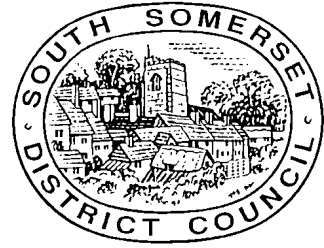


South Somerset District Council

Notice of Meeting



Area West Committee

Making a difference where it counts

Wednesday 18th May 2016

5.30 pm

**Swanmead Community School
Ditton Street
Ilminster
TA19 0BL**

(disabled access and a hearing loop are available at this meeting venue)



The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than 6.30pm.

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

This Agenda was issued on Monday 9th May 2016.

A handwritten signature in cursive script that reads 'Ian Clarke'.

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



INVESTORS IN PEOPLE

Area West Committee Membership

The following members are requested to attend the meeting:

Chairman: Carol Goodall
Vice-chairman: Jenny Kenton

Jason Baker	Val Keitch	Angie Singleton
Marcus Barrett	Paul Maxwell	Andrew Turpin
Mike Best	Sue Osborne	Linda Vijeh
Amanda Broom	Ric Pallister	Martin Wale
Dave Bulmer	Garry Shortland	

South Somerset District Council – Council Plan

Our focuses are: (all equal)

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

Scrutiny Procedure Rules

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

Consideration of Planning Applications

Consideration of planning applications will commence no earlier than 6.30pm, 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 formal written report from the Area Highway Officer should be included on the main agenda in May and September. 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 3 minutes on agenda items; and
- see agenda reports.

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

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

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

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

Public Participation at Committees

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

Public Question Time

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

Planning Applications

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

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

At the Committee Chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

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

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

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

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

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

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

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

Area West Committee

Wednesday 18 May 2016

Agenda

Preliminary Items

1. **To approve as a correct record the Minutes of the Previous Meeting held on 20th April 2016**
2. **Apologies for Absence**
3. **Declarations of Interest**

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9.

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

In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

Planning Applications Referred to the Regulation Committee

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

Councillors Mike Best, Sue Osborne and Angie Singleton

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

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

4. Public Question Time

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

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

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

5. Chairman's Announcements

6. Date and Venue for Next Meeting

Councillors are requested to note that the next Area West Committee meeting is scheduled to be held at 5.30pm on Wednesday 15th June 2016. Venue to be confirmed.

Items for Discussion

- 7. Area West Committee - Forward Plan** (Pages 9 - 11)
- 8. Chard Business Hub Project (Executive Decision)** (Pages 12 - 18)
- 9. Highway Service Report for Area West** (Pages 19 - 21)
- 10. Planning Appeals** (Pages 22 - 28)
- 11. Schedule of Planning Applications to be Determined by Committee** (Pages 29 - 30)
- 12. Planning Application 16/00331/FUL - Turbury Woods, Forton, Chard** (Pages 31 - 41)

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 7

Area West Committee - Forward Plan

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

Purpose of the Report

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

Recommendation

Members are asked to:-

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

Forward Plan

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

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

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

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

Background Papers: *None.*

Notes

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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
<i>15th June 2016</i>	<i>Area West Committee Working Groups and Outside Organisations – Appointment of Members</i>	<i>To review the appointment of members to various working groups and outside organisations.</i>	<i>Jo Morris, Democratic Services Officer</i>
<i>15th June 2016</i>	<i>Scheme of Delegation – Development Control – Nomination of Substitutes for Chairman and Vice Chairman</i>	<i>To review the appointment of two members to act as substitutes for the Chairman and Vice-Chairman in the exercising of the Scheme of Delegation for planning and related applications.</i>	<i>Jo Morris, Democratic Services Officer</i>
<i>15th June 2016</i>	<i>Area West Development Work Programme</i>	<i>To provide an update on the progress of projects taking place in Area West</i>	<i>Andrew Gillespie, Area Development Manager (West)</i>
<i>15th June 2016</i>	<i>Ilminster Forum</i>	<i>Reports from members on outside organisations.</i>	<i>Cllr. Carol Goodall Zoe Harris, Neighbourhood Development Officer</i>
<i>15th June 2016</i>	<i>Community Offices Update</i>	<i>Service Update Report</i>	<i>Lisa Davies, Community Office Support Manager</i>
<i>20th July 2016</i>	<i>Environmental Health Service Update Report</i>	<i>Service Update Report</i>	<i>Alasdair Bell, Environmental Health Manager</i>
<i>20th July 2016</i>	<i>S106 Obligations</i>	<i>6 monthly update</i>	<i>Neil Waddleton, S106 Monitoring Officer</i>
<i>20th July 2016</i>	<i>Chard Regeneration Scheme</i>	<i>Report to update members on progress</i>	<i>David Julian, Economic Development Manager</i>

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
17 th August 2016	<i>Historic Buildings at Risk</i>	<i>Confidential report to update members on current Historic Buildings at Risk cases in Area West.</i>	<i>Greg Venn, Conservation Officer</i>
21 st September 2016	<i>Countryside Service Update</i>	<i>Service update report</i>	<i>Katy Menday, Countryside Manager</i>
15 th February 2017	<i>Area West Committee Meeting Times and Venue Review</i>	<i>Review of Area West Committee meeting arrangements</i>	<i>Andrew Gillespie, Area Development Manager (West)</i>

Agenda Item 8

Chard Business Hub Project (Executive Decision)

Assistant Director: Helen Rutter, Communities
Service Manager: Andrew Gillespie, Area Development Manager (West)
Lead Officer: Dylan Martlew, Neighbourhood Development Officer (West)
Contact Details: dylan.martlew@southsomerset.gov.uk 01935 462695

Purpose of Report

To request an allocation of funding for the Chard Business Hub project.

Public Interest

The business hub will provide low-cost office space and business support for new business start-ups, local businesses and businesses relocating into the area. It will be open to all-comers and will particularly encourage digital and media business.

Recommendations

That Members:

1. Agree to support the Chard Business Hub Project as detailed in the report.
2. Agree that £49,640 in the Area Reserve can be reallocated to the Hub Project
3. Allocate £63,920 from the unallocated capital programme to the Hub Project.
4. Authorise the Initial Project Board to continue as the Project Board and add Board members as deemed necessary and appropriate to supplement their skills and expertise as the project progresses.

Background

At the February 17th meeting of the Area West Committee, members:

- Agreed, in principle, to support the development of a business incubation hub based in the Holyrood Lace Mill (The Chard Business Hub project).
- Appointed the five Chard District Council Members to Initial Hub Project Board to oversee the detailed definition of the project and its initiation, subject to further detailed approval by the Area West Committee.
- Appointed the Neighbourhood Development Officer (West) as Project Manager

The Chard Business Hub project will create a flexible business incubation space based in the SSDC owned Holyrood Lace Mill in the centre of Chard:

- Attracting people and businesses into Chard town centre
- Building new enterprise and creating new jobs
- Supporting and digitally enabling local businesses
- Supporting and enabling community projects and groups
- Raising the profile of Chard locally, regionally & nationally
- Building confidence, demonstrating demand and attracting investment (new businesses, new facilities)
- Reducing risk with a two stage development: an initial low cost “Inclusive” stage to demonstrate demand, followed by an externally funded “Prestige” development.

As agreed, the Initial Project Board (IPB) has worked on further definition of the project as follows:

Aims, Objectives & Targets

Aims

1. To be an accessible, stimulating, supportive, high-profile place to work, network and do business.
2. To be a focus for creative, digital & media activity.
3. To bring new businesses, new opportunities and new employment to Chard.
4. To support and be supported by the community.
5. To raise public and business perceptions of Chard.
6. To be at the heart of soft regeneration in Chard.
7. To be more than cost neutral.

Objectives

1. To provide flexible workspace with high-spec digital connectivity for businesses and community projects.
2. To develop a digital and media focus including provision of a video editing suite.
3. To establish the Hub as an exciting, successful, nationally recognised business centre.
4. To establish broad network of partners, collaborators and contacts across public, commercial and voluntary sectors.
5. To attract and support business start-ups & relocations into Chard.
6. In collaboration with others to:
 - a. Support and digitally enable local businesses and community groups.
 - b. Develop and support community and other projects.
7. To evidence demand for business premises in Chard.
8. To be cost neutral after 3 years.

Targets

During the first 3 year period, to support;

1. 12 new businesses to set up in Chard
2. 30 local businesses to develop
3. 30 community projects
4. 15 people to find employment
5. 10 new jobs

Governance

The IPB considers that the overall Project Governance to manage delivery of the Hub should be broken down into a number of phases. These include;

- Creating the facility
- Forming an Operating Company (see below)
- Issuing contracts
- Monitoring delivery

It was recognised that a small Project Board, open to the interests of the community including the surrounding areas, with the ability to recruit new members on a temporary or permanent basis and to commission necessary skills and advice would be best placed to take this project forward.

The IPB therefore recommend that Initial Project Board become the Project Board and be empowered to add Board members as deemed necessary and appropriate to supplement their skills and expertise as the project progresses.

The IPB agreed that exit points should be established so that the project can be shut down if it becomes clear that the Hub will not meet sufficient of its targets.

Establishing a separate Hub Operating Company

The IPB decided that, subject to detailed legal advice, it would be advantageous for SSDC to own the Hub, and for the Hub to be run, under contract, by an independent operating company. The preferred form of the operating company would be a social enterprise limited by guarantee under the small membership model. A separate Hub operating company would:

- Enable access to grants and project funding
- Qualify for business rate relief
- Reduce overheads and provide practicality & flexibility
- Enable a distinct image & facilitate business credibility
- Reduce risk for SSDC

Access grants and project funding

A separate Hub operating company would be able to apply for wide range of external funding, for example Making it Local (LEADER) and National Lottery funds. Funding available to Local Authorities could also be applied for through SSDC.

Business rate relief

As a small business the Hub operating company will qualify for Small Business Rate Relief and Discretionary Rate Relief. If it operates as part of SSDC the Hub would not qualify for either and SSDC would not be able to award itself Discretionary Rate Relief.

Practicality & flexibility

As a small business trading with small businesses the Hub operating company will need to make small, cost effective purchases and issue small invoices. Operating separately these purchases and the accounting can be managed more efficiently and cost effectively, without creating the overhead within SSDC.

Enable a distinct image & facilitate business credibility

As a small business operating in a business environment, the Hub operating company can develop an independent image and a degree of credibility in the business community, making it easier to provide support and advice in that community.

Reduced risk

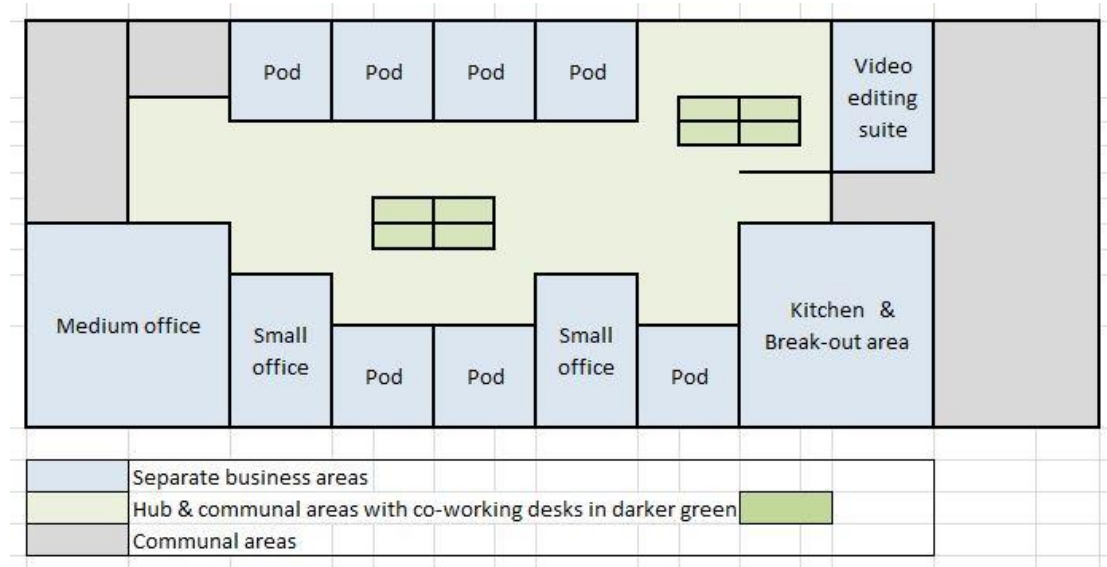
As landlord, SSDC would retain ownership of fixed assets funded through the project (equipment, furniture, fixtures and fittings etc) and contract the Hub operating company to deliver the service for a fixed term of 3 years. Contracted performance targets will enable the Hub Project Board to retain control and even replace the Hub operating company with another delivery partner if necessary.

In addition SSDC would have reduced liability arising from contracts entered into separately by the Hub operating company.

Work to identify or if necessary establish a suitable operating company for the Hub will be an immediate priority for the Project Board and Project Manager.

Hub Form & Layout

The IPB developed the layout and form of the Hub based on the third floor of the Holyrood Lace Mill as follows:



To keep set-up costs to a minimum it was agreed to divide the space using partitions of less than full height and of a temporary nature, enabling them to be moved if required. This flexibility is likely to be important as the Hub develops. All units will be open fronted without doors.

Units

- Co-working desks – flexible ‘hot’ desks, 4 conventional and 4 high level.
- Pods – dedicated space for one person
- Small office – dedicated space for two people
- Medium office – dedicated space for three or four people
- *Video editing suite – bookable sound-reduced room with VE equipment
- Kitchen-breakout area – three breakout tables and a kitchenette
- Note: Meeting rooms can be hired from SSDC at the Holyrood Lace Mill.

This layout forms the basis of set-up costs and income projections. It is recognised that requirements may change as the Hub develops and market needs become clear.

* While the video editing suite is important for the digital media offer, equipping it is budgeted at £24,000 which represents around 30% of the capital investment cost. The IPB agreed that this should be ring-fenced and held in reserve until demand can be evaluated.

The Valuation Office Agency (VOA) has confirmed that each unit in the layout above can be rated separately and has provided estimates of their individual rateable value. This significantly reduces the rateable value of the area occupied by the Hub enabling it to qualify for rate relief.

Revenue Streams

Three revenue streams were identified:

- Rental – e.g. desks, pods, offices, event space, video editing suite.
- Services – e.g. virtual offices, telephones & calls, digital bandwidth.
- Projects – e.g. project management, admin, hosting, events.

The projects will stimulate uptake of Hub facilities and services and have the potential to generate additional income through project management and support services.

The 3rd and 4th floors of the Holyrood Lace Mill are empty and do not currently generate an income.

The Hub is expected to generate the following income for SSDC over the three years:

- Rental income - £42,552
- Service charges - £33,655
- Contribution to buildings insurance - £ 3,432
- **Total contribution = £79,639**

If this stage is reached, the Hub is expected to generate income for SSDC in the following years.

If the Hub is successful, under the terms of its contract, the Hub operating company could also pay an annual profit share to SSDC. This will be most likely if the Hub expands into the 4th floor creating additional income and economies of scale.

Estimated Timescales

- **May 16 – AWC approval & funding allocated**
- **Aug 16 – Hub operating company contracted**
- **Oct 16 – Hub build complete**
- **Nov 16 – Hub launch**

Financial Projections and Implications

The projected costs are shown in the tables below. Analysis by the Area West Team indicates that the aims, objectives and targets of the Chard Business Hub project could be achieved based on this investment. A break-even point, generating a net rental and service income of £20,000 per annum could be reached by the end of year 3. Income cannot be guaranteed and if it is lower than anticipated the Project Board may need to source additional funding or the project may have to close.

The figures do not include initial project management costs as these will be met by secondment of existing staff as agreed.

Set Up Costs	£
Capital	
Contracts tendering, negotiation and legal	2000
Premises build (partitions, décor, fixtures, fittings)	16000
Digital & telephone services, equipment, systems & networks	16109
Video editing suite*	24000
Contingency (10%)	<u>5811</u>
<u>Total</u>	63920
Revenue Reserve	
Incorporate Hub CIC and establish governance	1400

Branding, design, promotion and project launch	7000
Promotion, marketing and launch	3500
Projects development	3500
Operating costs in build phase (pre-launch)	2888
Furniture & office equipment	2000
Contingency (10%)	<u>2029</u>
<u>Total</u>	22317

Net Operating Costs (based on achieving revenue targets)	
Year 1 -	27323
Year 2 -	0
Year 3 onwards	<u>0</u>
<u>Total</u>	27323

Total Revenue Costs	49,640
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An allocation of £63,920 would reduce the available Area West Capital reserve from £121,353 to £57,433.

As reported to Area West Committee in December 2015 existing allocations of the Area West Revenue reserve amounting to £49,640 are no longer needed and this can be safely reallocated to the Chard Hub project. Members should note that making these allocations will underwrite the project costs and enable it to go ahead. As the project develops, alternative sources of funding may be found and if so, the need to draw down from allocations in Area West reserves will be reduced.

Implications for Corporate Priorities

SDDC Council Plan

Focus 1 – Jobs:

- maintain the jobs we have and bring new jobs to our towns
- encourage the creation of new, high value employment by attracting investment and fostering the growth of small and medium sized companies
- promote business diversification and innovation
- provide opportunities and support for employment including youth employment

Focus 2 – Environment:

- Reduce commuting, shopping and business miles by the provision of local facilities, local employment and uptake of digital technologies.

Focus 4 – Health & communities

- Supporting local community groups and businesses to promote and engage through participation in community projects and using media and digital technologies.

Chard Regeneration Scheme

“Work with the council and private sector to encourage the development of new incubation workspace in the town centre to promote social enterprise and innovation. Provide multi-functional spaces that support potential business start-ups and the artistic community of the

area. Use the incubation spaces to promote innovation.” Page 42, Chard Regeneration Framework (Rev.C 2010), LDA Design

The Council Plan **Tackling the Challenges** was adopted by Full Council in April 2016. Progress of the Chard Hub project is given high priority in its 2016/17 Annual Action Plan.

Carbon Emissions & Adapting to Climate Change Implications

Chard is of a size where a healthy resident could easily walk or cycle to the centre to their workplace. The hub could reduce commuter car miles and subsequent carbon emissions. Use of digital technology also reduces the need to travel.

Equality and Diversity Implications

The hub will open to all and will be promoted to all groups and members of the community. Any promotional materials will be produced to an accessible standard.

The building and fourth floor are accessible and conform to equality and diversity legislation.

Access4All will undertake a full access review and will also advise on plans for the hub as they come forward.

Background Papers

1. Chard Regeneration Framework (Rev.C 2010), by LDA Design.
 2. Chard Business Hub Project, Agenda reports pack, Area West Committee, 17th February 2016.
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Agenda Item 9

Highway Service Report for Area West

Lead Officer: Mike Fear, Assistant Highway Service Manager, Somerset County Council
Contact Details: Tel: 0845 345 9155

Purpose of the Report

Being the first report for the 2016/17 financial year, I aim to give a brief report of the highway works carried out last financial year in Area West and our proposed works programme for 2016/2017.

Recommendation

That the report be noted.

Report

Surface Dressing

Surface Dressing is the practice of applying a bitumen tack coat to the existing road surface and then rolling in stone chippings. Whilst this practice is not the most PR friendly, it is highly effective in preserving the integrity of the road surface. This year we are Surface Dressing 50 sites across South Somerset, 13 of which are in West Area.

The Surface Dressing within South Somerset has already commenced and is due for completion by the end of August.

Grass Cutting

Grass cutting is a difficult task to carry out to the satisfaction of all. The highway network exceeds 3500km in length; therefore the size of the task is significant. Verge cutting of main A and B roads are likely to commence on 16th May which will be followed by the C and D roads as indicated in the table and then a further cut of the visibility splays on A and B roads. The second cut to the A and B roads previously carried out by Somerset County Council has again been removed on approval by The Council members.

Road Classification	Dates
A and B roads (including visibility splays)	16 May -12 June
C and unclassified roads	13 June – 14 August
A and B visibility splays only	Mid to late August dependant on rate of growth
Environmentally protected sites	Usually at the end of the growing season

Schemes completed in 2015/2016

Misterton	A356 School Hill/A3066	Resurfacing
Crewkerne	A356 North Street	Resurfacing
Lopen	Lopen Head Roundabout	Resurfacing
Merriott	Hitchen	Resurfacing
Chard	Avishayes Road	Resurfacing
Chard	Helliars Road / Crimchard	Resurfacing
Hinton St George	Lopen Road	Passing Bays Reconstruction
Ilminster	Station Road	Drainage
Chard	A358 Old Town	Drainage
Buckland St Mary	Fair End Lane	Drainage
Crewkerne	Cathole Bridge Road	Drainage
Tatworth & Forton	Bounds Lane	Earthworks

Schemes proposed for 2016/2017

This year's structural maintenance budget remains similar to last year. The below table identifies significant schemes to be implemented in South Somerset and schemes proposed in Area West are highlighted;

Bratton Seymour	A371 Cary/Wincanton Road	Principle Resurfacing	
Yeovil	A30 Sherborne Road (One Way Section)	Principle Resurfacing	
Chard	A30 High Street	Principle Resurfacing	
East Chinnock	A30 Barrows Hill	Principle Resurfacing	
Wincanton	A371 Holbrook Roundabout	Principle Resurfacing	
Yeovil	Wraxhill Road	Resurfacing	
Yeovil	St Michaels Avenue	Resurfacing	
Yeovil	Lyde Road	Resurfacing	
Langport	The Avenue	Resurfacing	
Chard	St Marys Close	Resurfacing	
Ilchester	Market Place/Church Street	Resurfacing	
Wincanton	Dancing Lane	Resurfacing	
Yeovil	Rosebery Avenue	Resurfacing	
Marston Magna	Rimpton Road (concrete slab)	Resurfacing	
Chard	St Marys Crescent	Resurfacing	
Alford	B3153 Cary Road/Station Road	Resurfacing	
Charlton Horethorne	Stowell Hill	Resurfacing	
Yeovil	St Johns Road/ Northbrook Road	Resurfacing	
Yeovil	Hendford and High Street (Borough)	Resurfacing	
South Petherton	Hele Lane (Ford)	Resurfacing	
Brympton	Mead Avenue	Resurfacing	
Merriott	Lower Street	Resurfacing	
Ilminster	Ditton Street	Resurfacing	
Chard	B3162 Forton Road	Resurfacing	
Dinnington	Frog Lane	Resurfacing	

Chard	St Marys Crescent	Footways	
Sparkford	Green Close	Footways	
Ansford	Ancastle Avenue/ Terrace	Footways	
Martock	Marwin Close/ Bracey Road	Footways	
Castle Cary	Millbrook Gardens (Phase 2)	Footways	
Crewkerne	Langmead Square	Footways	
Ilminster	Station Road	Footways	
Chard	Bradfield Way/ Beckington Crescent	Footways	
Yeovil	Sherborne Road	Drainage	
Buckland St Mary	Castle Main/ Lisieux Way	Drainage	
Ashill	Thickthorn Lane	Drainage	
Tintinhull/ Chilthorne Domer	Yeovil Road	Drainage	
Chilthorne Domer	Vagg Hollow	Drainage	
Tintinhull	Thurlocks	Drainage	
Horton	Hanning Road/ Horton Road	Drainage	
Bruton	A359 Cuckoo Hill	Drainage	
North Cadbury	A359 Foxcombe Farm/ Galhampton Hill	Drainage	
Somerton	St Cleers/ Dairy farm lane	Drainage	
Castle Cary	Coopers Ash Lane, Cockhill	Drainage	
Bruton	Wyke Road, Wyke Champflower	Drainage	
Langport	A372 Somerton Road/ Meadow Close	Drainage	
Compton Dundon	B3151 Littleton Hill	Drainage	
Cucklington	Long Hill	Drainage	
Yeovilton	Bridgehampton Road	Drainage	
Barwick	Church Lane	Drainage	
East Coker	Primrose Hill	Drainage	
Knowle St Giles	Knowle Church Road	Drainage	
Long Load	Martock Road	Drainage	
Barwick	Two Tower Lane	Drainage	
Milborne Port	East Street	Drainage	
Barrington	Ruskway Lane/ Shelway Lane	Drainage	
Long Sutton	Crouds Lane	Earthworks	
Curry Rivel	Red Hill	Earthworks	
Ansford	A371, Ansford Hill	Earthworks	

Winter Maintenance

Somerset County Council salts over 1400km (870 miles) of its roads in anticipation of frost, snow and ice. This is approximately 21% of the total road network in Somerset.

Last winter was warmer than average, being slightly wetter than normal. We carried out precautionary salting on 46 occasions on primary routes and no secondary routes. These secondary routes are only usually salted after 3 consecutive days of sub-zero temperatures.

Background papers: None

Agenda Item 10

Planning Appeals

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

Purpose of the Report

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

Recommendation

That the report be noted.

Background

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

Report Detail

Appeals Received

16/00102/FUL – Barn Rear of The Royal Oak, The Cross, Ilminster, Somerset (Officer Decision)
Change of use and conversion of existing barn into 2 No. one bedroom dwellings (revised application) (GR 336090/114152)

Appeals Allowed

15/03263/S73A – 7 Court Farm Close, Winsham, Chard, Somerset (Committee Decision)
Application to vary condition 02 (approved plans) of 14/05486/FUL for the addition of 4 No. radius oak braces to side elevation (GR 337625/106141)

15/04537/FUL – Homeleigh, Axeford, Chard Junction, Chard, Somerset, TA20 4QL (Officer Decision)
Formation of a new access and hardstanding (GR 334021/105068)

The Inspector's reports are shown on the following pages.

Background Papers: None

Appeal Decision

Site visit made on 8 March 2016

by David Walker MA MRTPI

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

Decision date: 15 April 2016

Appeal Ref: APP/R3325/D/15/3141507

April Cottage, 7 Court Farm Close, Winsham, Chard, Somerset TA20 4JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Christine Hughes against the decision of South Somerset District Council.
 - The application Ref 15/03263/S73A, dated 26 July 2015, was refused by notice dated 19 November 2015.
 - The application sought planning permission for alterations to existing dormer window, formation of additional dormer window to front elevation and erection of car port without complying with a condition attached to planning permission Ref 14/05486/FUL, dated 19 February 2015.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the approved plans Drawings No 510/14/A, 510/14/B, 510/14/C and 510/14/D.
 - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
-

Decision

1. The appeal is allowed and planning permission is granted for alterations to existing dormer window, formation of additional dormer window to front elevation and erection of car port at April Cottage, 7 Court Farm Close, Winsham, Chard, Somerset TA20 4JY in accordance with the application Ref 15/03263/S73A dated 26 July 2015 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of the original planning permission Ref 14/05486/FUL, dated 19 February 2015.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 510/14/A and 510/14/B, both marked and dated 'S.SOM.DC, 29 SEP 2015, POSTROOM'.
 - 3) The car port hereby permitted shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the attached dwelling.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no alterations, including enclosing the two open sides, shall be made to the car port hereby approved without the express grant of planning permission.

- 5) The materials to be used in the construction of the radius braces hereby permitted shall match those used in the existing timber support to the car port.

Preliminary Matters

2. The Council determined that the overhang of the car port originally applied for is lawful. Therefore only the addition of four radius braces to the existing car port is before me for determination.

Main Issue

3. The main issue in the appeal is the effect of the proposal on the character and appearance of the area.

Reasons

4. Court Farm Close is a modern development with a mixed character that incorporates some elements of traditional design, in the specification of facing materials, together with more contemporary materials in the form of plastic windows and up and over garage doors. The appeal property is the only dormer bungalow in a street of two storey houses and, as a consequence, has been a departure from the prevailing house designs of the street since the time of its construction.
5. The four radius braces would be formed from curved sections of hardwood retrofitted to the existing structure between the uprights of the existing structure and its roof. They would make the car port more ornamental, but only marginally so and not in a prominent way. I am satisfied that with regard to the scale and materials of the car port in situ, and the mix of design and materials in the street that I have identified, that the addition of the four radius braces would be minor additions that would have little overall bearing on the appearance of the structure that could give rise to a harmful effect on the character of the street.
6. The proposal would accordingly comply with the requirements of Policy EQ2 of the South Somerset Local Plan 2006-2028 (the Local Plan) to promote local distinctiveness and preserve or enhance the character and appearance of the area, and with Section 7 of the National Planning Policy Framework (the Framework) that requires good design.
7. While the appeal site and the lower part of the Court Farm Close do not fall within the Winsham Conservation Area, I am satisfied that for the above reasons the proposal would safeguard the setting of the nearby conservation area as a designated heritage asset for the purposes of Policy EQ3 of the Local Plan and Section 12 of the Framework.
8. Turning to other matters. The proposal has generated a number of objections from interested members of the public and the Winsham Parish Council. Matters relating to the size of the existing car port and proposed window alterations were for consideration at the time of the original application to the Council and are not before me for determination. The effect of the proposed radius braces on the living conditions of the occupants of adjacent properties would be minimal in the light of the pre-existing conditions brought about by the permitted structure. Whether the radius braces are needed for structural reasons or not they would cause no significant harm.

9. I conclude therefore that the proposal would not result in harm to the character and appearance of the area and as a result would accord with Policies EQ2 and EQ3 of the Local Plan, and Sections 7 and 12 of the Framework.
10. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission. In so doing I have also had regard to the suggested conditions provided by the Council in identifying the plans referred to, for the avoidance of doubt, and added a condition to ensure the materials used for the radius braces match those of the timber supports to the car port, in the interests of preserving the setting of the conservation area.

Conclusion

11. For the reasons given above, and with regard to all matters raised and the development plan read as a whole, I conclude that the appeal should be allowed subject to conditions.

David Walker

INSPECTOR

Appeal Decision

Site visit made on 21 April 2016

by B J Sims BSc(Hons) CEng MICE MRTPI

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

Decision date: 26 April 2016

Appeal Ref: APP/R3325/D/16/3144793

Homeleigh, Axeford, Tatworth and Forton, Chard TA20 4QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tim Drew against the decision of South Somerset District Council.
 - The application Ref 15/04537/FUL, dated 6 October 2015, was refused by notice dated 9 December 2015.
 - The development proposed is the formation of a new access and hardstanding.
-

Decision

1. The appeal is allowed and planning permission is granted for the formation of a new access and hardstanding at Homeleigh, Axeford, Tatworth and Forton, Chard, TA20 4QL, in accordance with the terms of the application, Ref 15/04537/FUL, dated 6 October 2015, subject to the conditions set out in the Schedule appended to this decision.

Procedural Matter

2. The name of the appeal property, set out above as 'Homeleigh' is properly taken from the application and appeal forms, whereas it is displayed on the house sign as 'Holmleigh'. There is no question as to the identity of the appeal property or that 'Homeleigh' and 'Holmleigh' are one and the same house.
3. It is noted that the appeal site appears to incorporate an area of highway verge. For clarity, nothing in the planning permission granted by this decision provides consent for works to be undertaken within the public highway, including the roadside footway and verge, where separate permission is required for such works by other legislation.

Main Issue

4. The main issue is the effect of the proposed development on highway safety.

Reasons

5. The proposal falls to be considered in the light of Policy TA5 of the adopted South Somerset Local Plan which requires new development to address its transport implications, including by providing safe access and ensuring that traffic and parked vehicles do not compromise the safety of the local road network. This is consistent with the National Planning Policy Framework (NPPF) wherein paragraph 32 specifies that planning decisions should take account of

- whether development would achieve safe and suitable access, albeit development should only be prevented where residual transport impacts would be severe.
6. The Council refused the application on grounds that the proposed vehicle entrance fails to provide the recommended 2.4m x 43m vision splay to the right, noting that, from that direction, there is potential for approaching vehicles to exceed the 30mph speed limit due to the downward gradient of the road. However, clear visibility would be available over some 20m to the right from a position 2m back from the road edge. Approaching vehicles would also be seen for the full 43m over the low wall of the neighbouring property. However, no reliance can be placed on this prospect as the Appellant has no control over this neighbouring land where vehicles are known to park lawfully, partially obstructing the view from the proposed entrance.
 7. Importantly, however, the development includes parking spaces for two cars with additional turning space to obviate reversing within the public highway. This would also avoid frontage parking on the road verge which is likely to involve undesirable parking manoeuvres off and onto the road. It is appropriate also to take into account the built up nature of the frontage, with many vehicle entrances, some without on-site turning space. In this street context drivers are likely to be relatively alert to the potential for vehicles to undertake turning movements, whilst, as recognised in Manual for Streets, parking in urban vision splays is not generally problematic.
 8. Judged overall on individual merit, despite the strictly substandard visibility at the proposed entrance, the proposed access and hardstanding would potentially result in some net improvement or, at worst, neutral impact on highway safety and no severe transport impact in terms of the NPPF. The proposal would thus avoid conflict with the aims of Policy TA5, as supported by the NPPF, to ensure safe access which does not compromise the safety of the local road network.
 9. The appeal is accordingly allowed but subject to conditions requiring that the on-site parking and turning space be kept available in perpetuity and, for the avoidance of doubt and in the interests of proper planning, that the development be carried out in accordance with the approved plans. For further clarity and to ensure proper construction and drainage of the access and hardstanding, specific conditions are necessary, based upon suggestions by the Council, to secure the proposed consolidated surface for the first 5m of the driveway, drainage measures to prevent the discharge of surface water onto the highway, and the vision splays to be kept free of obstruction at all times.

B J Sims

Inspector

SCHEDULE OF PLANNING CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with approved plan Ref P-100 Revision B.
- 3) The area allocated for parking and turning on the submitted plan shall be kept available for the parking and turning of vehicles in connection with Homeleigh.
- 4) There shall be no obstruction to visibility greater than 900mm above adjoining road level within the visibility splay delineated on the approved plan. The visibility splay shall be fully provided before works commence on the construction of the access and hardstanding hereby permitted and shall thereafter be maintained.
- 5) The access hereby approved shall, over at least the first 5 metres of its length, as measured from the edge of the adjoining carriageway, be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed, the access shall thereafter be maintained in that condition at all times.
- 6) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the development hereby permitted is first brought into use and thereafter maintained at all times.

Agenda Item 11

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 West Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 6.30 pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.20 pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
12	TATWORTH AND FORTON	16/00331/FUL	Alterations, raising of roof and conversion of building to form two storey dwelling (Revised Application).	Turbury Woods Forton Chard	Mr R Shepherd

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

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

Agenda Item 12

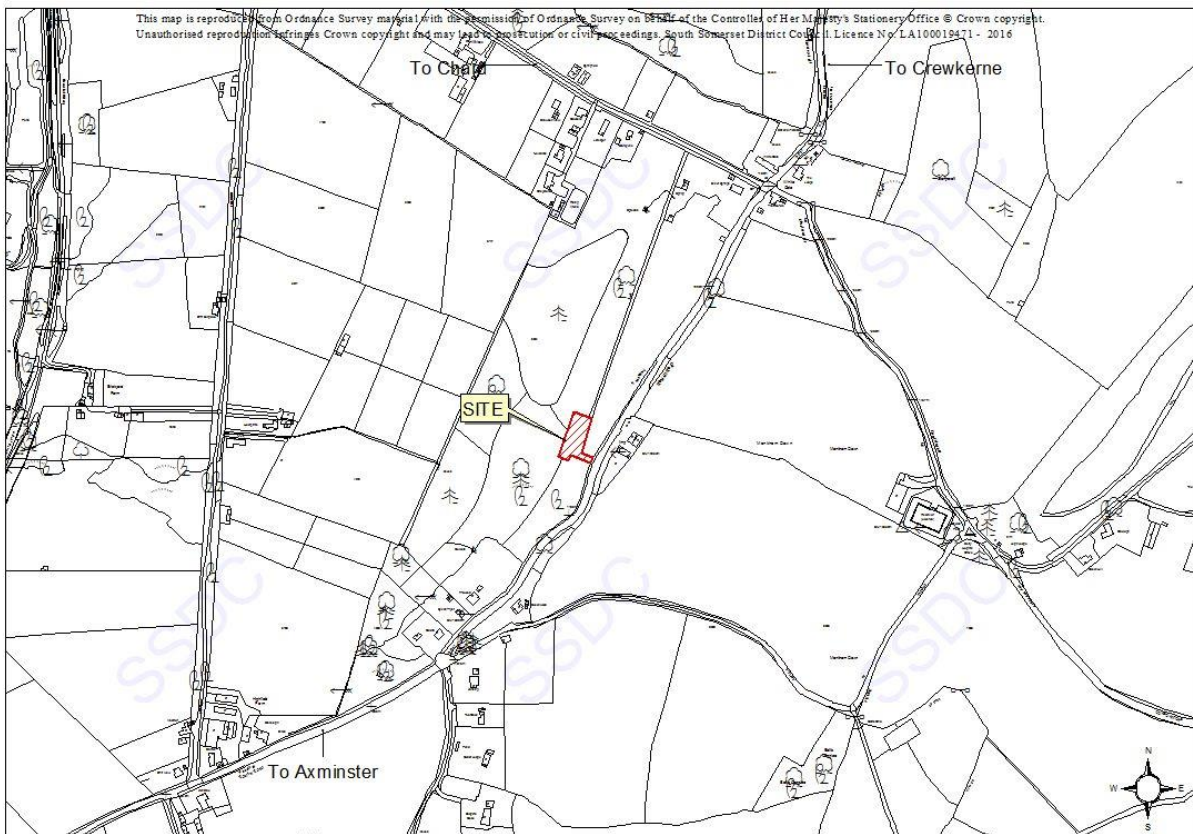
Officer Report On Planning Application: 16/00331/FUL

Proposal :	Alterations, raising of roof and conversion of building to form two storey dwelling (Revised Application).
Site Address:	Turbury Woods Forton Chard
Parish:	Tatworth And Forton
TATWORTH AND FORTON Ward (SSDC Member)	Cllr A Turpin
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date :	8th April 2016
Applicant :	Mr R Shepherd
Agent: (no agent if blank)	Michael Williams Sanderley Studio Kennel Lane Langport Somerset TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is referred to Area West Committee at the request of the Ward Member and with the agreement of the Chair in to allow the views of the Parish Council to be debated.

SITE DESCRIPTION AND PROPOSAL





The application relates to the conversion of an existing building to a dwelling at Turbury Woods. The site is located off the B3167 to the north east of Tatworth. The site comprises a block of mixed semi-natural and plantation species woodland. There is currently a storage building/workshop on site and recently approved access track. The site is relatively isolated, with one residential property on the opposite side of the road and other small groups of individual dwellings placed sporadically in the local area.

The application follows two previous refusals under reference 12/04742/FUL and 15/03125/FUL. The applicant did not appeal either of these previous refusals. Compared to the previous application in 2015, the veranda extension to the front of the building has been removed and the dormer windows replaced with roof lights.

The proposal would involve the raising of the ridge and eaves heights by approximately 1.2 metres to provide first floor accommodation. The resulting ridge height would be approximately between 6.4 and 7.1 metres above adjoining ground level (existing natural ground levels fall from the front to the rear of the site).

The floor plans indicate living areas on the ground floor and a bedroom and separate bathroom to the first floor. Various openings would be formed within the building including three roof lights to the west elevation and two rooflights to the east elevation. Several window openings would be formed within the building to facilitate the conversion.

Existing external materials consist of render and clay tiles.

HISTORY

15/03125/FUL - Partial demolition, rebuild and external alterations including raising of the roof

of existing building and erection of extension to form two storey dwelling.

12/04742/FUL - Alterations and conversion of building to dwelling and the erection of decking and side extension- Refused- 28/03/2015

Reasons for refusal in 2015:

The proposed dwelling, by reason of its design, density, form, scale, mass and proportions and by virtue of the introduction of development of a domestic nature within an isolated location, fails to maintain or enhance the character and appearance of the locality causes unacceptable harm

to the distinctive character and quality of the local landscape and would not result in an enhancement to the immediate setting contrary to policies EQ2 of the South Somerset Local Plan (2006-2028) and paragraph 55 of the National Planning Policy Framework (2012).

The proposal by reason of the level of building works proposed would be tantamount to the construction of a new dwelling and would not represent a 're use' of the existing building as required by paragraph 55 of the NPPF. Additionally the site is located within an unsustainable isolated location, remote from services and facilities where future occupants would be wholly dependent on the motor car. As such the proposal is contrary to paragraph 55 and the relevant sections of the National Planning Policy Framework relating to sustainable development and Local Plan policies SD1 and SS1 of the South Somerset Local Plan (2006-2028).

Reasons for refusal in 2012:

The proposal comprising the alteration and extension of an existing building to provide a residential dwellinghouse would result in unjustified development outside of defined development areas, where development is strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. Furthermore, the proposal fails to accord with the presumption in favour of sustainable development within the National Planning Policy Framework. As such the proposal is contrary to policies 5, STR1 and STR6 of the Somerset and Exmoor National Joint Structure Plan, policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan 2006 and the provisions of paragraphs 14, 17 and chapters 4, 6, 7 and 11 of the National Planning Policy Framework.

The proposed dwelling, by reason of its design, density, form, scale, mass and proportions and by virtue of the introduction of development of a domestic nature, fails to maintain or enhance the environment, causes unacceptable harm to the distinctive character and quality of the local landscape and fails to respect and relate to the character of its surroundings and as such is contrary to policies 5 and STR1 of the Somerset and Exmoor National Joint Structure Plan, saved policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan and the core planning principles contained within paragraph 17 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

08/01686/FUL: Construction of a new access - Permitted with conditions.

07/05394/FUL: Formation of new vehicular access, extension and conversion of existing building to form dwelling - Withdrawn.

831862: The use of land at Turbury Woodlands as a site for a caravan - Approved with conditions.

822175: The use of land at Turbury Woodlands as a site for a caravan - Refused.

822174: The use of existing building as a yoga/educational centre with living accommodation and existing garage as store/work area - Refused.

810618: The erection of a bungalow and garage for occupation by a forestry worker - Refused.

53299: The construction of forest road at Whitegate - Approved with conditions.

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 the decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the Local Planning Authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the South Somerset Local Plan (2006-2028). The Local Plan was adopted by South Somerset District Council in March 2015.

The National Planning Policy Framework (NPPF) is a material consideration.

The following chapters are of most relevance:

Achieving Sustainable Development
Chapter 4- Promoting Sustainable Transport
Chapter 6- Delivering a wide choice of high quality homes
Chapter 7- Requiring good design
Chapter 8- Promoting healthy communities
Chapter 11- Conserving and enhancing the natural environment

Local Plan (2006-2028)

The following Local plan policies are considered to be relevant:

SD1- Sustainable development
SS1- Settlement Strategy
EQ2- General development
TA5- Transport impact of new development
TA6- Parking standards

National Planning Practice Guidance:

The following sections have the most relevance:

Determining an application

National Planning Policy Framework - March 2012

Chapter 6. Delivering a Wide Choice of High Quality Homes

Chapter 7. Requiring Good Design

Other Policy Considerations

Somerset County Council Parking Strategy (March 2012)

CONSULTATIONS

Tatworth and Forton Parish Council:

Recommend Approval

Reasons for approval:

The property be tied to the care and ownership of the woodland in perpetuity.

It sits well within neighbouring properties.

It would enhance the existing setting.

It would improve the general welfare of the woodland by being properly managed.

It is within walking distance of the No 99 bus service to both Chard, Yeovil and Crewkerne Station and the national rail network and is wholly sustainable.

County Highway Authority:

Standing advice applies.

Comments under application reference 12/04742/FUL-

The proposal is for the alteration and conversion of a building to a dwelling with an extension to accommodate a work office.

The site is served from an access off the B3167, which is a County Route. A new access and parking area was approved under a previous planning application No.08/01686/FUL and there are no proposed changes to this application which will affect the existing access and parking. Therefore, given that the conversion and alterations are for a residential development and it would not appear likely to result in an increase in vehicle movements to the site, nor would it have a detrimental effect on the existing highway network there is no objection to this proposal from the Highway Authority.

SDDC Highway Consultant:

Consider sustainability issues (transport). Traffic impact on the approach road is unlikely to be significant. Consider the standard of the site access junction despite any previous proposals, particularly in respect of the extent of visibility splays. The first 6.0m of the access should be properly consolidated/surfaced (not loose stone or gravel) with appropriate surface water drainage measures. On-site parking should accord with SPS optimum standards and appropriate on-site turning facilities should be provided.

SDDC Ecologist:

First response

I note this application site is situated directly between two closely located areas that are mapped as 'broadleaved woodland stepping stones' which are a component of the ecological networks mapping for South Somerset. NPPF and Local Plan policy EQ4 require the creation and protection of coherent ecological networks. I consider the introduction of domestic development at this location would be contrary to the planning policy and hence recommend refusal.

Second response:

Ecological networks

The National Planning Policy Framework (NPPF) added 'ecological networks' to the features of the natural environment that should be conserved and enhanced by the planning system. This

stems from a requirement under the Habitats Directive 1992.

The Somerset Local Nature Partnership has used cutting edge modelling software to examine how species may move across and survive within Somerset's landscapes, resulting in mapping of key elements (core areas, dispersal areas, stepping stone habitats) of the natural infrastructure.

The application site is located within stepping stone habitat (woodland) that forms part of the identified and mapped ecological network infrastructure.

Although the development is small scale, I still consider it is contrary to the NPPF requirement of 'preservation, restoration and re-creation of priority habitats, ecological networks ...' (para. 117).

Local Plan policy EQ4 (Biodiversity) states that 'All proposals for development ... will minimise fragmentation of habitats and promote coherent ecological networks'.

Lack of justification

I don't consider woodland management neither requires nor will necessarily benefit from having a dwelling on site. Most woodland management is undertaken for short periods (days/weeks), on a seasonal basis. I don't know of any other woodlands in Somerset that contain a dwelling to facilitate woodland management.

Conclusion

I consider this proposal is contrary to NPPF and Local Plan policy EQ4 requirements for the conservation of ecological networks and consequently I recommend refusal.

SSDC Landscape Officer:

I recollect the earlier application that similarly sought the conversion of a woodland store for residential purposes. The landscape issues raised at that time remain pertinent, and much of what follows is a re-statement of those issues, amended where pertinent to the specifics of this application.

The store is a singular small-scale utilitarian building, which lays alongside the wood's SE edge, which may once have had a purpose relating to the management of Turbury Woods. The proposal is a change of use of the building to residential, and an increased mass of built form due to the roof being raised. The site plan indicates a red line site extent, which infers a domestic curtilage, though this does not fully relate to boundaries indicated on the (proposed) site plan.

The woodland itself is a mix of semi-natural woodland and plantation species that is predominantly broadleaved. It lays adjacent and to the south of a woodland block of ancient origins, to provide contiguity of habitat, and it is clearly a long-established landscape feature that is part of the wider pattern of mixed woodlands that characterise the lower slopes of Windwhistle Hill. Consequently the general area is considered to be sensitive, and of landscape value. The site is clearly rural, and lays outside the development area of local settlements, and the displacement of grassland by an increased development footprint offers no intrinsic environmental benefit. Whilst there are sporadic groups of individual dwellings dotted alongside the B3187 between Lydmarsh and South Chard, they do not create a settlement to which this site would be linked, and the woodlands and intervening open fields are the dominant characteristics of this landscape.

With conversion to domestic use, the building and its associated curtilage would present a domestic incursion into this rural landscape, that given the wood-edge context; and the negative landscape impact of adding to domestic form in this rural area, will adversely impact upon local character. In addition, whilst built-form is established on this site by the barn's presence, there is a substantial difference between its utilitarian form, and occasional functional use, and the domestic use of a site in a non-domesticated environment, which introduces the incongruous characteristics of night-lighting; domestic vehicular activity and parking space; and the appearance of domestic paraphernalia within the curtilage of the dwelling. Consequently, I would advise that a domestic conversion in this location would respect neither the woodland setting nor character of the locality, and thus there are landscape grounds, local plan policy EQ2 upon which to base an objection to this proposal.

REPRESENTATIONS

The application has been advertised by site notice for the requisite period. Two letters have been received from nearby residential occupiers objecting to the proposal on the following grounds:

Visual amenity:

- Raising the roof will make the building more visible. Introduction of rooflights/potential for removal of more trees will result in light pollution.
- Concerns that the building will be extended in the future.

Ecology:

- Concerns over the ecological value of the woods and site. The buildings may be used by Barn Owls and other protected species such as bats. The locality is a haven for wildlife such as deer and adders.
- The presence of a dwelling will result in noise and light pollution.
- The application does not necessarily secure the wider woodland.

Other matters:

- There are other areas of woodland in the vicinity and this application would set an undesirable precedent for owners of these other woods to reside within them.
- There have been a number of other properties recently available in the vicinity which the applicant could have purchased.
- It is surprising that the structure can support the upward extension without demolition and rebuild.
- The building was originally a wood store built without permission.
- Concerns that there will not be an additional entrance/exit for vehicles at the Whitegate Lane end of the woodland.
- Concerns that the site could be used for noisy activities such as shooting or tree felling.

CONSIDERATIONS

Principle of Development

National policy guidance:

The site is located within an area of woodland and is remote from any local settlements, services and facilities. There are two dwellings on the opposite side of the road, near to the site entrance. However, given the remoteness from any discernible settlement, services and facilities, it is considered that this is an 'isolated location' in planning terms. Paragraph 55 of the NPPF relates to residential development in such locations and states (inter alia) that:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their
- place of work in the countryside; or
- where such development would represent the optimal viable use of a
- heritage asset or would be appropriate enabling development to secure
- the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or"

The 'golden thread' running through the NPPF is the aim to achieve sustainable development and the three dimensions of this are set out within paragraph 7 as economic, social and environmental. The primary instruction of paragraph 55 is to 'avoid new isolated homes' and it lists three 'special circumstances' which can be exceptions to this restrictive approach.

In this instance, the final bullet point is relevant; "where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting";

This is assessed in the section of the report below titled 'scale and appearance'.

Site history/Section 106 agreement:

In the past, applications have been made for the provision of residential accommodation on this site, all of which have been refused, two refusals have been issued since the NPPF was published in 2012. The site is located in open countryside and is remote from any local services or public transport links, making this a clearly an isolated and unsustainable location when assessed against the definition of sustainability as set out by the NPPF.

It has been argued previously that there is a need for a dwelling to maintain the woodland appropriately but there appears to be no business or active management of the woodland. In any case, the management required would not be sufficient to justify a dwelling on the grounds of essential need for a forestry worker. Additionally it is understood that the building has not been used for forestry purposes for some time. The current application proposes a S.106 legal agreement to tie the dwelling to the woodland. Given the above, it is considered that this would not meet the relevant tests for the imposition of such an agreement. These tests require that such an obligation would be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

Scale and appearance:

The principal consideration relates to whether the proposal would constitute 'special circumstances' to justify an exception to the restrictive approach to residential development in isolated locations, specifically whether the proposal would lead to an 'enhancement of the immediate setting' of the site as required by paragraph 55 of the NPPF. It is considered that 'special circumstances' to overcome otherwise unacceptable development is a strict policy test.

It should be noted that the Council's Landscape Architect has commented on the proposal, raising an objection on the basis of the impact on landscape character. Of significance the

Landscape Officer states:

With conversion to domestic use, the building and its associated curtilage would present a domestic incursion into this rural landscape, that given the wood-edge context; and the negative landscape impact of adding to domestic form in this rural area, will adversely impact upon local character. In addition, whilst built-form is established on this site by the barn's presence, there is a substantial difference between its utilitarian form, and occasional functional use, and the domestic use of a site in a non-domesticated environment, which introduces the incongruous characteristics of night-lighting; domestic vehicular activity and parking space; and the appearance of domestic paraphernalia within the curtilage of the dwelling.

For the reasons given above and the increase in height of the building it is considered that the proposal would not respect its immediate woodland setting, and would appear incongruous. As such the proposal would be contrary to Local Policy EQ2. Additionally, the harm to landscape character identified above would be a contrary to the policy requirement for 'enhancement' to the setting of the site. Even it is accepted that the proposal would have a neutral impact on landscape setting, it is considered that this would still be some way short of the requirement for 'enhancement'

Sustainability:

Paragraph 2.2 of the applicant's design and access statement maintains that the previous reason for refusal on sustainability grounds is no longer valid since the government introduced the permitted development right for agricultural buildings. This comment is not considered to be relevant as this guidance relates solely to the permitted development right under Class Q of Part 3 of the GPDO 2015 rather than planning applications which are considered against the relevant development plan policies and the NPPF, particularly paragraph 55.

Paragraph 2.3 of the applicants design and access statement states that applications cannot be refused on the basis of a site occupying a site which is considered unsustainable. This is considered to be incorrect. The primary instruction of paragraph 55 is to 'avoid isolated new homes in the countryside', the rationale being the overall aims of the NPPF to achieve sustainable development, specifically social and environmental sustainability (permitting housing in and adjoining settlements where there are local facilities and services and where occupiers would not be dependent on the car to service daily needs). Where a development does not meet the special circumstances it is contrary not only to paragraph 55 and also the other relevant sections of the NPPF such as paragraph 32 which states that decisions should ensure developments are located where the need to travel is minimised and the use of sustainable transport modes can be maximised. As such it is considered that the proposal is located in a remote and unsustainable location where occupants would be wholly dependent on the car for servicing daily needs contrary to the aims of the NPPF to achieving sustainable development.

Building operations:

One of the reasons for refusal under the previous application was that the level of works to the building would go beyond a conversion. The applicant has submitted further information stating that the four existing walls would be retained and extended prior to the roof being replaced onto the building. There are no local plan policies in relation to the ability to convert a building without major reconstruction. Given the evidence relating to the structure of the building it is considered that there is sufficient evidence to demonstrate that it is convertible without substantial demolition.

Highways:

The provision of the access to serve the building was granted in association with the storage use of the building. It is noted that under the previous application, the Highway Authority did not object as the existing access could generate a similar number of movements in association with the management of the woods. The previous permission was allowed subject to conditions requiring amongst other things that visibility is maintained to the south of the site in accordance with a submitted plan. As such, subject to a condition relating to the maintenance of visibility splays it is considered that the proposal would be acceptable in relation to highway safety.

Ecology:

An ecological survey has been submitted with the application which has found no evidence of bats within the building. The Council's ecologist agrees with the findings of this report.

The Council's ecologist has objected to the proposal on the basis that it is located within an area designated as a 'broadleaf wood stepping stone' which is a sub category of the ecological network wildlife designation. The council's ecologist has further commented that the NPPF requires the preservation of ecological networks. Additionally Local Plan policy EQ4 requires that 'all proposals for development ... will minimise fragmentation of habitats and promote coherent ecological networks'.

The concept of ecological networks within the planning system is relatively new and relatively untested at appeal. It is noted that the land area across the district under this designation is small and the designation underlines the general unsuitability of developing this woodland for residential purposes. It is considered that the development, including the associated disturbance to wildlife, permanent loss of tree cover in this location and potential pressure for future tree felling would fail to preserve the designated habitat.

Residential Amenity:

The site is located sufficiently distant from other dwellings in the locality so that there would be no impact on neighbour amenity.

CONCLUSION

Overall it is considered that the proposal by reason of its isolated location would constitute unsustainable development. It would fail to respect and relate to the character of the area, resulting in a detrimental impact on the landscape character of the locality and would not meet the 'special circumstances' set out by paragraph 55 of the NPPF for allowing isolated dwellings in the countryside.

RECOMMENDATION

Refuse

SUBJECT TO THE FOLLOWING:

01. The proposed dwelling, by reason of its design, density, form, scale, mass and proportions and by virtue of the introduction of development of a domestic nature within an isolated location, fails to maintain or enhance the character and appearance of the locality, causes unacceptable harm to the distinctive character and quality of the local landscape and would not result in an enhancement to the immediate setting contrary to

policies EQ2 of the South Somerset Local Plan (2006-2028) and paragraph 55 of the National Planning Policy Framework (2012).

02. The proposed dwelling, by reason of its siting within an unsustainable isolated location, remote from services and facilities where future occupants would be wholly dependent on the motor car. As such the proposal is contrary to paragraph 55 and the relevant sections of the National Planning Policy Framework relating to sustainable development and Local Plan policies SD1 and SS1 of the South Somerset Local Plan (2006-2028).
03. The proposed dwelling, by reason of its siting within a site identified as being of wildlife importance being designated as a 'broadleaved wood stepping stone', a designated component of ecological networks would introduce a development and future use that would fail to preserve or promote the ecological network contrary to Local Plan policy EQ4 and paragraph 117 of the NPPF (2012).

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 the application follows a previous refusal. The applicant has engaged with the Council through pre application advice and the applicant was advised that a revised submission was unlikely to overcome the previous reasons for refusal.
