

Other Relevant Material considerations:
Planning Policy for Traveller Sites

CONSULTATIONS

High Ham Parish Council:

The Parish Council fully discussed the above application at its meeting of 9 May 2015. Consultation was also undertaken with residents close to the site prior to the meeting.

Background:

The Planning Authority will be aware that the Parish Council recommended REFUSAL in respect of the original planning application submitted in 2010 (Planning Application: 10/03068/COU refers) and details can be found of the Parish Council's views in its letter to the Planning Authority dated 17 August 2010 located on the District Council's planning website. The Parish Council is concerned that some of the conditions attached to the original approval documentation do not appear to have been complied with. The paragraphs that follow are direct lifts from the original approval notice and provide what the Parish Council consider to be relevant examples:

01. The development hereby permitted shall be begun before the expiration of one year from the date of this permission'.

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

As far as the Parish Council are aware, the site has not been occupied since the date of the approval notice and has not changed in any way since that date (25 November 2010)?

What is the point of attaching a condition such as this when no enforcement action has been taken as a consequence of no development of the site being commenced or any change to the site evidenced since the date of the approval notice?

The Parish Council did make contact with the District Council's Development Manager at the expiry of one year from the date of permission to confirm that no development had taken place in that timescale. Unfortunately, no action was taken!

Additionally, why is it that, generally, planning approval notices state that:

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

If work has not been commenced within the timescale stated then the permission granted is deemed to have expired and the applicant has to reapply. Why is this not the case with the original application (10/03068/COU) as no development has taken place since the approval notice was issued?

02. The site shall not be occupied by any persons other than gypsies and travellers, as defined in paragraph 15 of ODPM Circular 01/2006'.

'Reason: The Local Planning Authority would not wish to see a caravan site established in this locality except to meet the particular need to provide facilities for gypsies and travellers in accordance with Policy HG11 of the South Somerset Local Plan'.

The Parish Council believes that the reason given in item 02 above is at odds with the current application (15/02269/FUL) in that, surely, any increase beyond what can be considered/understood as one Gypsy/Traveller pitch constitutes a caravan site being established in this locality? What did the Planning Authority mean in this statement as anything beyond one pitch (one mobile home/static caravan and one touring caravan) could be understood to constitute a caravan site?

03. The residential use hereby permitted shall be restricted to the stationing of no more than one pitch at any time (one pitch being one mobile home/static caravan and one touring caravan)'.

'Reason: In the interests of visual amenity and highway safety in accordance with Policy EC3 of the South Somerset Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review'.

Again, this is in conflict with the current application (15/02269/FUL). Why did the Planning Authority choose to restrict the site to no more than one pitch back in 2010 when approved? Surely, the same logic should apply now? Did the Planning Authority think the site was only suitable for one Gypsy/Traveller pitch when approved in 2010? If so, what has changed?

'05. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no further gate, fence, wall, building or other means of enclosure or structure shall be erected on the site without the express grant of planning permission'.

'Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with South Somerset Local Plan Policy EC3 and ST6'.

As far as the Parish Council are aware, the existing permanent buildings on site were erected without planning permission. This means, therefore, that this condition has no merit at all due to the circumstances prevailing at the time of approval!

'06. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority'.

'(ii) The scheme shall be completely carried out within the first available planting season from

the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority'.

'(iii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs 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 the appropriate trees or shrubs as may be approved 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 local character and distinctiveness of the area in accordance with South Somerset Local Plan Policies ST6 and EC3'.

As far as the Parish Council are aware, no such landscaping scheme has been submitted and no landscape changes introduced to the site evidenced over the last five years since original approval.

The following paragraphs also formed part of the Decision Notification letter under the heading 'Notes' and 'Notice of Commencement'. The Parish Council is concerned that the Planning Authority place great emphasis on the need for applicants to fully comply with the conditions imposed. Why has no enforcement action been taken?

'NOTES:

(1) Please read the above condition(s) very carefully. This permission has only been granted on the basis that all of the conditions are fully complied with. Applicants are advised that failure to comply with the requirements of each and every condition as detailed may become the subject of enforcement action by the Council'.

'NOTICE OF COMMENCEMENT

You are requested to notify the Planning Authority 21 days prior to commencement of development or use of land approved under planning permission 10/03068/COU. Many planning permissions have conditions imposed upon them which require the submission of details prior to commencement of development or use of land. Failure to comply with such conditions prior to commencement may mean that the development becomes the subject of enforcement action by the Council'.

Did the Planning Authority actually receive notification within the 21 days specified in the Notice of Commencement?

What follows is an extract from the Landscape Architect's report at the time of the original application in 2010 (10/03068/COU):

"This site lays outside the village of High Ham as described above, and is some distance from settlement form. There is a general lack of development presence in the locality of the application site, and traditional farming is the prime land-use. The application site is not related to the settlement pattern, nor characterised by established development form. The presence of a mobile home, and an area of hardstanding, along with the seasonal presence of a touring caravan, are not elements that are characteristic of this part of the High Ham plateau. Hence I view the proposal as contrary to local landscape character, and thus failing to meet landscape policy objectives. Consequently I offer landscape grounds for refusal based upon policies ST3, ST5 and EC3".

The Parish Council are keen to learn why this conclusion was reached back in 2010 and a

contrary view recorded by the Landscape Architect now when the current proposal is to increase the number of pitches on site?

Parish Council Decision:

The Parish Council have given this application a great deal of thought and, once again, acknowledges the difficulty the District Council faces in providing appropriate sites to meet the needs of people following a Gypsy/Traveller lifestyle.

However, the Parish Council believes the points made above under 'Background' are relevant and these points have informed the decision reached. The Parish Council recommends REFUSAL of this application on the following additional grounds:

- 1) No justification has been provided by the applicant as to why these additional pitches are required;
- 2) The site has not been developed under the terms of the original planning permission granted (Planning Application: 10/03068/COU refers);
- 3) In light of item 2) above, the original application should be deemed to have expired as no development has commenced within the timescale specified;
- 4) The site has not been the subject of a landscaping scheme as required under the terms of the original planning permission granted (Planning Application: 10/03068/COU refers);
- 5) The current report submitted by the Landscape Architect is at odds with the actual site. The following is stated:

"Now a gypsy/traveller plot is established, the character of the field is changed accordingly, and it is noted that the presence of the existing plot is little perceived outside the site's confines. I consider that two additional plots within the same quarter of the field are unlikely to result in significant change to the immediate landscape context. Hence, whilst my initial view remains that in principle this is not an appropriate site for development, now that the current site is established, to provide an anchor for this further development, with minimal landscape impact beyond the site's confines, I am not inclined to raise a landscape objection".

It would appear to the Parish Council that this statement has been made without undertaking an actual site visit? The plot is in no way established as a bona fide Gypsy/Traveller pitch as the pitch has not been set up as intended for the last five years so how can someone consider that two additional plots within the same area are unlikely to result in significant change as there is nothing there to base this conclusion on?

- 6) The location of the site does not meet the needs of current thinking in terms of its sustainability. Issues surrounding sustainability are deemed to be very important by the Parish Council such as access to local services. Whilst High Ham is fortunate to have a very successful Primary School located within its boundary there are no local shops or access to GP/health services which means that the use of cars etc., are the only alternatives to accessing such services. To increase the number of pitches on site will only exacerbate this situation;
- 7) The junction of Mildmays with Standhill Road has been badly flooded in the past to such an extent that it becomes impassable. This was pointed out to the Planning Authority in our previous letter dated 17 August 2010 but, unfortunately, was ignored by the Case Officer at

that time. If the Planning Authority are serious about the merits of local consultation, then this point should be taken fully on board when considering this as an appropriate site for any additional pitches. The Parish Council genuinely believes that the occupiers' Health and Safety could be jeopardised in the event of heavy rainfall in the future particularly with regard to 'means of escape' and 'rescue' in an emergency situation. The extent of flooding in this area has been considerable over the last couple of years and continues to be a very real concern for local residents;

- 8) Due to the flooding potential identified in item 7) above, it is thought prudent to recommend a sewerage treatment plant to ensure that waste can be safely discharged without fear of it emerging in the areas with a propensity to flood, should approval of this application be granted.
- 9) The original planning permission granted stated: 'The proposal would provide a site for a family with bona fide gypsy/traveller status, will cause a modest rise in daily vehicle movements and will have limited impact on the local roads and visual amenity of the rural area'.

The Parish Council believes that the sentiment of this statement applies to one Gypsy/Traveller pitch and the number of people you would reasonably expect to occupy such a pitch. The proposal for an additional two pitches is, therefore, not in compliance with the original approval.

Likewise, the number of daily vehicle movements will significantly increase and the associated impact on local roads, and visual impact, will not be 'limited' should the number of pitches be increased as proposed;

- 10) The Parish Council is concerned that only two addresses appeared on the neighbour notification list when a far greater number of residents live within a reasonable distance of the site in question. This situation needs to be addressed by the Planning Authority to ensure all local residents near the site receive the relevant information and have the opportunity to respond. This also appears to indicate that the Planning Authority is not fully familiar with the site and the properties located in the near vicinity;
- 10) Finally, the Parish Council find it difficult to understand why the site has not been fully developed and occupied by the applicant over the last five years. The justification of need does appear to be in question, both in the case of the original and current application, and the exact number of people ultimately occupying the site is not clear which makes any informed appraisal of the potential impact of increasing the density of the site entirely guess work!

Officer comment:

The Parish Council has raised a number of points about the earlier consent in addition to the current application. In terms of the implementation of the consent, concern has been raised that the applicant has not occupied the site since the approval. Having asked the applicant about this issue, he stated that he did occupy the site shortly after the permission was granted but only for limited periods since then. There is a caravan currently on site, as was the case at the time of the original application. It is difficult to conclude either way as to whether occupation occurred within the first year. The site is served by a no through road and is relatively detached from the village. Therefore, it would only be very infrequently passed by vehicles, and unless a pedestrian walked passed the site, it wouldn't be necessarily obvious that occupation had occurred. Notwithstanding this position, having spoken to one of the Council's solicitor's in the context of considering this current application, the advice is that Council granted consent for

the use of the adjacent site as a gypsy site in 2010 and therefore, the principle of the use of this land for a gypsy site has previously been supported.

The imposition of the condition that restricts occupation to a gypsy and traveller is a standard condition applied to approvals for such a use. It is not accepted that a caravan site would be established by the addition of a couple of pitches, rather a site to meet the need for gypsy/traveller sites. The Council may not accept the site to be used as a generic caravan site, however, this is different from the use as the site to meet the need for gypsies and travellers.

In terms of restricting the number of pitches permitted under the previous permission to 1 pitch only, this was acceptable and reasonable given that the application was for 1 pitch. It is usual practice to limit any consent to the number of pitches being applied for. The assessment back in 2010 considered the merits of 1 pitch as this was the number being sought at that stage. An applicant is entitled to submit an application to increase the number of pitches and the LPA has a duty to assess the merits of the current proposal.

In terms of the condition restricting further development on site, it is understood that there was an outbuilding on site at the time of the original application and this condition sought to prevent further buildings being erected on site. A complaint was received in 2011 about a building being constructed alongside the roadside hedge on site along with construction of a wall and gates. These were investigated at the time, and relate to the buildings/structures currently on site, but, in light of the approval for a gypsy site, it was not considered expedient to take enforcement action.

With regard to landscaping, the officer can find no record of a submitted scheme. However, the applicant has verbally advised the case officer that he had undertaken planting but that this has proved unsuccessful. The applicant has been advised by the case officer that a condition shall be attached to any consent for this current application to seek planting to serve both the original and extended sites. Advice would also be sought from the landscape officer as to the appropriate plant species.

In terms of the notice of commencement, this was not received in this case. However, it is not a legal requirement to return this document but it does assist the LPA in alerting the applicant/developer if there are any pre-commencement conditions that need to be discharged prior to the start of the development.

In respect of the landscaper officer's comments, it is correct that he did not support the original application. His position with regard to the principle of development on this site has not changed. However, the original approval has established a landscape context and on this basis, does not consider that there would be a significant change to the immediate landscape context that justified a landscape objection.

In respect of the need for the additional pitches, the Local Plan clearly outlines that there is an identified need for pitches within the district. No personal circumstances have been put forward by the applicant. Accordingly, the LPA will consider the merits of the individual application against relevant national and local policies.

With regard to sustainability, the site lies approximately 1km from the centre of the village, 4km from Langport and 8km from Somerton. Whilst it is accepted that the village contains very few facilities, and the site would not be considered in a sustainable location, it is consistently the case that, in considering gypsy sites at appeal, Inspectors conclude that travel distances of up to 10 km in rural areas to access key services and facilities is acceptable. On this basis, and the Council's previous acceptance of this location for a gypsy site, it is not considered reasonable to refuse this application on sustainability grounds.

The enlargement of the site to accommodate an additional 2 pitches would clearly result in additional traffic movement and thus would be different from the original approval. However, as can be viewed from the comments of the Highway Authority and the Council's highway consultant, no highway objection is raised.

In terms of neighbour notification, 2 site notices were erected and an advert placed in the local press. 2 of the closest neighbours were directly notified although those do not adjoin the site and there was no formal or legal requirement to notify them. With regard to the number of potential occupants, the original approval was for 1 pitch. In reality, this would mean 2 adults and any children/dependants. With the current application, it is for 2 pitches, thus 4 adults with children/dependants.

Highway Authority:

In traffic impact terms it is unlikely that the proposal will result in a significant increase in vehicle movements although it should be noted that no details have been provided to as part of the application.

The proposal will have access onto an unclassified road, which is subject to a 60mph speed limit although due to the nature of the highway it is unlikely that vehicles will be able to achieve this. Turning to the point of access it is apparent that visibility hasn't been shown on the submitted plans. Due to this section of highway being subject to the National Speed Limit the Highway Authority would usually refer to Design Manual for Roads and Bridges (DMRB). However as it is unlikely that vehicles will do able to achieve these speeds coupled with the fact that Mildmays Road is lightly trafficked the Highway Authority can refer to the design principles set out in Manual for Streets and Manual for Streets 2. Therefore splays of 2.4m x 33m should be provided in either direction.

The access itself will need to be properly consolidated and surfaced over the first 5.0m with suitable surface water drainage provided to stop any surface water runoff onto the adopted highway. The applicant should also note that if there will be an element of two-way movement through the access then it will need to be a minimum width of 5.0m.

In regards to the internal layout the area for parking and turning appears to be sufficient and appears to be in accordance with South Somerset Local Plan Policy HG7.

Therefore taking into account the above information the Highway Authority raises no objection to this proposal and if planning permission were to be granted the following conditions will need to be attached. (3 conditions and explanatory note are recommended and shall be attached to any consent).

SSDC Highway Consultant:

Consider sustainability issues (transport). Development unlikely to have a significant impact on the approach roads to the site but suggest an assessment is made of the Field Road/Mildmays Road junction in respect of the extent of available visibility splays commensurate with traffic speeds at the junction.

Landscape Officer:

I previously commented upon this site when the first plot was mooted. At that time I provided the following landscape view:

The settlement form of High Ham is primarily concentrated on the roads and lanes that converge in the vicinity of the church, with the emphasis on the north-south through route of Main Road. Further intermittent development follows the alignment of Standhill Road to the west, and Long Street to the south, both being slightly detached from the village core, but within close proximity of it.

This site lies outside the village of High Ham as described above, and is some distance from settlement form. There is a general lack of development presence in the locality of the application site, and traditional farming is the prime land-use. The application site is not related to the settlement pattern, nor characterised by established development form. The presence of a mobile home, and an area of hardstanding, along with the seasonal presence of a touring caravan, are not elements that are characteristic of this part of the High Ham plateau. Hence I view the proposal as contrary to local landscape character, and thus failing to meet landscape policy objectives

Now a gypsy/traveller plot is established, the character of the field is changed accordingly, and it is noted that the presence of the existing plot is little perceived outside the site's confines. I consider that two additional plots within the same quarter of the field are unlikely to result in significant change to the immediate landscape context. Hence, whilst my initial view remains that in principle this is not an appropriate site for development, now that the current site is established, to provide an anchor for this further development, with minimal landscape impact beyond the site's confines, I am not inclined to raise a landscape objection.

REPRESENTATIONS

One email has been received making general observations stating that since the approval of the previous application, the site has remained derelict, an authorised building has been erected, flooding at Rushley every winter makes the easterly exit from the site impassable as well as preventing vehicle access to westerly gate for much of the season, and household rubbish has frequently been dumped by the site with documents containing applicant's name and address.

CONSIDERATIONS

Principle and Need

The adjacent site has previously been granted consent for a gypsy pitch and accordingly it is considered that the principle of extending the current site to provide a further 2 pitches is acceptable, subject to meeting relevant local and national policies. The adopted Local Plan states a requirement for 23 gypsy pitches in the plan period up until 2028. Whilst it is accepted that the Council has met its pitch requirement up to 2015, (as outlined in the GTAA), there is a clear need for pitches. The Local Plan does not phase the delivery of pitches and this application would make a contribution towards meeting the need for pitches.

Gypsy status

The applicant is from a long established gypsy family in the area and the Council does not dispute his or his family's gypsy status. Following the recent revision to the Government's 'Planning Policy for Traveller Sites' in particular, in regard to the definition of a gypsy/traveller, the applicant confirmed that both he and his sons still maintain a nomadic way of life. Moreover, a condition shall be attached to any consent restricting the use of the site to gypsy and travellers.

Landscape

The Landscape Officer objected to the previous application and maintains an in principle objection on landscape grounds to this current application. However, he accepts that the original approval has established a landscape context and that there would be no significant change to the immediate landscape context that justified a landscape objection. On this basis, it is not considered that there are any sufficient landscape grounds to refuse the application.

Concern is raised that there is no landscaping around the east and southern boundaries of the previously approved site. The applicant has orally stated that planting had been undertaken but has not proved successful. It is proposed that if this application is approved, then a condition shall be attached to secure appropriate screening of this site along with the boundary of the adjacent site.

Highways.

The existing access to the west of the site will be used to serve the two additional pitches. Access is taken from a dead end road and thus, is very lightly trafficked. The Highway Authority has advised that the scheme would not generate a significant increase in vehicle movements and accept that guidance in Manual for Streets is acceptable for the visibility at the site entrance. Moreover, there is sufficient room within the site to park. Accordingly, the Highway Authority does not object to the proposed development subject to conditions.

Residential amenity

The application site does not adjoin any residential property and therefore, the scheme would not cause any adverse harm to residential amenity.

Flooding

The site is located in Flood Zone 1, thus the site has a low probability of flooding. Concern has been raised that the junction of Mildmays road and Standhill road has been flooded previously and become impassable. Whilst this point is not disputed, there is no evidence that this is a regular occurrence. Moreover, as with a recently approved gypsy site in Ashill, again in Flood Zone 1 but with evidence of occasional localised flooding, a condition shall be imposed on any consent to seek submission of a Flood Emergency Plan. This will detail what the occupants would be expected to do in the future should a flood event occur.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

Not applicable to this application.

RECOMMENDATION

Grant Permission.

01. The proposal would make a contribution towards meeting the Council's identified need for gypsy/traveller pitches. It would not cause any severe highway impact and will have limited impact on the visual amenity of the rural area. The proposal is considered to be in accordance with policy advice in Planning Policy for Traveller Sites and Policy HG7 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 site shall not be occupied by any persons other than gypsies and travellers, as defined in Planning Policy for Traveller Sites.

Reason: The Local Planning Authority would not wish to see a caravan site established in this locality except to meet the particular need to provide facilities for gypsies and travellers in accordance with Policy HG7 of the South Somerset Local Plan and policy guidance in Planning Policy for Traveller Sites.

03. The residential use hereby permitted shall be restricted to a maximum of 2 pitches, with a maximum of one mobile home/static caravan and one touring caravan per pitch.

Reason: In the interests of visual amenity and highway safety in accordance with Policy EQ2 and TA5 of the South Somerset Local Plan.

04. No business activities shall be conducted at the site without the express grant of planning permission.

Reason: In the interests of the character and amenities of the locality in accordance with Policy EQ2 of the South Somerset Local Plan.

05. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no further gate, fence, wall, building or other means of enclosure or structure, other than those approved by this permission and as part of condition 6, shall be erected on the site without the express grant of planning permission.

Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with South Somerset Local Plan Policy EQ2.

06. The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan and block plan date stamped 11th May 2015.

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

07. (i) Before any part of the permitted development is commenced, details of the boundary treatment which shall include the southern boundary of the adjacent pitch, details of the species, siting and numbers to be planted, and in the case of any fencing/walling to be erected, details of the materials to be used, shall be submitted to and approved in writing by the Local Planning Authority.

(ii) The details as referred to above, shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

(iii) For a period of five years after the completion of any landscaping scheme, the trees and shrubs 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 the appropriate trees or shrubs as may be approved 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 local character and distinctiveness of the area in accordance with Policy EQ2 of the South Somerset Local Plan.

08. No external lighting shall be installed within the site without the details having first been submitted to and agreed in writing by the Local Planning Authority.

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

09. The development hereby approved shall not be commenced until a Flood Emergency Plan has been submitted to and approved in writing by the Local Planning Authority. Once approved, the applicant should follow the procedure in the event of flooding.

Reason: To ensure that any future residents of the site are aware of the procedure to follow in the case of a flooding event.

Agenda Item 17

Officer Report On Planning Application: 15/04538/OUT

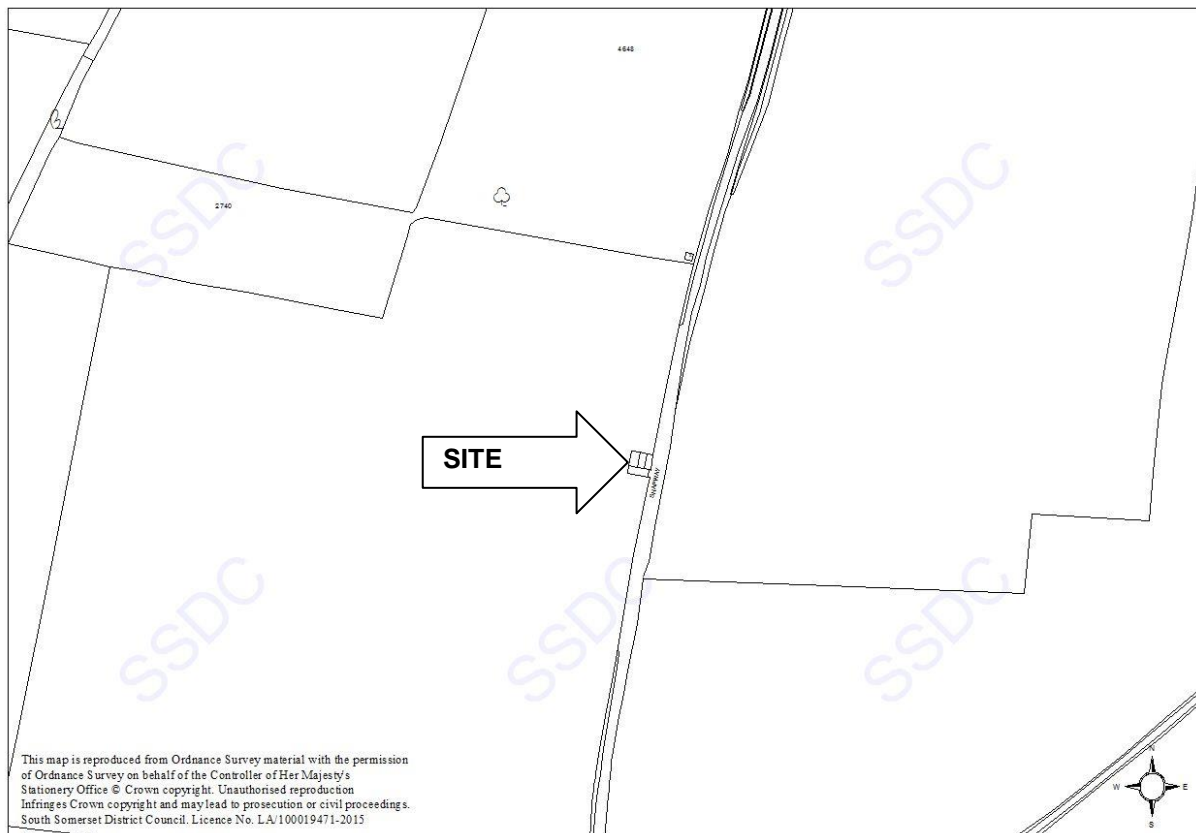
Proposal :	The erection of 1 No. dwelling with associated parking. (GR 341453/116315)
Site Address:	Derelict Barn At Compton Durville, South Petherton.
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Member)	Cllr Adam Dance Cllr Crispin Raikes
Recommending Case Officer:	Diana Watts Tel: (01935) 462483 Email: diana.watts@southsomerset.gov.uk
Target date :	4th December 2015
Applicant :	Messrs N & E Wakely & Mrs A Denning
Agent: (no agent if blank)	The Town & Country Planning Practice Ltd, Home Orchard, Littleton, Somerton, Somerset TA11 6NR
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Committee at the request of the Ward Members with the agreement of the Area Chair to allow all the circumstances to be considered in particular the strong local support.

SITE DESCRIPTION AND PROPOSAL





The site is located on the western side of Shapway between Fouts Cross and Compton Durville and is surrounded by open countryside.

Outline permission is sought to replace the remains of a former cottage (Fouts Cottage) on the site with a new dwelling. Details are given relating to the means of access and siting but all other matters are reserved for future approval. The site layout shows a small garden mainly to the rear and parking space for 3 cars immediately adjacent to the road. It is proposed to build the cottage on the existing footprint.

A Design and Access Statement has been submitted to explain and support the application:

- Remains of Fouts Cottage apparent, built of natural stone but its roof was a victim of fire and architectural theft
- On agricultural land and no defined curtilage apparent on site or historical maps
- Fouts Cottage has been owned by the Wakely family for nearly 100 years who have owned and farmed much of the surrounding landscape for many generations
- Historical records show family ownership and occupation until 60s
- Applicant's father purchased Fouts Cross Farm from a relative in 1982 by which time the former cottage was being used for hay storage and continued to be used as a secure agricultural store until arson and theft left it open to the elements about 10 years ago
- Proposed small dwelling for local person; applicant was born on the farm and now a widow wishes to return
- Wish to use what remains to recreate the former cottage
- Would use existing footprint and be built from the stone reclaimed from the former cottage
- Garden would be limited to modest area behind the property
- Carparking for 3 vehicles to north

- Application building is redundant and disused and proposal would enhance immediate setting in accordance with NPPF
- In spirit of localism agenda and policy SS2, applicant undertook pre-application discussions with the two nearest parish councils
- Government's introduction of legislation to allow barn conversions without planning permission indicates Government's intention to utilise such buildings to help meet need for rural housing
- Sustainability is a great deal more than discouraging car travel in a rural area; a sustainable village will have a variety of occupants, some will have roots going back several generations and it is for this reason, that the applicant is so keen to return to her childhood home, restoring the house occupied by her ancestors and where she farms with her brothers.
- Low volumes of traffic on road and excellent visibility
- Landscape impact no more than has existed for decades and enclosure of modest garden and parking area with native hedgerow and trees would help assimilate the proposal into the landscape
- Not a greenfield site but undoubtedly previously developed

HISTORY

740594 - Change of use of vacant building to dwelling - refused (rebuilding of derelict cottage in open countryside divorced from any settlement contrary to policy and detrimental to rural amenity).

Appeal dismissed 30.9.74 - Inspector said 'however carefully the alterations and improvements were carried out....the proposal would result in what now looks like a time mellowed old farm barn (an obvious but not unduly obtrusive feature in the very rural landscape..) becoming a much more obvious, randomly sited, rather isolated residential development in the countryside. In my view, the proposed development would inevitably be less in keeping with the surrounding landscape than the existing building which I have noted is clearly of some agricultural use for it has been recently used as a hay store.' He goes on to say that his opinion is strengthened by the site being some distance from services and community facilities and that reasons given for the son to live there to help with managing the farm were not considered to be very strong agricultural or local requirements to merit an exception being made.

792476 - Conversion of barn into agricultural building - refused 31.1.80 (undesirable isolated location/adverse impact on rural area)

830525 - Erect agricultural workers dwelling - refused 6.1.84 (undesirable sporadic development/no essential need/adverse impact on attractive rural locality)

Pre-application advice given in 1999 that planning permission would be unlikely to be granted to reinstate dwelling. Noted that use as dwelling long abandoned and no longer a building on site due to dilapidated state of remaining walls.

10/00293/PREAPP Pre-application advice given in 2010 that certificate of lawfulness or planning application for dwelling would be likely to be refused.

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
HG8 Replacement dwellings in the countryside
EQ2 General Development
EQ4 Biodiversity

National Planning Policy Framework (March 2012):

4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
11. Conserving and enhancing the natural 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 2015.

South Somerset Sustainable Community Strategy (2008-2026)

CONSULTATIONS

South Petherton Parish Council: The Planning Committee recommended approval on the basis that it was not exceeding the existing footprint.

Shepton Beauchamp Parish Council: No Objections

Highway Authority: Following a site visit, the Highway Authority has the following observations to make on the highway and transportation aspects of the proposal.

The proposed dwelling is to be accessed from a Class 3 highway and as such will need to be provided with sufficient space for vehicles to turn within the site so that they can enter and leave the site in a forward gear and the access will need to be provided with visibility

commensurate with the vehicle speeds on the Shapway. The additional traffic associated with the proposed dwelling is unlikely to create a severe problem on the highway network in terms of safety or capacity once the issues with the site layout have been resolved.

Therefore I would recommend that this application be refused on highway grounds for the following reason(s):-

The proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) since the proposed access to the proposed dwelling does not incorporate the necessary visibility splays, turning spaces or adequate radii which are essential in the interests of highway safety.

Were the applicant to revise their scheme to incorporate the necessary visibility, radii and turning space the highway authority may be able to take a more positive view of the proposal.

SSDC Highway Consultant: Refer to SCC comments. Consider sustainability issues (transport) if building is no longer deemed to be a dwelling in planning terms. Traffic impact on approach road unlikely to be significant. Extent of visibility splays commensurate with speed of traffic need to be shown. Given land-ownership no reason why on-site turning facilities should not be provided. Access should be properly consolidated/surfaced for at least the first 6.0m with appropriate drainage measures. Suggest amended plans are submitted.

SSDC Landscape Officer: As I understand it, this proposal intends the construction of a new dwelling on the site of a building formerly used for agriculture, and stated to have originated as a cottage. There is little left of the building now, and its ruin, set back a little from the highway, is obscured in most part from the road by woody vegetation, and is clearly a vestige of a past rural landscape. The intention of this application is to build a new dwelling, based on local recollection of the earlier built form.

The recent PPG (Natural Environment) has re-iterated the necessary role of landscape character assessment in planning for change due to development without sacrifice of local character and distinctiveness. An understanding of landscape character is also utilised to help determine a view on what may - or may not - be acceptable in terms of development in any particular landscape. It is this capacity of landscape character assessment to inform appropriate development that is pertinent to this application for a new dwelling. National planning policy on landscape character has since been highlighted by the letter (March 2015) from the Planning Minister to the Planning Inspectorate, with a reminder that the impact of development on the landscape can be an important material consideration, and is "one of the 12 core principles at paragraph 17 of the National Planning Policy Framework - that plans and decisions should take into account the different roles and character of different areas, and recognise the intrinsic character and beauty of the countryside - to ensure that development is suitable for the local context".

The landscape context here is distinctly rural; and is not characterised by residential form or expressions of domestic use - rather it is an agricultural landscape where the rolling topography; narrow lanes; and hedgelines separating the (primarily arable) fields are the main landscape components, to thus project the intrinsic rural character of the area. Shapway itself - alongside which this site lays - is a rural lane that links Seavington St Michael with West Lambrook. In most part it is characterised by its narrow width; hedgerow enclosure; and lack of development form. Other than at Fouts Cross, circa 300 metres to the south, there is no other residential development along this lane until it reaches the Compton Durville junction, circa 850 metres to the north. The site also occupies a location close to the skyline as viewed from Shepton Beauchamp, which due to the lack of development form in the vicinity, is also a dark sky location. What remains of the structure is clearly a relic, and does not express a residential

use.

A new dwelling in this location would be at variance with the sparse pattern of settlement that characterises the area; and as a singular development in a field location that is not characterised by residential form; nor one that is recognisable as having the character of a residential plot; will mark an intrusion within this rural landscape. The introduction of a residential use also brings with it the additional impacts of residential traffic; an entrance that is formalised by the need for visibility splays, that to meet the SCC highway's standard requirements would require hedge removal, to further impact upon the enclosed character of the local lane network. Nightlight will also be potentially intrusive against a 'dark-sky' skyline. Consequently I consider the proposal to erode both local character and distinctiveness, contrary to LP policy EQ2, to provide landscape grounds for refusal.

REPRESENTATIONS

14 letters of support has been received:

- Over the years it has become an eyesore; collapsed and deteriorating structure
- We would be delighted to see it reinstated as an attractive rural home
- Would improve landscape and enhance countryside
- Such a shame to lose a small piece of local history
- Cannot see any reason why renovating the cottage can cause concern
- Sad to see it used for fly tipping and resting place for tramps
- No near neighbours, access not a problem, existing structure
- Have known applicant since childhood and would like to see her return to the area she grew up in
- Would cut down her travel as she is working part-time on the farm
- Would not impact on anyone's view
- Housing is in short supply
- Countryside would look empty and bare without dwellings
- I remember it once being a cottage and it has been in the Wakely family for generations
- Known the Wakely family for many years and applicant should be able to come back to live and work near her family
- Would bring benefits - creation of dwelling without using greenfield land, visual enhancement, strengthen village history and culture
- Would not set a precedent as few derelict cottages in area

CONSIDERATIONS

Principle of Development

The proposed development would provide a new dwelling, the former cottage on the site having been abandoned over 50 years ago.

The application site is positioned in an isolated rural location where there are no pavements or direct public footpath links to the nearest rural settlements of South Petherton , Shepton Beauchamp and Seavington St Michael (all between 1km and 1.5km away).

In the interests of sustainable development, paragraph 55 of the National Planning Policy Framework (NPPF) requires that "local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances". Policy SD1 of the South Somerset

Local Plan (2006-2028) endorses this approach, stating a presumption in favour of sustainable development.

Policy SS1 of the Local Plan identifies the areas where new development is to be focused, grouping certain towns and villages into a hierarchy of settlements - from Yeovil as the 'Strategically Significant Town' to Primary Market Towns, Local Market Towns and Rural Centres.

Other settlements are designated '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 proposed development would be an isolated new dwelling outside any rural settlement which is to be protected as open countryside. The site has poor access to services and facilities and policy SS2 does not apply.

One of the exceptions (special circumstances) referred to in para 55 of the NPPF is " where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting".

This application proposes to replace the remains of a building on the site with a new dwelling. Whilst there is no doubt that Fouts Cottage once existed on the site , it appears to have been last occupied as a dwelling over 50 years ago and the building was last used for agricultural storage in the 70s, 80s and early 1990s before falling into disrepair. The appeal in 1975 refers to it as an old barn recently used as a hay store. There is a file note on the planning records for the site in 1999 that referred to there being no roof and the walls being in a poor state of repair and that it was considered that it would not be treated as a building for planning purposes. Today there are sections of walls remaining, overgrown with ivy but mostly crumbling and unstable with some areas having completely collapsed. Consequently, it is considered that these remains cannot be described as a building for the purposes of paragraph 55 and therefore the exception of re-using redundant or disused buildings to provide a dwelling cannot apply here.

Policy HG8 is not applicable as the proposal would not replace an 'existing' dwelling. As highlighted by the Council's Landscape Architect, the intention of this application is to build a new dwelling, based on local recollection of the earlier built form.

The applicant has referred to relatively new legislation which permits barn conversions (subject to strict criteria) but this would not apply as this is not an existing building and such legislation cannot be used to infer that the Government want to see ruined or former buildings rebuilt or replaced to provide new rural dwellings.

The applicant has also referred to this being previously developed land but the remains have blended into the landscape over time and so is excluded from the definition in the NPPF. Its use for agricultural storage also means that it is excluded from this definition.

Visual and Landscape Impact

As explained by the Council's Landscape Architect, the landscape context here is distinctly rural and is not characterised by residential form or expressions of domestic use - rather it is an agricultural landscape where the rolling topography narrow lanes and hedgelines separating the fields are the main landscape components. Other than at Fouts Cross, circa 300 metres to the south, there is no other residential development along this lane until it reaches the Compton Durville junction. There is little left of the building now, and its ruin, set back a little

from the highway, is obscured in most part from the road by woody vegetation, and is clearly a vestige of a past rural landscape. It is not considered to be an obtrusive feature or an eyesore but overgrown ruins which are not unusual in a rural landscape.

The Appeal Inspector concluded in 1975, when the proposal was to convert the building to a dwelling (rather than replace it), that it would make what 'looked like a time mellowed old farm barn (an obvious but not unduly obtrusive feature in the very rural landscape..) becoming a much more obvious, randomly sited, rather isolated residential development in the countryside.'

A new dwelling in this location would be at odds with the sparse pattern of settlement that characterises the area and as a singular development in a field location that is not characterised by residential form; nor one that is recognisable as having the character of a residential plot would mark an intrusion within this rural landscape. The introduction of a residential use would also bring additional impacts of residential traffic, an entrance that is formalised by the need for visibility splays, that to meet the SCC highway's standard requirements would require hedge removal, to further impact upon the enclosed character of the local lane network. Extending the plot to provide turning space would also increase the impact of the development and further erode the landscape. In addition, nightlight would be potentially intrusive against a 'dark-sky' skyline. Consequently, it is considered that the proposal would erode local character and distinctiveness.

Previous applications and appeal

Similar applications, including conversions, have been consistently refused on this site and a refusal upheld on appeal. They were all made by relatives of the applicant and agricultural and personal reasons were advanced but were not considered to outweigh the policy objections.

Local support and dwelling to provide accommodation for local person

It is appreciated that there is significant local support for the proposal and for the applicant to return to the area where she has strong family connections and works part-time. However, it is felt that this site is not an eyesore and that the proposal does not present such an overriding essential need to justify setting aside important planning policies to promote sustainability development in rural areas and to safeguard the rural landscape. There are a number of villages nearby where the applicant could seek accommodation in order to live close to family and work.

Impact on Residential Amenity

This is an isolated site and therefore there would be no adverse impact on local residential amenity.

Highway Safety

The County Highway Authority has recommended refusal on the basis that the scheme lacks the necessary visibility splays, turning space and radii onto this Class 3 road. The Council's Highway Consultant has referred to the need to consider sustainability issues (transport) if the building is no longer deemed to be a dwelling in planning terms. This has been addressed above. He also states that the traffic impact on the approach road would be unlikely to be significant but, like the County Highway Authority, states that the extent of visibility splays commensurate with speed of traffic need to be shown and on-site turning facilities provided. Amended plans have not been sought to show this given the fundamental objection to the proposal but whilst it is felt that plans could be revised so that there would be no highway safety

objection, it would raise landscape objections due to the extent of hedgerow that would need to be removed and the increased extent of the garden to accommodate turning space.

Conclusion

The site is remote from services and facilities where occupants of the proposed development would be wholly reliant on private motor vehicle transport for day to day needs. The site is in the open countryside where new residential development should be strictly controlled and the proposed development would not be one of the special circumstances set out in para 55 of the NPPF. Furthermore, the proposal would have an unacceptable impact on local landscape character and highway safety. For these reasons, the proposal is recommended for refusal.

RECOMMENDATION

Refuse

For the following reasons:

01. The proposal would represent new residential development in open countryside, for which an overriding essential need has not been justified. The application site is remote from local key services and as such would increase the need for journeys to be made by private vehicles. The proposal constitutes unsustainable development that is contrary to policies SD1 and SS1 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework, including paragraph 55.
02. A new dwelling in this location would be at variance with the sparse settlement pattern that characterises the area and as a singular development in a field location, with associated domestication of the site including the loss of hedgerow to provide visibility, it would be intrusive in the rural landscape. It would therefore erode local character and distinctiveness, contrary to policy EQ2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.
03. The proposal is contrary to policy TA5 of the South Somerset Local Plan (2006-2028) and section 4 of the National Planning Policy Framework (NPPF) as the proposed access to the dwelling does not incorporate the necessary visibility splays, turning spaces or adequate radii which are essential in the interests of highway safety.

Informatives:

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

In this case, pre-application advice was given to the applicant in the 2010 that such a proposal would be unlikely to be successful. No recent pre-application advice was sought.

Agenda Item 18

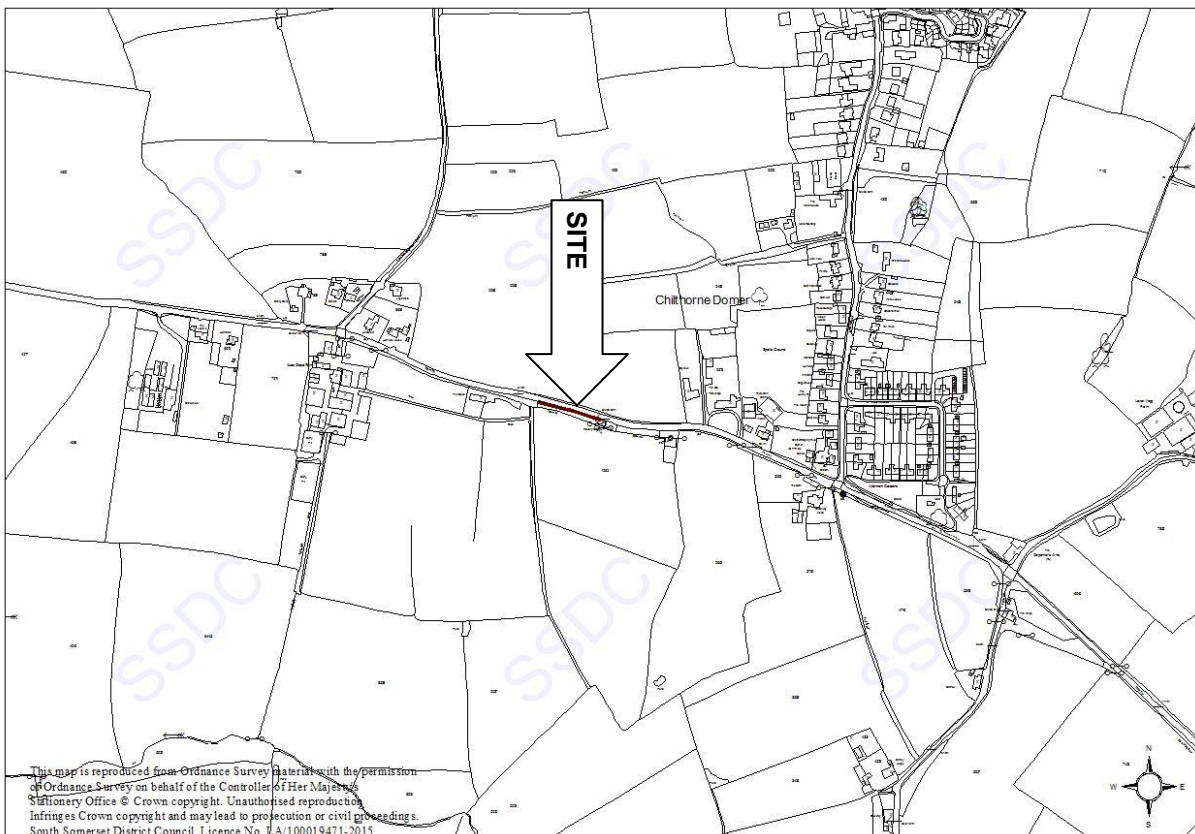
Officer Report On Planning Application: 15/04256/FUL

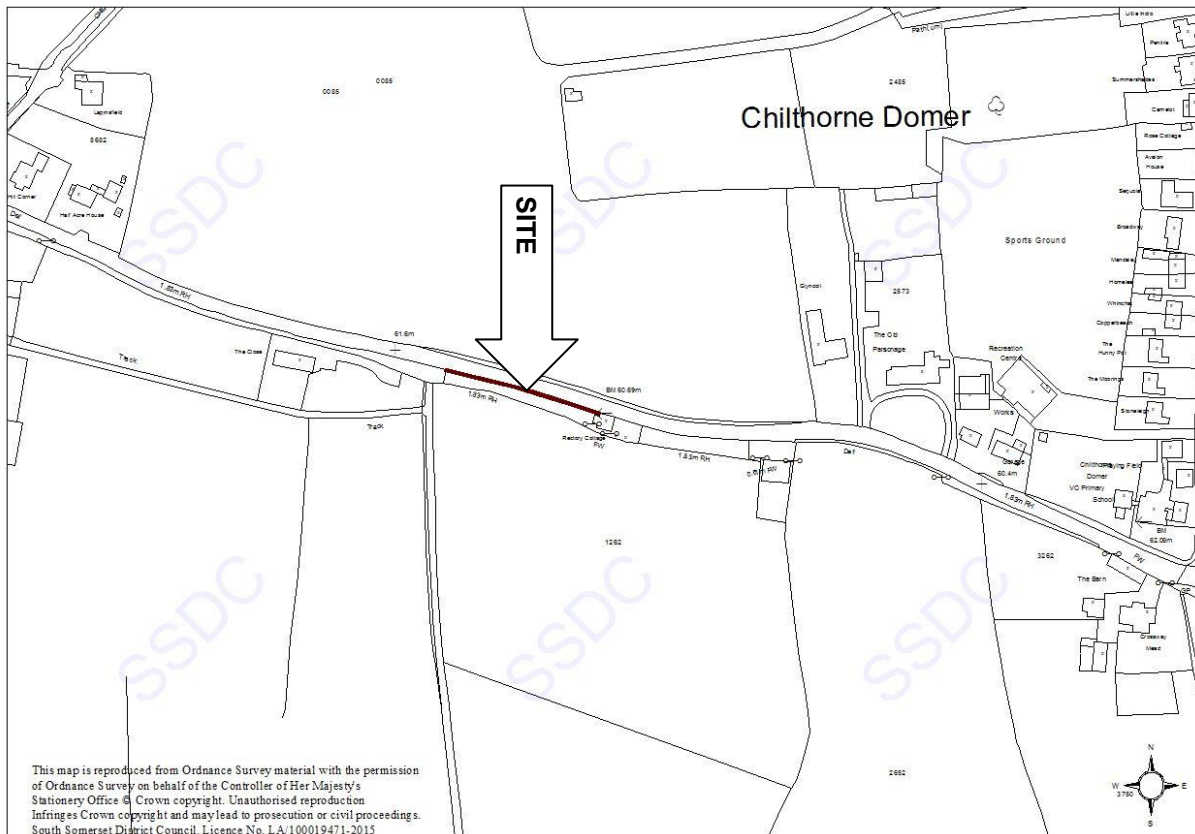
Proposal :	The erection of timber boundary fencing (Part retrospective)(GR 352116/118696)
Site Address:	Rectory Cottage, Tintinhull Road, Chilthorne Domer,
Parish:	Chilthorne Domer
ST MICHAELS Ward (SSDC Member)	Cllr Jo Roundell Greene
Recommending Case Officer:	Jacqui Churchill Tel: (01935) 462158 Email: jacqui.churchill@southsomerset.gov.uk
Target date :	30th November 2015
Applicant :	Mr Rodney Gillman
Agent: (no agent if blank)	
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

This application has been referred to committee at the request of the Ward Member and with the agreement of the Area Chairman, in order for full consideration of the planning issues. These include highway safety.

SITE DESCRIPTION AND PROPOSAL





Rectory cottage is a two storey detached dwellinghouse constructed of red brick under a double roman tiled roof with white uPVC openings. The plot runs parallel to the highway and benefits from an area of hardstanding for the parking of vehicles to the front and a garden area to the rear. It is set in a rural location, surrounded by fields, with its nearest residential properties being approx. 70m to the east and 130m to the west. An agricultural access to a field is located further west of the far end of the garden.

This application seeks part retrospective permission for the erection of a timber fence on the north boundary of the rear garden. The fence measures 1.8m in height. The first 14 panels running away from the rear elevation of the property have been in place for a number of years. More recently an additional 14 panels have been erected and the plans show that the application seeks retrospective approval for the existing fencing plus one more proposed panel.

Planning permission is required as the fence is adjacent to a highway and exceeds 1 metre in height.

Should the application be refused consideration will be given to formal enforcement action.

HISTORY

15/00210/OPERA - Enforcement enquiry (fencing) - pending consideration

01/00150/FUL - Formation of vehicular access and off road parking - permitted with conditions

27.02.01

POLICY

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

On the 5th March 2015 the South Somerset Local Plan (2006 - 2028) was adopted. Therefore it is considered that the development plan comprises this plan.

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

SD1 - Sustainable Development

SS1 - Settlement Hierarchy

EQ2 - General Development

TA6 - Parking Standards

National Planning Policy Framework (March 2012)

Chapter 4 - Promoting Sustainable Transport

Chapter 7 - Requiring Good Design

South Somerset District Council Supplementary Guidance - Extensions and Alterations to Houses - A Design Guide

Somerset County Council Parking Strategy (March 2012) and Standing Advice (June 2013)

CONSULTATIONS

Chilthorne Domer Parish Council - No objections

Brympton Parish Council - (adjacent parish) - Approval

County Highway Authority - Standing advice.

SsdC Highways Consultant - Concerns that the fence (which has already been erected) impedes visibility for and of vehicles emerging from the agricultural access to the west of the site frontage. The 25m distance from the access to the fence is well below the stopping sight distance required along this stretch of road where a 40mph speed limit is in place. However, vegetation within the garden area (at the far western end of the garden) already impedes visibility. Therefore, while the proposal is far from ideal, it is considered unreasonable to raise an objection to the scheme.

REPRESENTATIONS

5 neighbours were notified and a site notice displayed, the following representations were received:

The Close, Tintinhull Road - (in summary): Highway safety concerns around visibility when exiting property.

Southview Farm - (in summary): Highway safety concerns around visibility when exiting agricultural access.

CONSIDERATIONS

The erection of domestic boundary fencing is usually acceptable in principle subject to the proposed development being in accordance with Development Plan policies and proposals. In this case, the main considerations will be the impact on the visual amenity of the area and highway safety.

In this case the property is located on Tintinhull Road which is the main road through the village and subject to a speed limit of 40mph. The property, and associated garden and parking, runs parallel to the road with a rear garden extending approx. 72 metres (length) x 6m (width) to the west.

The first section of fencing, closest to the rear elevation to the dwellinghouse, has been in place for several years and consequently is immune from any enforcement action.

It is noted that there have been objections from the farmer who uses the agricultural access to the west of the proposed development and the occupant of The Close based on visibility and highway safety issues. At the time of the site visit the visibility when exiting both the agricultural access and The Close was restricted by high planting on the west end of the garden area of the application property. The Planning Authority has no control over this.

There is approximately 34m between the agricultural access and the end of the fencing. The fencing does not allow for the required stopping sight distance for a road where the speed limit is 40mph which is contrary to the standing advice of the Highways Authority. However, it is further noted that neither SSDC's Highway Consultant nor the Parish Council raised any objections.

Although the development is far from ideal, it has the local support of the Parish Council and SSDC's Highway Consultant which are considered to hold significant weight. Whilst sympathetic to the concerns of the farmer and occupant of The Close, it is not considered that their concerns outweigh the local support of the Parish Council.

Therefore, on balance, the erection of a timber boundary fence is considered acceptable and is recommended for approval.

RECOMMENDATION

Grant approval for the following reason:

01. The proposal respects the character of the area and does not adversely affect either residential or visual amenity, or highway safety. As such, the proposal accords with Policy EQ2 of the South Somerset Local Plan 2006-28 and the aims and objectives of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 5th October 2015.

Reason: To comply with Section 73A of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans reference 6543-01, and date stamped as received 05.10.15.

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

Agenda Item 19

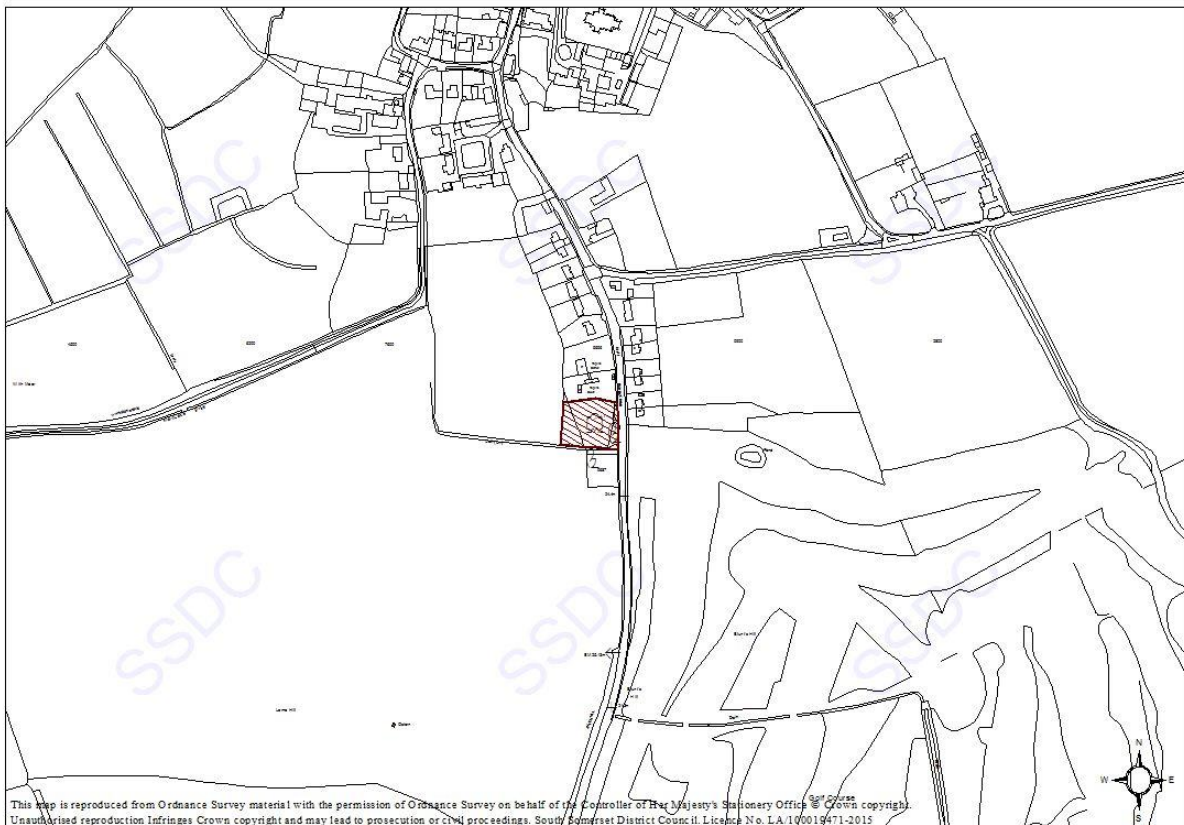
Officer Report On Planning Application: 15/04998/S73A

Proposal :	Application to vary condition No. 02 (approved plans) of 14/05217/FUL for change in roof material. (GR 346949/124920)
Site Address:	Land South Of South Barton, Martock Road, Long Sutton.
Parish:	Long Sutton
TURN HILL Ward (SSDC Member)	Cllr S Pledger
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	1st January 2016
Applicant :	Mr & Mrs Sean & Betty-Jane Cox & Jeremy & Jane Lane
Agent: (no agent if blank)	Della Valle Architects, Mr R Rowntree, Lake View, Charlton Estate, Shepton Mallet BA4 5QE
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Area North Committee in view of the fact that the owner of the site is the Ward Member and Area Chair.

SITE DESCRIPTION AND PROPOSAL





This application is seeking to amend the scheme approved last year under application 14/05217/FUL which permitted the erection of two, two-storey detached dwellings on this site and which are now under construction.

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

HISTORY

15/04870/NMA: Application for a non-material amendment to planning application 14/05217/FUL for the replacement of two-storey entrance gable on plot 1 with a single storey porch. Permitted.

14/05217/FUL: Erection of two dwellings (revised application of 14/01206/FUL). Permitted.

14/01206/FUL: Erection of two detached dwellings. 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

SS2 - Rural Settlements

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

National Planning Policy Framework

Part 4 - Promoting sustainable transport

Part 7 - Requiring good design

Part 8 - Health communities

Part 11 - Conserving and enhancing the natural environment

CONSULTATIONS

Long Sutton Parish Council: No comments received at the time of writing this report and as such any comments received will be reported verbally to the committee.

County Highways: No objection

REPRESENTATIONS

None at the time of writing this report, should any comments be received they will be reported verbally to the committee.

CONSIDERATIONS

This application follows the granting of permission for the erection of two, two-storey houses on this site last year and is seeking to amend the approved plans condition to amend the roof materials for Plot 1.

Under the original scheme both plots were to be constructed from local natural stone but Plot 2 was to use reclaimed double roman tiles for the roof and Plot 1 natural slate. The application is seeking to amend the approved plans so that both plots are constructed from matching reclaimed double roman roof tiles. It is noted that the neighbouring properties both opposite the site and to the side all have tiled roofs. The change will not result in any watering down of the overall quality of the appearance of this house or be out of keeping within the established street scene and as such is considered to be acceptable and this amendment is recommended for approval.

RECOMMENDATION

Grant consent for the following reasons:

The proposed dwelling represents an appropriate and sustainable form of development which will contribute to the council's housing supply without demonstrable harm to visual or residential amenity or being prejudicial to highway safety and therefore accords with the aims and objectives of policies SD1, SS2, TA5, TA6 and EQ2 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission (14/05217/FUL), i.e. before 30 January 2018.

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 drawings numbered F1223/001F, F1223-100F, F1223-101F, F1223-150C and F1223-151A.

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

03. With the exception of the roofing materials for plot 1 all external roof and wall material details, natural stonewall details, lintel, roof eaves, verges, rainwater goods, gates, fences and surface materials for the parking and turning shall be as agreed under discharge of condition application 15/00915/DOC.

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

04. All planting, seeding, turfing or earth moulding comprised in the scheme of landscaping detailed on drawing number F1223/001F shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

05. The internal ground floor levels of the dwellings hereby permitted shall accord with the details set out on drawing number F1223/001F, unless otherwise agreed in writing by the local planning authority.

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

06. There shall be no obstruction greater than 300mm above adjoining road level 4.0m back and parallel over the entire site frontage. Such visibility splays shall be fully provided

before works commence on the development hereby permitted and shall thereafter be maintained at all times.

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

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

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

08. Before the dwellings are occupied and the access is first brought into use, the drainage measures to prevent the discharge of surface water onto any part of the highway, as agreed under discharge of condition application 15/00915/DOC, shall be fully implemented and thereafter maintained in this fashion at all times, unless otherwise agreed in writing by the local planning authority.

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

09. The area allocated for parking and turning on the approved plans shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety to accord with Policy TA6 of the South Somerset Local Plan.

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

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

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

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

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

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