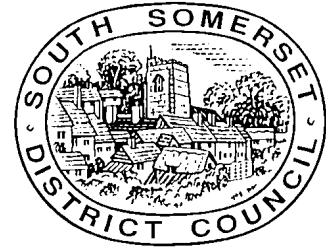


## South Somerset District Council

*Notice of Meeting*



# Area East Committee

*Making a difference where it counts*

## Wednesday 13th April 2016

### 9.00 am

**Council Offices  
Churchfield  
Wincanton  
BA9 9AG**

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



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

The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than **10.30am**.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Kelly Wheeler 01935 462038**, website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

This Agenda was issued on Monday 4 April 2016.

*Ian Clarke, Assistant Director (Legal & Corporate Services)*

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



INVESTORS IN PEOPLE

# **Area East Committee Membership**

Mike Beech  
Tony Capozzoli  
Nick Colbert  
Sarah Dyke-Bracher

Anna Groskop  
Henry Hobhouse  
Tim Inglefield  
Mike Lewis

David Norris  
William Wallace  
Nick Weeks  
Colin Winder

## **South Somerset District Council – Council Plan**

**Our focuses are:** (all equal)

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

## **Scrutiny Procedure Rules**

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

## **Consideration of Planning Applications**

Members of the public are requested to note that the Committee will break for refreshments at approximately **10.15 am**. Planning applications will not be considered before **10.30 am** in the order shown on the planning applications schedule. The public and representatives of Parish/Town Councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

## **Highways**

A formal written report from the Area Highways Officer should be on the main agenda in May and November. A representative from the Area Highways Office should attend Area East Committee in February and August from 8.30 am to answer questions and take comments from Members of the Committee. Alternatively, they can be contacted 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 SSDC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

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

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

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

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

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

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

## Public Participation at Committees

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

## Public Question Time

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

## **Planning Applications**

Comments and questions about planning applications will be dealt with at the time those applications are considered, when planning officers will be in attendance, rather than during the Public Question Time session.

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

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

The order of speaking on planning items will be:

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

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

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

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

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

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

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

# Area East Committee

**Wednesday 13 April 2016**

## Agenda

### *Preliminary Items*

**1. Minutes of Previous Meeting**

To approve as a correct record the minutes of the previous meeting held on Wednesday 9<sup>th</sup> March 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 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 15<sup>th</sup> May 2014, where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council. If you have a prejudicial interest you must comply with paragraphs 2.9(b) and 2.9(c) of the Code.

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

### **Planning Applications Referred to the Regulation Committee**

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

Councillors Sarah Dyke-Bracher, Tony Capozzoli and Nick Weeks.

Where planning applications are referred by this Committee to the Regulation Committee for determination, in accordance with the Council's Code of Practice on Planning,

Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

#### **4. Public Participation at Committees**

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

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

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

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

#### **6. Date of Next Meeting**

Members are asked to note that the next scheduled meeting of the committee will be at the Council Offices, Churchfield, Wincanton on Wednesday 11<sup>th</sup> May at 9.00 am.

#### **7. Chairman Announcements**

##### *Items for Discussion*

**8. Area East End of Year Report 2015/16** (Pages 9 - 15)

**9. Annual Report on Heart of Wessex LEADER Programme** (Pages 16 - 18)

**10. Community Planning Implementation Fund Grant Request** (Pages 19 - 23)

**11. Briefing on Inaugural Area East Regeneration Board** (Pages 24 - 28)

**12. Area East Committee Forward Plan** (Pages 29 - 30)

**13. Planning Appeals (For information only)** (Pages 31 - 41)

**14. Schedule of Planning Applications to be Determined by Committee** (Pages 42 - 43)

**15. 16/00291/COU 12 Bennetts Field Trading Estate, Wincanton** (Pages 44 - 49)

**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 East End of Year Report 2015/16 - Presentation

*Assistant Director:* Helen Rutter, Communities  
*Service Manager:* Helen Rutter, Area East Development Manager  
*Lead Officer:* Helen Rutter, Area East Development Manager  
*Contact Details:* [helen.rutter@southsomerset.gov.uk](mailto:helen.rutter@southsomerset.gov.uk) or (01963) 435012

### Purpose of the Report

To provide Members with an overview of Area East progress and achievements during 2015/16 from the Area Development Plan (ADP)

### Public Interest

This report gives a summary of work undertaken over the year in response to local priorities raised by local communities and Councillors. The Committee's priorities form a work programme to support local communities and to run complementary programmes of activities to address the particular needs of this rural area.

### Recommendation

That members comment on and note the report and presentation

### Background

The Area East Committee focuses its resources to address local needs in order to promote improved quality of life in Area East. A priorities workshop was held with the newly elected Committee in July 2015 to assess available resources, agree priorities and enable a plan and work programme to be prepared for 2015/16. A ward profile was updated and circulated for each ward. The ADP for 2015/16 contains a set of local priorities, a work programme with targets, to carry these forward throughout the year.

### Delivering Priority Work

A presentation will be given at the Committee highlighting the work taken forward in the ADP 2015/16. The Plan and the end of year position in summary is set out in the attached schedule (Appendix 1). The Committee has received regular reports of specific work in themes – youth, customer support and Local Information Centres, marketing, Retail Support Initiative – or focused on delivery of schemes in the main towns throughout the year.

In addition to the proactive activities in the ADP, the team deals with a wide range of queries and funding requests from Parishes, businesses and community groups. Over the course of the year there have been over of 230 community, parish and business enquiries dealt with mainly by the Neighbourhood Development Officers. Some have been relatively straightforward enquiries requiring on the spot advice and signposting. Others have led to involved work around issues such as registering an Asset of Community Value, designing a project to address a problem, funding advice, support to set up a new group etc. An overview of projects by Ward is contained in the A3 Area ward map, which will be handed out at the Committee.

At the time of writing this report a total of 22 capital and small grants have been awarded in 2015/16 totalling £67,242. This has supported investment of £370,934 giving a leverage

ratio of nearly 1:6. A fuller report on these awards will be presented with the use of resources overview when this has been compiled.

The Chairman and ADM have maintained a programme of visits to key businesses, social enterprises and charities across the Area, with a view to establishing a working understanding and making practical linkages - both with SSDCs work & town regeneration - and between the enterprises themselves, as appropriate.

An updated ADP work programme for 2016/17 will be brought to AEC for approval in May 2016.

### **Financial Implications**

There are no new financial implications arising directly from this report. A separate report on use of resources in 2015/16 will be presented to AEC with the target date of June in the forward plan

### **Corporate Priority Implications**

The priorities have been developed taking into account the SSDC Corporate plan.

In particular the work of the ADT contributes towards:

- Enhance the vitality of town centres and discourage large scale out of town retail development that has a negative impact on local centres
- Work with and lobby partners to help communities to develop transport schemes and local solutions to reduce rural isolation and inequalities to meet existing needs of those communities
- Evaluate the overall requirements of the Government's 'Localism' legislation and work with communities to develop plans for their community
- Assist Queen Camel to complete their Neighbourhood Development Plan and use the lessons from this pilot scheme to help other communities to develop their plans in the future

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

This is considered on an individual project and programme basis as appropriate. The overall priority is to seek to create more balanced communities where people can live, work and get access to the services and facilities they need on a daily basis

### **Equality and Diversity Implications**

This is considered on an individual project and programme basis as appropriate. All Area Development teams have done an Equality Impact Assessment and have an improvement plan in place.

**Background Papers:** ADP 2015/16;

**Place & Performance – Communities**  
**Area East Development Service Plan 2015-16**

Portfolio Holder – Councillor Nick Weeks

Manager – Helen Rutter

Set out below are the key projects & programmes being undertaken by the team (either directly or in support of community groups & other partners) where we have a key role in the delivery of the projects. This Plan sits alongside our core work or responding to issues & problems on a day-to-day basis, working with Councillors & other services across the Authority and beyond, to try and resolve them.

Completed	In progress – on target	In progress – Risk of missing target	Behind target	Future Action – not started
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<b>Service Action Plan: Top level actions – more detail is within individual work programmes/project plans</b>							
Priority Area	Action	Target Date	Milestone	Lead Officer	Current Progress		
Page 11	1. Town centre & neighbourhood management	Transfer of Castle Cary Market House to local ownership	April 2016	Completion of asset transfer agreed via AEC/DX	PW CSA	Internal discussions and joint negotiations completed for Spring 2016 approval. Verbal update will be given at DX	
		Support “Town Teams” in market towns with projects that enhance attractiveness of High Streets	Ongoing 2015	Report to AEC on project performance	PW/JD CSAs	MTIG successful application (£22,000 Riverside Walk project in Bruton complete) Castle Cary progressed Gateway signage project without need for MTIG funding. Further signage project under consideration	
		Help to resolve local problems by forming short life, solution focused action groups as required	Ongoing 2015	Report to AEC annually	HR	The Deanesly Way group is nearing completion of its work and this model can be replicated to coordinate a multi-agency response to resolve	
		Transfer of specific SSDC town centre assets to local Councils if required	Ongoing 2015	Assets transferred, agree way forward Report to AEC annually	HR	Closed toilets in Bruton have been sold for use with community benefit. Closed toilets in Wincanton, sold pending finalisation of legals. Discussions initiated on possible transfer of small car parks	
		Encourage take up of business rates relief schemes	Autumn 2015	Report to AEC	CSAs	Leaflet delivery and follow up ‘phone calls made to all areas. Ongoing for new businesses. Training for CSAs in April 2016	
2. Economic development, job creation & regeneration	Project to establish land/business premises not currently being marketed and bring these to market	Sept 2015	Test the hypothesis that more land & premises can be brought to market	PW	Methodology agreed and letters sent Jan 2016 to all parishes - 6 responses received. Further report to AEC in June 2016		

schemes	Bring forward further workspace in Wincanton & Castle Cary (corporate ED programme)	March 2016	Specified in project plan	PW	Needs in Wincanton & Castle Cary being considered via Neighbourhood Plans with involvement from Spatial Planning and ED. Projects to be agreed via the new Regeneration Boards	
	Improvement of Wincanton High Street a) Feasibility work to attract significant new retailers/other attractions to Wincanton High St (corporate ED prog)	March 2016	As set out in project plan Report to AEC	PW	Prioritisation of this work will be done through Districtwide ED work programme/Area Regeneration Boards. ED advising that there is not commercial demand in present climate	
	b) Enhanced Retail Support Initiative in Wincanton & general RSI elsewhere in Area	Ongoing	Number & leverage of investment reported to AEC	PW CSA	Current operating criteria agreed AEC in June 2015: <ul style="list-style-type: none"> <li>6 grants awarded 2015-16</li> <li>Current unallocated budget:</li> </ul> Revenue £6534; Capital £1212; Winc Top-up £8400	
	Encourage eligible projects to bid for Heart of Wessex LEADER funding	Ongoing	Report on performance of programme, AEC April 2016	ADT	The programme was launched nationally 14 <sup>th</sup> October. A local call for bids made in November when all scheme detail authorised by RPA. The team is assisting with identifying & supporting projects and a number are expected in 2016. See separate report	
	Project feasibility for a work/retail incubation unit within Area	March 2016	Report to AEC	PW	Broad allocations approved October 2015. Hot desks in Churchfield going live in May. Methodology drafted for demand study to be undertaken May 2016	
	Common Lane multi-user path	2016	Route opened	PW CSAs	Survey work completed for planning application	
	Help each of the market towns to market & promote themselves	March 2016	Marketing report to AEC annually	JD/TC/ PW	Brand 'Bruton' – new website, step into Bruton leaflet, new logo for the town, completed. Wincanton – Re-launch of the Carnival was successful. Currently supporting a group planning a Festival for the town. Supporting and encouraging the Town Council and others to maximise positive news stories. Dedicated Marketing & Promotions Manager working for CCTC	

	Limington to Yeovil multi user path	March 2016	Report to AEC on progress of scheme	JD	Steering group in place, project feasibility & business plan progressing, 3 parishes engaged. Project costs completed. Landowner's permission granted. Initial approval for SCC Small Improvement Scheme (SIS) – delivery subject to SSC's timetable	
	Receipt of land & exercising option on car park at Waterside, Wincanton	March 2016	Report to AEC & DX	PW	Ongoing liaison with landowner to bring forward negotiated settlement	
3. Community-led planning & development	Completion of Queen Camel Neighbourhood Plan	March 2016	Final Report and lessons from Front Runner AEC/DX	TC CSAs	Process has stalled as a result of changes to the membership of the Parish Council. Full report given to AEC in February.	
	Support Neighbourhood Plan Wincanton	March 2016	Plan informed by needs identified, draft plan completed	TC	Wincanton Town Council has engaged the services of a planning consultant to support the project group to draft the Neighbourhood Plan. Good progress is being made, the evidence base has been strengthened and a number of key supporting documents have been produced. A more detailed report was given to AEC in February.	
	Support Neighbourhood Plan Castle Cary	March 2016	NDP completed	PW	Research well advanced by NDP Group. Draft document in development. Two consultation events held.	
	Support Towns & Parishes to carry out quality community research (inc Housing Needs Assessments) to influence or achieve planned projects and growth	Ongoing	Completed parish plans are endorsed at AEC	TC/JD/CSAs	<ul style="list-style-type: none"> <li>Charlton Horethorne – Household survey and Housing Needs survey have been completed and analysed. Results have been used to produce draft policies that are to be presented to the Annual Parish Meeting on 20<sup>th</sup> March</li> <li>The Charlton's – Steering Group is currently planning a feedback event to present findings of research and consultation</li> <li>Sparkford Parish Council has completed a Household Survey which is currently being analysed</li> <li>Marston Magna have expressed an interest in researching local need/establishing priorities with a plan</li> <li>Officers are working with groups in Bruton &amp; Milborne Port to design a process that will help update their priority projects via community plans</li> </ul>	

	Maximising the benefits of growth – monitoring & enhancing project delivery. S106 parish accounts	March 2016	Clearer reporting of 106 investment projects to AEC	ADT	Draft template of a parish account has been produced	
	Support Parish Plans	March 2016	Completed Plans endorsed at AEC	TC/JD	See above. Charlton Horethorne Plan is likely to be presented to AEC for endorsement in June/July 2016.	
4. Improve access to services & facilities to reduce inequality	(a) Run a high quality access point & advice service for the public at Churchfield (b) Support development of Town Council led LICs	Ongoing	(a) To achieve 98% customer satisfaction rate (b) Reduce cost whilst improving service offered	HR/LD CSAs JH/JD	(a) Customer Survey completed September 2015 – 99% satisfaction for overall service provided. End of year figs being compiled to be reported verbally (b) Renewed SLAs complete – Wincanton, C Cary & Bruton SLAs awarded	
	Support development of Balsam Centre services in response to local needs to improve its sustainability	March 2016	Meet targets in Development Plan	JD	New 5-year mental health service launched “Like Minds” with Lottery and local funding. Working with Balsam Centre to establish new tools to support performance monitoring & JD to book a cost benefit analysis training session for the Centre.	
	Support community-led youth work & youth opportunities  Development of Henstridge Templecombe and Milborne Port youth work programme	March 2016	Annual report to AEC	TC/JD	Reported to AEC March 2016 on current provision.  Volunteer-run Youth Club established in Henstridge with strong local support.	
	Explore potential for community/leisure hub facilities across the towns/villages of East Somerset	Dec 2015	Report to AEC Jan 2016	ADT	Not yet started, priority for Summer 2016	
	Development of Wincanton Hub to improve people’s access to services & facilities	Ongoing	Report to AEC	TC CSAs	Individual strands of work (Job Centre, Youth etc) are progressing and will inform a revised CAT bus bid to the Lottery. Work has started on the Symphony Pilot for Wincanton which will improve access to facilities and activities to improve health and wellbeing through better partnership working.	

	New and improved community buildings – intensive support to gain sound feasibility that guides development and funding package	Ongoing	At least 2 buildings helped to build ready stage. Report annually to AEC	TC/JD	Galhampton Village Hall supported by the Big Lottery to develop plans for a new hall. Planning application for the final scheme is to be submitted shortly. Working with Bruton Parish Council to develop feasibility study/business plans for new pavilion building. Working with Milborne Port to prepare improved plans for village hall	
	Master plan for Jubilee Park, Bruton	Ongoing	Annual Report to AEC	JD	Working with steering group to get some initial scoping plans drawn up. This will include the new pitch layouts, proposed pavilion, play park & new MUGA	
5. Effective democratic engagement	Arrange annual parish meeting & workshops in response to demand from AEC, Parishes & community organisations	March 2016	Report to AEC	HR	Held 26 <sup>th</sup> January 2016. 18 parishes were represented. The event, which was well received, focused on: <ul style="list-style-type: none"> <li>• Streetscene</li> <li>• Resourcing your projects</li> <li>• Section 106 and CIL</li> <li>• Running a successful social enterprise</li> </ul>	

In addition, the service will deliver actions to deliver key corporate strategies, comply with corporate policies, deliver savings, monitor performance, review and monitor complaints and manage risk within the service

# Agenda Item 9

## Annual Report on Heart of Wessex LEADER Programme

*Assistant Director:* Helen Rutter, Communities  
*Service Manager:* Helen Rutter, Area East Development Manager  
*Lead Officer:* Helen Rutter, Area East Development Manager  
*Contact Details:* [helen.rutter@southsomerset.gov.uk](mailto:helen.rutter@southsomerset.gov.uk) or (01963) 435012

### Purpose of the Report

To brief Area East Committee on the activities of the Heart of Wessex LEADER Programme during 2015/16.

### Public Interest

The whole of rural South Somerset now qualifies for the LEADER Programme, which supports locally designed rural development initiatives. This is a 5 year programme that went live in November 2015 and focuses on rural economic development.

### Recommendation

That Members note and comment on the report.

### Background

Projects funded under the new LEADER Programme (2015-2020) focus on delivering jobs and growth, 70% of the projects funded under LEADER will directly support the rural economy (eg: through creating and developing micro and small sized rural businesses). 30% of projects will also need to demonstrate that they are contributing to improving the rural economy. The Programme has 6 priorities: (1) increasing farm productivity (2) micro & small enterprise and farm diversification (3) rural tourism (4) rural services (5) cultural & heritage activity and (6) forestry productivity.

The programme is overseen by a Local Action Group (LAG). This has aligned its activities to the Local Enterprise Partnership (LEP).

Cllr Mike Lewis, Area East, has been serving on the Steering Group for the LAG and is now formally appointed to the Executive Committee. All Members in the area of benefit have been kept in contact through the newsletter from the LAG and further details of the programme are on the website: [www.heartofwessex.co.uk](http://www.heartofwessex.co.uk)

### Progress of the Programme

The launch of the programme was delayed for over 9-months due to the General Election and a total revision of all the documentation required for the launch of the new programme. The programme manager undertook an active programme of awareness raising during this period. A national event took place on 14<sup>th</sup> October 2015 and a first call for expressions of interest was put out in November 2015.

Two meetings of the LAG Forum have been held and so far 6 Outline Applications have been presented to the LAG Forum for endorsement. All of these have been approved and have been invited to move forward to the next stage of the application process:



<b>Applicant</b>	<b>Name of Project</b>	<b>Funding request</b>
Little Jack Horners	We Built this Village on Sausage Rolls, Mells	£5,100
Mr R J & Mrs A Brooks	The Shed, Hardington Mandeville	£28,348
Baltonsborough Farm	Baltonsborough Farm Shop	£36,000
East Knoyle Community Shop Association Ltd	Expansion of Wren's Shop, East Knoyle	£25,916
Bath & West Society of England	Agri-tech & Food Innovation Centre	£97,378
Snells	The Trough Farm Shop, Mudford	£80,000

The next step with these projects is to undergo a detailed Full Application and project evaluation, which is prior to being submitted for approval to the LAG Executive Committee. All projects that are approved by the LAG will then receive a contract and delivery of the project can commence. All grant funds are paid retrospectively and all claims must be fully evidenced.

There are currently over 60 potential projects that have registered an interest in the LAG funding, some of which are in Area East. The application process is, however, lengthy and involved and it remains to be seen how many businesses and community enterprises decide that this programme is worthwhile.

A range of business advice is available from various sources to help businesses establish and grow. This includes the NDO (economy), SSDC Economic Development Team and a range of other sources/ websites for various aspects of business growth, funding etc. A fact sheet is available to help businesses find the help they need.

The South West LEP is setting up a Growth Hub to provide a one stop shop for business advice and support but this is not yet operational.

The Programme Manager helps to ensure that projects are advised at an early stage of their eligibility and realistic prospects of success. She is also well placed to signpost towards more suitable funding from other programmes.

### **Financial Implications**

The Area East Committee set aside a ring-fenced sum of £10,000 in support of the programme locally in 2014, of which £6,778 is remaining. The intention was to secure the coverage of Area East within LEADER in the first instance. Now that the programme is live, it is in place to assist applicants to bring forward high quality proposals in this Area. Member's views are welcomed on the best way to target this funding.

### **Corporate Priority Implications**

The Council Plan states that:

- We want a strong economy, which has low unemployment and thriving businesses – one of stated ways which we will address this is to:
  - Work in partnership to deliver investment and development that local people value

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

Carbon emissions and adapting to climate change implications (NI188) in due course this designation could provide a way of supporting local employment and promote local produce/services in our communities contributing to greater self-containment, thereby reducing carbon emission

### **Equality and Diversity Implications**

Rural communities are vulnerable to isolation from services & markets and face higher transport costs. This programme provides an opportunity to support locally important economic initiatives.

**Background Papers:** *RPS guidance documents for LEADER Programme*

# Agenda Item 10

## **Community Planning Implementation Fund Grant Request (Executive Decision)**

*Ward Member:* Cllr, Mike Beech  
*Assistant Director:* Helen Rutter, Communities  
*Service Manager:* Helen Rutter, Area Development Manager East  
*Lead Officers:* Tim Cook, Neighbourhood Development Officer  
*Contact Details:* tim.cook@southsomerset.gov.uk or (01963) 435088

### **Purpose of the Report**

To consider a request for a capital contribution towards the costs of delivering a local solution to providing superfast broadband in Cucklington.

### **Public Interest**

Awarding grants is a key way that SSDC supports and helps to deliver community projects sponsored by parishes and voluntary community organisations in the towns and villages across Area East.

### **Background**

Area East Committee has retained funding which is only available to communities with locally adopted community/parish plans and this is intended to help with implementing priority projects.

### **Recommendations**

- 1) Members agree a contribution of **up to** £4500 (50% of the total project costs) from the Community Planning Implementation budget to Cucklington Parish Meeting towards the costs of installing the infrastructure to enable superfast broadband in the parish and surrounding area, subject to the standard conditions set out in appendix A.

Cucklington Parish Meeting has applied for a grant towards the costs of installing the infrastructure required to enable a superfast broadband service in the parish and surrounding area.

### **Parish Precept information**

Parish	Cucklington
Parish population	173 (based on 2011 Census)
No. of Households	89
Precept 16/17	£1,250
Band D Charge 16/17	£13.42

## The Project

Cucklington is served from two exchanges:- Bourton and Wincanton with typical Broadband speeds of below 2Mbs. The relevant cabinets are fibre enabled however, as each are approximately 4.5km from Cucklington, they cannot supply the village without significant further infrastructure. BT has quoted £175,000 to bring fibre to both halves of the village.

The applicant states that they believe that both halves of Cucklington will not be covered under phase 1 of the Connecting Devon & Somerset (CDS) roll out. There is also no guarantee that both halves will be covered under phase 2.

Improved broadband was identified as a priority in the Cucklington Parish Plan which was produced in 2012/13.

“Some 90% of households have broadband and as a rural community living in the 21<sup>st</sup> Century broadband is an essential requirement of everyday life.

Significantly and somewhat disappointingly 66% of those households are not satisfied with our broadband speed. For Cucklington a recent test on the 01747 exchange has shown our download speed is c2.4Mbs-1 and our upload speed is 0.4Mbs-1 and for the 01963 exchange comparable figures of 1.2Mbs-1 and 0.1Mbs-1.

This is an issue which needs to be addressed as matter of importance. It should be worked through collaboration with other 01747 and 01963 subscribers. This will involve lobbying the internet service providers and MPs.

Having researched the various options available, the Parish Meeting has agreed to move forward with a company called Wessex Internet (WI) who can provide a fixed point wireless delivery system to individual properties. The superfast internet feed will be sourced by a high capacity point to point backhaul link from Hambledon Hill to the south.

The proposal is to mount antenna on short wooden poles sited in the hedge line on the steep high ground at Coneygore Hill that faces Cucklington. The landowner has agreed to grant a 25 year lease for the equipment and will make the land available. Each property with line of sight to the antenna will be able to connect to the service for a standard installation charge. It is hoped that the Connecting Devon and Somerset voucher scheme will be available to householders to help with these costs and encourage good take up.

The project has been assessed against the agreed criteria and the following scores apply.

Category	Maximum score	Score
A Eligibility	Y/N	Y
B Equalities Impact	7	5
C Need for Project	5	4
D Capacity of Organisation	15	11
E Financial need	7	4
F Innovation	3	3
<b>Total</b>	<b>37</b>	<b>28</b>

Projects scoring above 22 points are eligible for SSDC support under the current policies.

<b>Funding Sources</b>	<b>% Funding of Total Scheme Cost</b>	<b>Amount of Funding</b>	<b>Status</b>
Parish Meeting	50%	£4500	Secured
SSDC (Area East)	50%	£4500	Applied for
<b>Total Scheme Cost</b>	<b>100%</b>	<b>£9000</b>	

The figures above include VAT which might be reclaimed by the Parish Meeting. Some advice has been sought but if this is the case then the grant amount will reduce proportionately.

There are possibly other sources of funding for this type of project however, the local contribution has been underwritten by nine local individuals on the basis that the work will progress as soon as possible to take advantage of the opportunity to work with Wessex Internet. This is considered time sensitive as the Cucklington installation fits in with other work to extend the network.

### **Superfast broadband**

The Connecting Devon and Somerset programme is on track to extend superfast broadband to around 90% of premises by the end of 2016. CDS are seeking solutions for reducing the 'final 10%' that will not be reached by high-speed fibre broadband. They will do this through the Superfast Extension Programme for which CDS has been allocated an additional £22.7 million for extending coverage to 95% of premises by the end of 2017. They are hoping for a partnership to be agreed through the procurement process of a mixture of wireless, satellite and fibre options.

Please note: The delivery area for Phase 2 of the CDS superfast broadband roll out has not been confirmed and so it is possible that superfast broadband will be delivered by the CDS programme.

Many, if not all community & parish plans in Area East have identified broadband speed as an issue and it is likely that other rural parishes will want to investigate and deliver local solutions to provide superfast broadband. Whilst the application meets the criteria for support from the Community Planning Implementation Fund, members might want to consider the use of a loan rather than a grant to help ensure that possible interest and demand can be met.

For small loans of £5,000 or less, the approval procedure may be delegated to the Area Portfolio Holder, in consultation with the Area Development Manager. The interest rate will be the relevant PWLB rate and the loans should be guaranteed by the Town or Parish Council, or similar trustees.

The maximum repayment period will be 10 years and all loans will be repaid on a repayment basis so that the loan is repaid across the loan period at instalment rates approved in advance.

This would however result in the whole scheme effectively being funded by loans which will place a long term burden on the Parish Meeting.

### **Financial Implications**

There is currently £14,400 unallocated within the Community Planning Implementation budget. If Members agree the above recommendations, a sum of £9,900 would be available within the Community Planning Implementation budget.

### **Corporate Priority Implications**

This project supports early delivery of Super-Fast Broadband to rural areas.  
(Focus One: Jobs)

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

Providing access to information, recreation and services via quality superfast broadband provision reduces the need to travel which therefore reduces carbon emissions.

### **Equality and Diversity Implications**

The provision of high speed broadband will help improve access to services for all residents in this rural community.

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## Appendix A – Standard grant conditions

1	The funding has been awarded based on the information provided on the application form for your application number.
2	The enclosed Evaluation Form will need to be completed in full and returned to the appropriate Area/Central office when you return your signed acceptance of the funding offer.
3	All other funding sources are secured.
4	SSDC are given prior notice of the date when work is to commence.
5	SSDC is acknowledged on any publicity and on any permanent acknowledgement of assistance towards the project.
6	The applicant will work, in conjunction with SSDC Officers, to monitor the success of the scheme and the benefits to the community, resulting from SSDC's contribution to the project.
7	<p>All grants offered by SSDC will be based on a set of conditions. Conditions include one or more of the following:</p> <ul style="list-style-type: none"> <li>• Monitoring arrangements.</li> <li>• Publicity options.</li> <li>• Before and after photos.</li> <li>• Return signed acceptance slip.</li> <li>• Grants can only be paid for a single year and a second application is not allowed for the same project within 3 years (unless Service Level Agreement).</li> <li>• Any changes to the project should be notified to SSDC.</li> <li>• Share good practice with other organisations if successful in securing external funding.</li> <li>• All other funding sources are secured.</li> <li>• Conditions of grant should be presented in Committee report.</li> </ul>
8	<p>For buildings, facilities and equipment:</p> <ul style="list-style-type: none"> <li>• Capital grants are on a one-off basis.</li> <li>• Capital grant applications should include a strategy for maintenance of equipment to applicable standards, and a strategy for replacement (or otherwise) if appropriate.</li> <li>• Subject to planning permission if necessary.</li> <li>• Shared use of buildings/equipment, where appropriate.</li> <li>• Proper signage to buildings/facilities.</li> <li>• The applicant must ensure that its play area is inspected and maintained in accordance with EN1176 or a successive standard.</li> <li>• For Village Halls, an access audit must be carried out and all projects should be improving access for people with disabilities.</li> </ul>

# Agenda Item 11

## **Briefing on Inaugural Area East Regeneration Board**

*Assistant Director*      *Helen Rutter, Communities*  
*Service Manager:*      *Helen Rutter, Area Development Manager- East*  
*Lead Officer:*          *Helen Rutter*  
*Contact Details:*        *helen.rutter @southsomerset.gov.uk* or 01963 435012

### **Purpose of the Report**

A short briefing on the main items discussed at the first Board meeting held on 22 March 2016 and attended by the Chairman and ADM

1. The first meeting discussed the draft terms of reference. It was agreed that the Area East Board should meet three times per year not two as originally proposed
2. There was an update on the 10 infrastructure projects across the district prioritised by DX Committee in October 2014. In terms of employment land at Castle Cary, Wincanton and in other market towns/ rural settlements, SSDC submitted funding bids to Growth Deal Three in September 2015 and the outcome is awaited. SSDC will purchase suitable land if necessary
3. A303 – the preliminary consultation on the road improvements, which includes dualling of Sparkford - Ilchester, took place in February and formal consultations by Highways England are due later in 2016. Close links will be maintained with Highways England and the consultants. It is expected that construction will begin in 2020
4. Superfast Broadband – Connecting Devon & Somerset ( CDS) are on track to be able to offer this to 90% of premises by the end of 2016. The tender to tackle the final 10% of premises, not reached by fibre broadband, The Superfast Extension Programme, has been delayed until October 2016. The intention is to extend coverage to at least 95% of premises by end 2017. This is likely to be offered through a combination of wireless, satellite and fibre methods and 10 telecoms companies are in contention. CDS are hoping for a partnership arrangement to cover as many premises as possible. In the meantime a voucher scheme has been launched to assist individual premises with <2mbps to improve their speed.
5. Inward Investment - A revamped Into Somerset Inward Investment programme was launched in October 2015. The new website can be viewed at [www.intosomerset.co.uk](http://www.intosomerset.co.uk) . The new system includes a property search function and an ability for partners to log and organise inward investment enquiries at the district level. This data will be used to improve the service. The strengthened ED team is working more proactively on these enquiries, including a business ambassador service and promoting opportunities through media/ social media.
6. The Heart of the SW LEP is setting up a Growth Hub to provide a one stop advice and support shop for businesses. Peninsular Enterprise has been awarded part of this work and the other component has yet to be contracted. For details see [www.heartofswgrowthhub.co.uk](http://www.heartofswgrowthhub.co.uk)
7. Areas will be able to take projects to the strategic Infrastructure Board that meets bi-monthly. Area East is invited to take forward brief outlines of economic projects for further consideration. In addition a local business breakfast was discussed. A topic could be to link employers with education providers.



## Appendix 1

### Empty Shops November 2015

Wincanton	Castle Cary	Bruton
4 Church Street 7 church Street 1 Market Place 3 Market Place 5 Market place Applegarth Mall 24 High Street 36 High Street 47 High Street	2 Market Place Fore Street Cavendish House, Fore St Feature Stone, Station Rd The Triangle The Farthings	6 High Street 78 High Street 91 High Street Bruton House, High St

## Appendix 2

### Operating criteria 2015/16

Percentage contributions cannot exceed 50% of costs and **no** retrospective applications are eligible (i.e. in respect of works which have already been commissioned/started).

Applications over £1000 will be considered by Area East Committee on a monthly basis. Amounts up to £1000 may be considered at any time as a delegated grant in consultation with the Chairman & Ward Member(s).

Area-wide grant levels: **£1,500 to a maximum 50% of project costs as follows:**

#### Eligible costs:

Shop-front improvements, if they enhance the High Street  
Business rates assistance – a contribution to the amount payable for new businesses (which do not compete with another business) in their first two years of trading  
Exceptional projects which add to viability of towns/villages

#### Wincanton top-up

In addition to the area-wide scheme the 'top-up' scheme for Wincanton also offers:

- Maximum grant £1,000 for businesses wishing to move into one of 7\* units currently empty in the town, these are listed at Appendix 2 **or**
- Maximum £300 available to new **and** existing businesses for business improvements and marketing initiatives. For new businesses this could be used towards stock too.

Grants are only available to proprietors/owners with one business/premise and will not exceed 50% of project cost.

\*Eligible empty units in Wincanton at July 2014:

3 Market Place – The Red Lion  
6 High Street – Digital Error  
24 High Street – formerly Green Dragon  
36 High Street – formerly Alldays  
13 Market Street – formerly Boots Chemist#  
1-3 High St – formerly Brocks#  
6 High Street – formerly Chicken Grill/Yummy Yummy#

# now occupied/partly occupied

### **Process**

Applications for Grants are accessed and recommendations made on the basis of a fully completed application form and two 'like for like' quotes. Self-help/DIY schemes may complete the application form and supply a project budget with supporting information.

All grant recipients must accept that the grant may be used for publicity purposes by the District Council. Payment of the grant is done retrospectively, for a completed programme of works on the basis of receipted invoices. Exceptionally officers, in consultation with the Chairman, may release partial payments where there is clear justification for doing so.

The existing assessment and current scoring mechanism favours businesses:

- employing more than 2 people
- in prominent places
- key rural stores/Post Offices
- retailers

### **The award is subject to the following standard conditions:**

- The grant award may be used by SSDC for promotional/publicity purposes;
- Grants are paid for approved works/purchases on production of receipted invoices;
- Awards are subject to a summary of the benefit of the scheme being supplied;
- Applicants will normally be expected to draw down the grant within six months of the offer and if not will have to inform us of the reason(s) for the delay. If there is a valid reason, officers can provide a 6 month extension, but beyond this the grant would either be withdrawn or referred Area East Committee to be re-affirmed;
- That appropriate consents are obtained;
- Works requiring listed building/planning consents or building regulation consent will be required to be signed off by the appropriate officer prior to the release of funds;
- If, within three years of a grant award, the business ceases to trade the District Council reserves the right to reclaim the grant on the following basis; year one –100%, year two – 75%, year three – 45%.

**Retail Support Initiative Grant Assessment Form****Date of Assessment:** xx xx 2015**Name of Business:** xx**Date of Application:** xx xx 2015**Project:** xxxxxx**Amount requested:** £xx**Total Project Cost:** £xx**Amount requested (as percentage of the total project cost):** xxxx

Application details completed	
Quotes and other information supplied	
Tenure acceptable	
Delegated decision	
Training need identified	
Consents obtained (specify what/when)	
Grant	
Other issues – parking, access, loading etc	

*(Above section to be completed prior to assessment commencing)***Assessment 1-5 (five being highest/best)**

<b>Business activity</b>	<b>Score</b>	<b>Comment</b>
Period trading (1-5 years)		
Business organisation		
Experience of running a business		
Applicant has clearly identified 'success measures'/milestones		
Duplication with existing retail ( <i>scaled, 5=none</i> )		
Financial predictions realistic		
Premises definition *		
2 + employees (< or 2 = 3, >2 = 5)		
Subtotal		

<b>Location</b>	<b>Score</b>	<b>Comment</b>
Local benefit/appeal		
Niche product attracting people to town		
Unit turnover (low turnover = 5)		
Unit profile		
Significant shop front improvement		
Supports wider community activity		
Key rural store (0 or 3)		
Subtotal		



# Agenda Item 12

## **Area East Forward Plan**

*Assistant Directors:* Kim Close / Helen Rutter, Communities  
*Service Manager:* Helen Rutter, Area Development Manager (East)  
*Lead Officer:* Kelly Wheeler, Democratic Services Officer  
*Contact Details:* Kelly.wheeler@southsomerset.gov.uk or 01935 462038

## **Purpose of the Report**

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

## **Recommendation**

Members are asked to:-

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

## **Area East Committee Forward Plan**

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

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

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

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

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

**Background Papers:** None

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## Appendix A

### Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
11 May 16	Local Housing Needs in area East	To provide an update on housing needs in Area East	Kirsty Larkins SSDC
11 May 16	Community Health and Leisure Service Update	Annual update to members on the work of the service	Lynda Pincombe Community Health & Leisure Manager SSDC
11 May 16	Area East Development Service Planned Overview of spending 2015/16	To note the draft AE Development Service Plan and to give a summary of community projects and activities from across the area supported with grants during 2015/16	Helen Rutter SSDC
8 June 16	Retail Support Initiative update & S215	6 monthly outturn report	Pam Williams SSDC
8 June 16	Somerset Highways Report	To update members on the total works programme and local road maintenance programme.	John Nicholson SCC
8 June 16	Workspace Progress Report	To update members on progress with bringing forward workspace	Pam Williams SSDC
8 June 16	Appointments of outside bodies	Annual appointments report	Angela Cox SSDC
8 June 16	Community Grant applications	To consider any SSDC community grant applications	Tim Cook / James Divall / Pam Williams
13 July 16	AE Community Grant programme 2015/16	To give a summary of community projects and activities from across the area supported with grants during 2015/16	Lisa Davies Community Support Manager SSDC
13 July 16	Transport Support for Community and public transport and SSCAT	Annual report on corporate support for community and SSCAT bus	Nigel Collins SSDC
13 July 16	Local Neighbourhood Policing for 2015-16	Overview of operational arrangements and policing issues relating to East	Avon and Somerset Constabulary
10 August 16	Heart of Wessex Rail Partnership Funding Programme	Update report	Helen Rutter SSDC

# Agenda Item 13

## **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**

15/04455/PAMB – Land behind Chequers, Galhampton BA22 7AE  
Prior approval for the change of use of agricultural storage building to dwellinghouse

15/05436/OUT - Land Adjacent To Chessels Lane Chessels Lane Charlton Adam Somerton Somerset TA11 7BJ  
Erection of a detached dwelling and creation of a new vehicular access onto Chessels Lane

### **Appeals Allowed**

15/02961/PAMB – Barn on Land OS 5953 Beech Lane, Stoke Trister, Wincanton BA9 9PQ  
Prior approval for the change of use of agricultural building to dwelling.

15/01314/FUL & 15/01315/LBC – Acorn House, 7 Lansdowne Place, Wincanton BA9 9FB  
Erection of a natural stone wall to divide garden. Formation of vehicular access through existing wall and pedestrian access onto Angel Lane. Replace rendered wall to natural stone.

The Inspector's appeal decision is attached.

### **Appeals Dismissed**

No appeals have been dismissed.

**Background Papers:** None

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## Appeal Decision

Site visit made on 1 February 2016

**by R C Kirby BA (Hons) DipTP MRTPI**

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

**Decision date: 10 March 2016**

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**Appeal Ref: APP/R3325/W/15/3132944**

**Breach Hill Farm, Beech Lane, Stoke Trister, Wincanton, Somerset  
BA9 9PQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Paragraph Q.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
  - The appeal is made by Mrs Lynn Cockerill against the decision of South Somerset District Council.
  - The application Ref 15/02961/PAMB, dated 1 June 2015, was refused by notice dated 5 August 2015.
  - Prior approval is sought for the proposed conversion of part of agricultural building to a dwelling.
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### Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3, Paragraph Q.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for the proposed conversion of part of agricultural building to a dwelling at Breach Hill Farm, Beech Lane, Stoke Trister, Wincanton, Somerset BA9 9PQ in accordance with the details submitted pursuant to Schedule 2, Part 3, Paragraph W(2) of the GPDO and subject to the following condition:
  - 1) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.

### Background

2. The Council's decision notice makes it clear that it was concerned that the proposal was not permitted development because it considered that the building was not solely used for agricultural purposes on 20 March 2013; that the location and siting of the building was impractical and undesirable given the building's impact on the character and appearance of the area; and that the proximity of a livestock building would be harmful to the living conditions of the intended future occupiers of the dwellinghouse.



## **Main Issues**

3. In light of the above, the main issues in this case are whether or not the proposal constitutes permitted development, and if it does, then whether or not it would require prior approval in respect of Paragraph Q.2.

## **Reasons**

### *Whether the proposal constitutes permitted development*

4. Class Q permits development consisting of (a) a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouse) of the Schedule to the Use Classes Order<sup>1</sup>; and (b) building operations reasonably necessary to convert the building. This is subject to a number of situations where such development is not permitted, listed under Paragraph Q.1, and to conditions in Paragraph Q.2 setting out the circumstances when an application to the local planning authority for the determination as to whether the prior approval of the authority will be required.
5. Paragraph Q.1(a)(i) states that development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit on 20 March 2013 (the required date). The GPDO provides interpretation at Paragraph X that an agricultural building is a building used for agriculture and which is so used for the purposes of a trade or business. Whilst concerns have been raised by a local resident as to the viability of the business, I have not been provided with substantive evidence to support this assertion. Furthermore, this matter has not been raised by the Council as an issue and I have no reason to doubt that an agricultural trade or business is being operated from the site.
6. The Council consider that because part of the agricultural building has facilities for day to day to day living including an oven, sink, fridge, toilet, storage cupboards and a hot water cupboard, the site was not used solely for agricultural purposes on the required date. The appellant submits that the oven is a solid fuel Rayburn with a back boiler; the sink only has a cold tap and the waste water is piped into a bucket; the fridge and storage cupboards are for medicines and equipment; and the toilet is a chemical toilet. The appellant uses the facilities within the barn overnight during the lambing season only, and lives off site the remainder of the time. It is asserted that the building was in agricultural use on the required date.
7. The accommodation within the building covers a relatively small area and from my observations is at best basic, providing a small area to sit down, keep warm and make a hot drink. Whilst there was a mattress against the wall, there was no separate space for this or a bed to be placed. In the absence of substantive evidence to demonstrate otherwise, I am not convinced that the accommodation provided in this part of the building is used for anything other than for ancillary purposes to the agricultural use of the building. A material change of use of this part of the building has not occurred.
8. From my observations and the evidence before me, I find that the building is in agricultural use, and given that the evidence suggests that circumstances have not changed since the building was constructed in 2006, I have no reason to

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<sup>1</sup> SI 1987/764 – The Town and Country Planning (Use Classes) Order 1987, as amended

doubt that this was not the case on the required date of 20 March 2013. The Council has not raised an issue with the proposal not complying with the other circumstances set out in Paragraph Q.1 (b) – (m) of the GPDO, and as such I conclude that the proposal would constitute permitted development under Class Q of the GPDO.

*Whether or not prior approval would be required*

9. The Planning Practice Guidance (PPG) advises the starting premise for Class Q is that the permitted development right grants permission, subject to the prior approval requirements. The provisions of the GPDO require that where a development is proposed under Class Q (a) and Q (b), the developer must apply to the local planning authority for a determination as to whether prior approval is required in relation to several matters (Paragraph Q.2 (1) (a) to (f)).
10. The Council makes reference to Paragraph Q.2 (b) and (e) within its decision notice. Paragraph Q.2 (b) relates to the noise impacts of the development. It appears from the submitted evidence that the Council is concerned about noise from the adjacent agricultural use of the building and the effect this would have on living conditions, as opposed to the noise impacts of the proposed development. This is not covered by Paragraph Q.2 (b). In the absence of substantive evidence to demonstrate otherwise, I am satisfied that the noise impacts from the development would be minimal and acceptable.
11. However, Paragraph Q.2 (e) covers matters such as living conditions, in that it makes reference to whether the location and siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to use as a dwellinghouse. There is no definition of 'impractical' or 'undesirable' within the GPDO. However the PPG states that the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would 'not be sensible or realistic', and undesirable reflects that it would be 'harmful or objectionable'.
12. In terms of living conditions, the appellant has indicated that she would occupy the new dwelling with her partner and would continue to be involved in the breeding and rearing of sheep and cattle. The dwelling would therefore be occupied by a farm worker. The appellant has also indicated that the relationship of the dwelling to the adjoining farm building would be acceptable to her; an internal wall would separate the living accommodation from the remainder of the building which would be used for agricultural purposes. This wall could be insulated to prevent noise from the adjacent building travelling into the new dwelling.
13. Whilst I note the Council's concern regarding living conditions for general occupation, the appellant has indicated that she would have no objection to the imposition of a planning condition restricting the occupancy of the dwelling. The Council has indicated that it considers such a condition would be a suitable mechanism to address its concerns.
14. Paragraph W (13) of the GPDO allows for prior approval to be granted unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. In this instance, I consider that a condition restricting the occupancy of the dwelling to an agricultural worker is reasonable and necessary given the relationship the new dwellinghouse would have to an agricultural building which could house livestock. An unrestricted residential use in this part

- of the building would not be acceptable because of the effect the adjacent agricultural use would be likely to have on living conditions.
15. The Council's second reason for refusal relates to its concern that the proposal would introduce a residential use into a relatively undeveloped landscape and the design of the dwelling would erode the rural character of the area. As such it considers that the location and siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to use as a dwellinghouse.
  16. The PPG states that because an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling, this is not a sufficient reason for refusing prior approval. Furthermore, the PPG makes it clear that when considering location and siting, a local planning authority should not be applying tests from the National Planning Policy Framework (the Framework) except to the extent that they are relevant to the subject matter of the prior approval. The desirability of the location or siting of the building should therefore be judged on amenity grounds against the immediate surroundings.
  17. In this respect the building is in the same location as the Council previously considered acceptable. Furthermore, the proposed alterations are limited in scale, and externally relate to the replacement of a door on the front and side elevation of the building with glazing. No further external alterations are proposed. Although there are no dwellings within the vicinity of the appeal site, the building would retain its agricultural form and appearance. The building is part of the character and appearance of the landscape and the limited alterations would not result in the building being more intrusive or harmful.
  18. In light of the above, I conclude that the location and siting of the development proposed would not make it impractical or undesirable for the change of use sought. Furthermore, subject to the imposition of a planning condition restricting the occupancy of the dwellinghouse, acceptable living conditions of the intended future occupiers of the building would be provided.

### **Conclusion**

19. For the above reasons, and having regard to all other matters raised, the appeal is allowed and approval granted. The appellant should note that the GPDO states at Paragraph Q.2(3) that development under Class Q is permitted subject to the condition that it is completed within a period of 3 years starting with the prior approval date. Paragraph W(12) requires the development to be carried out in accordance with the approved details. It is not necessary for me to repeat these conditions. A condition restricting the occupation of the dwelling is however necessary for the reasons explained above.

*R C Kirby*

INSPECTOR

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## Appeal Decisions

Site visit made on 5 February 2016

by **Jonathan Bore MRTPI**

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

Decision date: **11 March, 2016**

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**APPEAL A: Appeal Ref: APP/R3325/W/15/3137408**

**APPEAL B: Appeal Ref: APP/R3325/Y/15/3138579**

**Acorn House, 7 Lansdowne Place, Wincanton, Somerset BA9 9FB**

- Appeal A is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - Appeal B is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeals are made by Mr and Mrs D Smith against the decisions of South Somerset District Council.
  - The applications, ref 15/01314/FUL (Appeal A) and 15/01315/LBC (Appeal B), both dated 6 March 2015, were refused by notices dated 12 August 2015.
  - The development proposed in both applications is described as the erection of a natural stone wall to divide the garden, the formation of a vehicular access through the existing wall and the replacement of a rendered wall to natural stone.
- 

### Appeals A and B: decisions

1. The appeals are allowed and planning permission and listed building consent granted for the erection of a natural stone wall to divide the garden, the formation of a vehicular access through the existing wall and the replacement of a rendered wall to natural stone at Acorn House, 7 Lansdowne Place, Wincanton, Somerset BA9 9FB in accordance with applications ref 15/01314/FUL (Appeal A) and 15/01315/LBC (Appeal B) both dated 6 March 2015 and plans numbered 14.03, 14.04A (with the exception of the garage), 14.01D and 15.06, subject to the conditions set out in Appendix 1.

### Application for costs

2. Applications for costs in respect of both Appeal A and Appeal B were made by Mr and Mrs D Smith against South Somerset District Council. These applications are the subject of separate decisions.

### Clarification

3. The applications originally included a garage and an access to Angel Lane, but these were removed from the scheme while it was still with the Council. They do not form any part of the appeals.

## **Main Issue**

4. The main issue in these appeals is the effect of the development and works on the heritage assets in this part of Wincanton, including the Grade II listed buildings, 7 Lansdowne Place (Acorn House), and the adjoining 6 Lansdowne Place, and Ash House to the rear, and their settings; and the effect of the development on the Wincanton Conservation Area as a whole, and whether it would serve to preserve or enhance its character or appearance.

## **Reasons**

5. Acorn House, 7 Lansdowne Place, and its neighbour 6 Lansdowne Place, are part of the former Priory of St Luke and St Theresa. The building dates from 1888 and is listed Grade II. It is a good example of a late 19<sup>th</sup> Century monastic complex constructed in local stone and tile and hence has considerable significance as a heritage asset. There are three main elements to this scheme and these are dealt with in turn.
6. The first is the replacement of the modern rendered wall at the front of Acorn House with a new stone wall. The present wall is similar to the front garden walls of the relatively recent houses in Lansdowne Place; however, its position and function relate more closely to Acorn House and, seen from the front, its rendered finish detracts from the view towards that house's imposing stone façade. The proposed stone wall would be more in keeping with the colour and material of the listed buildings. It would also be consistent with the stone walls that mark the ramped entrance into Lansdowne Place, and with numerous other stone buildings in the vicinity. It would not cause any harm to the listed building itself, would improve the building's setting in comparison with the current rendered wall, and would enhance the character and appearance of Lansdowne Place and the conservation area.
7. The second part of the scheme is a new stone wall to mark the new division between the gardens of Acorn House and Ash House to the rear. Acorn House has only a small front garden and it is proposed to take in some land at the back formerly belonging to Ash House to provide a rear garden. The new garden would be separated from Ash House by a new stone wall across the former plot. Ash House has an exceptionally long plot and the end of its garden is untended. Whilst the new wall would subdivide an historic plot, the location of the wall would be so far from Ash House that the effect on its setting would be minimal. Ash House would still retain a long plot. The wall would be constructed of stone in keeping with its surroundings. Subject to the approval of details, which can be dealt with by condition, there would be no harm to the listed buildings or their settings, and the character and appearance of the conservation area would be preserved.
8. The third element of the scheme concerns the provision of an opening in the existing stone boundary wall at the side of Acorn House. To gain vehicular access to the new rear garden, a 3m opening with gates would be created to provide vehicle access to a hard standing. The hard standing would be an unobtrusive feature located behind the wall, and the gate across the opening would not be obtrusive either since it would be located at the back of the small front garden of Acorn House. The affected wall is not part of the elevational composition of the main building, it a simple and plain stone garden wall with no finesse of detail or architectural merit, and it cannot be appreciated from Lansdowne Place in juxtaposition to the building, since it sits at the back of the

small front garden of Acorn House. It has some relevance to the layout of the site, but the breach would be a small proportion of the wall's length, and the wall could continue to be understood as part of the layout of the monastic complex. There would be a small loss of historic fabric, but the part of the wall that would be removed for the opening is already degraded, having deteriorated over time, and has lost some of its height. Whilst great weight is attached to the protection of listed buildings as historic assets, the harm that would arise from the breach of the wall in this particular case would be much less than substantial.

9. As regards this element of the scheme, public benefit would arise because the opening in the stone wall would facilitate the creation of a garden area that is better related to the size of Acorn House. At present Acorn House has a very small garden and the provision of a larger area of land would make the house a more attractive prospect for a greater variety of future potential occupants, thus providing a sounder basis for its future custodianship. The existing stone wall would be repaired, and would have a more relevant purpose as a division between the entrance area of the house and the more private back garden; its renewed purpose would again be likely to ensure its better longer term maintenance. Cars at present have to be parked at the side of the building where they can be seen in close relationship to the main house; the scheme would enable cars to be parked behind the wall, where they are less likely to be visible in relation to the main front elevation of the listed building. As the use of Acorn House remains the same as at present there is no reason to suppose that there would be a harmful increase in the amount of traffic using Lansdowne Place. Issues regarding rights of access are private matters and are not within the scope of these appeals.

### **Conclusion**

10. Having special regard to the desirability of preserving the listed buildings and protecting their settings, and bearing in mind the great weight that is given to the protection of heritage assets, I consider that all the proposals would preserve and enhance the setting of the listed buildings and the character and appearance of the conservation area; the character of Lansdowne Place would not be harmed; and the public benefits as described above would outweigh the very limited harm caused by the removal of 3m of wall. The scheme would accord with and further the aims of policies EQ2 and EQ3 of the South Somerset Local Plan 2015 which seek high quality development that promotes local distinctiveness, enhances the character and appearance of the district and seeks to conserve and enhance heritage assets.
11. For all the above reasons, both appeals are allowed.
12. Conditions are attached which ensure that the materials and detailed execution of the work protect the historic interest and setting of the listed buildings and the character and appearance of the conservation area.

*Jonathan Bore*

Inspector

## **APPENDIX 1**

### **CONDITIONS**

#### **Appeal A**

1. The development hereby permitted shall be begun not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans numbered 14.03, 14.04A (with the exception of the garage), 14.01D and 15.06.

#### **Appeal B**

1. The works hereby authorised shall be begun not later than three years from the date of this decision.
2. The works hereby permitted shall be carried out in accordance with the approved plans numbered 14.03, 14.04A (with the exception of the garage), 14.01D and 15.06.
3. No work shall commence until full details (including samples) of all the new walls and materials to be used thereon, including coursing, bonding and coping, the profile, mix, colour and texture of the mortar, and the materials to be used for the hard standing, have been submitted to and approved by the local planning authority and the work shall be carried out in accordance with the approved details.
4. Work of making good in respect of the stone wall through which the access is to be taken shall match the existing original wall in colour, texture and detailed execution.
5. No work shall be carried out to fit any gates until details of the design, materials and external finish of the gates have been submitted to and approved by the local planning authority and the gates shall be installed and thereafter retained in accordance with those details.

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## Costs Decisions

Site visit made on 5 February 2016

**by Jonathan Bore MRTPI**

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

**Decision date: 11 March, 2016**

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### **Costs application in relation to:**

**APPEAL A: Appeal Ref: APP/R3325/W/15/3137408**

**APPEAL B: Appeal Ref: APP/R3325/Y/15/3138579**

**Acorn House, 7 Lansdowne Place, Wincanton, Somerset BA9 9FB**

- The application in respect of Appeal A is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application in respect of Appeal B is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
  - The applications are made by Mr and Mrs D Smith for full awards of costs against South Somerset District Council.
  - The appeals were against the refusals of the Council to grant planning permission and listed building consent for the erection of a natural stone wall to divide the garden, the formation of a vehicular access through an existing stone wall and the replacement of a rendered wall to natural stone.
- 

### **Decision**

1. The applications for awards of costs in respect of both Appeal A and Appeal B are allowed in full in the terms set out below.

### **Reasons**

2. The Council's Conservation Officer in his minute of 21 April 2015 saw no harm in providing a garden area to the property, making the point that a good sized garden has the potential to give the house a more sustainable future. The scheme was considered not to compromise Ash House. Forming a modest opening in the wall was considered acceptable. The front wall was considered to work as it would be read with the existing building as its backdrop. Elements of concern were removed from the scheme. The proposals were supported by both Planning and Conservation Officers.
3. The Council did not follow this professional advice; greater weight was given to local objections. Councils may of course come to a different decision from that recommended by officers, but their decisions need to be based on evidence and clear reasoning; and to carry weight, local objections should be founded on sound planning and heritage grounds. In this case, on any reasonable assessment of the proposals, neither the Council's decisions nor the local objections stand up to scrutiny. The opening in the wall would cause much less than substantial harm to a hidden and less significant part of the heritage



asset. The public benefits were clear, as correctly identified by the Conservation Officer. The idea that a stone front wall would introduce an alien material is obviously wrong on any inspection of the site and locality: the wall would be read in front of the main listed building, also of stone; the walls either side of the driveway into Lansdowne Place are constructed of stone; and stone is extensively used in the conservation area. It is absolutely evident from any reasonable assessment of the proposals that the proposed wall separating the gardens of Acorn House from Ash House would not harm the settings of the listed buildings or any appreciation of the town's historic development pattern.

4. This was not a matter of the Council coming to a different view from its officers on balance; rather, any fair analysis of the scheme in relation to the site and its surroundings demonstrates that the Council's decisions were unreasonable.
5. I conclude that the Council behaved unreasonably in refusing both applications and led the appellants to incur unnecessary expense in having to go to appeal. A full award of costs is justified in respect of both Appeal A and Appeal B.

#### **Costs Order**

6. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, Schedule 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that South Somerset District Council shall pay to Mr and Mrs D Smith the costs of the appeal proceedings in respect of both Appeal A and Appeal B described in the heading of this decision.
7. The applicant is now invited to submit to South Somerset District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

*Jonathan Bore*

INSPECTOR

# Agenda Item 14

## Schedule of Planning Applications to be Determined by Committee

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

### Purpose of the Report

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

### Recommendation

Members are asked to note the schedule of planning applications.

***Planning Applications will be considered no earlier than 10.30am.***

Members of the public who wish to speak about a particular planning item are recommended to arrive for 10.15am.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
12	WINCANTON	16/00291/COU	Change of use of building to a gym from use class B8 (Storage or distribution) to use class D2	12 Bennetts Field Trading Estate, Wincanton	Mrs Sandra Catley

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

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

## **Referral to the Regulation Committee**

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

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

## **Human Rights Act Statement**

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

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# Agenda Item 15

## Officer Report On Planning Application: 16/00291/COU

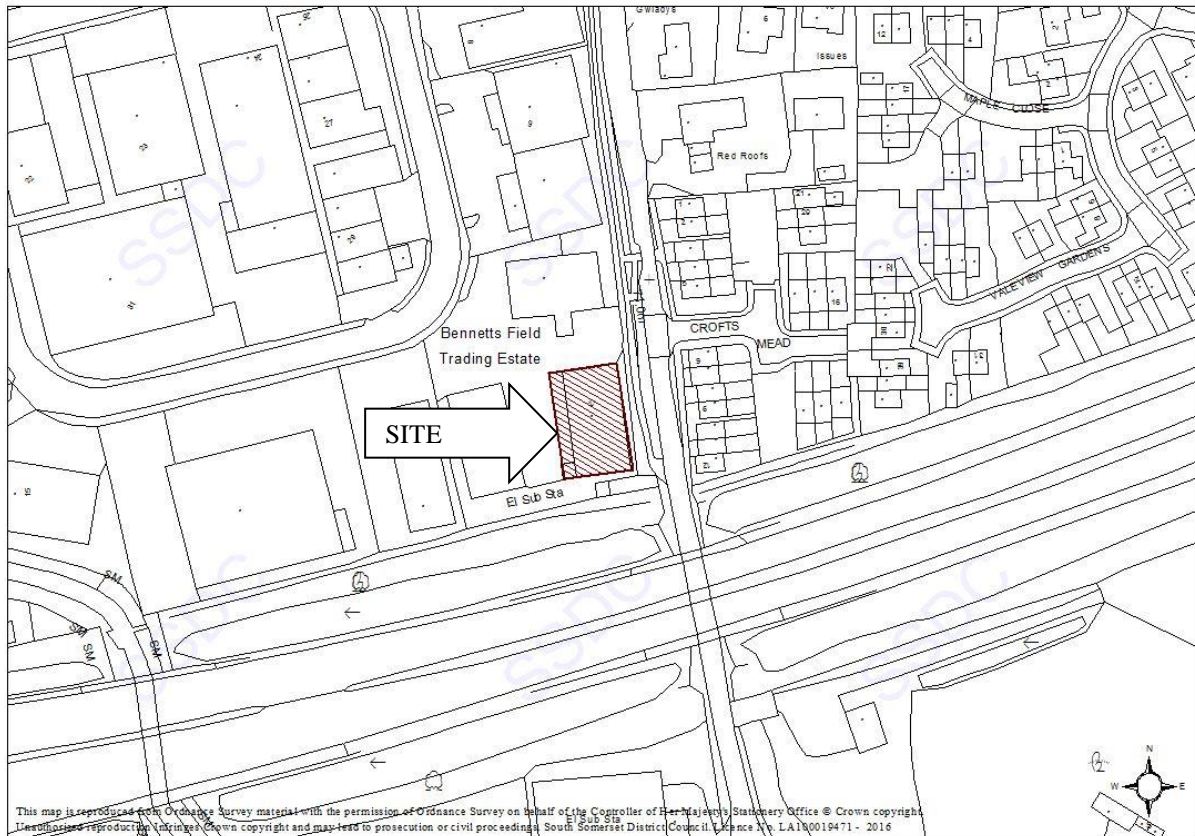
<b>Proposal :</b>	Change of use of building to a gym from use class B8 (Storage or distribution) to use class D2 (GR: 371306/127902)
<b>Site Address:</b>	12 Bennetts Field Trading Estate WINCANTON Somerset
<b>Parish:</b>	Wincanton
<b>WINCANTON Ward (SSDC Member)</b>	Cllr Nick Colbert Cllr Colin Winder
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date :</b>	11th March 2016
<b>Applicant :</b>	Mrs Sandra Catley
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Other Change Of Use

### REASON FOR REFERRAL

This application is referred to the committee at the request of the Ward Members with the agreement of the Area Chairman to enable the comments of the Town Council to be fully debated.

### SITE DESCRIPTION AND PROPOSAL





The site is located within development limits on Bennetts Field Trading Estate (typically B1, B2 and B8 uses). The property is a detached commercial unit currently vacant whose last use is given as storage and distribution (B8). The property provides approximately 477 square metres of space with off road parking to the front.

This application seeks permission for a change of use from B8 storage and distribution to a gym (Use Class D2). The applicant indicates up to 9 parking spaces would be available, with one full time employee and a target within 12 months of 5 part timers. The gym would provide for extreme sports and training.

The application is supported by a Business Plan.

## HISTORY

99/02034/FUL - The erection of an extension for use as a cook/freezer facility. Approved.

Various applications submitted before 1999.

## POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state 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

SS1: Settlement Strategy

SS3 - Delivering New Employment Land  
TA5 - Transport Impact of New Development  
TA6 - Parking Standards  
EQ2 - General development  
EP3 - Safeguarding Employment Land  
EP11 - The Sequential Approach

Regard shall also be had to:

National Planning Policy Framework (March 2012):  
Chapter 1 - Building a strong competitive economy  
Chapter 7 - Requiring Good Design  
Chapter 8 - Promoting Healthy Communities

National Planning Policy Guidance

Other Relevant Documents

Somerset County Council Parking Strategy adopted March 2012 and re-adopted September 2012 following corrections made.

Somerset Highways Standing Advice - June 2015.

## **CONSULTATIONS**

**Wincanton Town Council** - Recommend approval.

**County Highway Authority** - Standing advice applies to consider whether there would be sufficient on-site parking provision in line with the SPS optimum standards and dimensions for the proposed D2 use.

**SSDC Policy Planner** - Bennetts Field Trading Estate is identified in the South Somerset Employment Land Review (Stage 1, August 2009) as a mixed employment site comprising two large employers both involved food processing and distribution, and a small number of start-up units which are in demand when vacancies occur.

The Council's Employment Land monitoring illustrates that the site is a healthy and fairly successful one with a number of applications for extensions and changes of use for a range of traditional employment uses since 2006. There appear to be a couple of units currently vacant and currently available.

South Somerset Local Plan

The South Somerset Local Plan 2006 - 2028 was adopted on 5th March 2015. As established in law by Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Section 70(2) of the Town and Country Planning Act (1990) (as amended), the starting point for considering this application must be that it is determined in accordance with the development plan unless material considerations indicate otherwise.

Policy SD1: Sustainable Development clearly sets out that the Council will take a proactive approach when considering proposals for development. In line with the spirit of the NPPF, the Council will seek to secure development that positively improves the economic, social and environmental wellbeing of the District.

Wincanton is identified as a Primary Market Town in Policy SS1: Settlement Strategy, of the Local Plan. Provision should therefore be made in Wincanton for housing, employment and other services that increases the settlement's self-containment and enhances its role as a service centre.

Policy SS3: Delivering New Employment Land identifies the additional employment land required over the plan period and the number of jobs that should be encouraged in each settlement to support sustainable and balanced growth. 599 jobs are to be encouraged in Wincanton to 2028, 61% of which will be in traditional B uses. 7.94 hectares of employment land is required over the plan period.

Policy EP3: Safeguarding Employment Land identifies that employment land will be safeguarded and planning permission will not be granted for alternative uses unless it can be demonstrated that the loss would not demonstrably harm the settlement's supply of employment land or job opportunities. There is a requirement for the applicant to submit a marketing statement alongside the application which demonstrates that the site has been actively marketed. Policy EP3 is also clear that changes of use will not be permitted unless a number of criteria can be met. These criteria include the requirement that the proposed use is compatible with existing surrounding uses and not detrimental to the operation of existing businesses in the area.

It should be noted that the proposed development falls into the NPPF definition of a "main town centre use" and as such Policy EP11 requires the applicant to submit a sequential test to demonstrate that there are no sequentially preferable sites that could accommodate the development whilst enhancing the vitality and viability of Wincanton town centre. The policy states that where applications fail to demonstrate compliance with the sequential approach, they should be refused.

Policy EQ2: General Design requires development to be designed to achieve high quality places with consideration given to creating safe environments along with site specific considerations.

In summary, the proposed development satisfies Policy SS1 and SS3 as it would enhance Wincanton's role as a service centre and provide a small number of jobs (1 full time and 5 part time). It is however contrary to Policy EP3 and EP11 as no marketing statement or sequential test have been submitted alongside the application. On the basis of the above, the proposed development is not in accordance with the development plan.

Additionally, there may be an issue regarding the compatibility of the proposed use alongside existing uses. There are examples elsewhere of non B uses having an adverse impact on the operation of existing users, this should be given consideration as identified in Policy EP3, when coming to a decision on the acceptability of the proposed development.

#### National Planning Policy Framework

The NPPF is an important material consideration and should be read as a whole. Of particular relevance to this application are paragraphs 20, 22, 24 and 27. Paragraph 20 indicates that planning authorities should proactively plan to meet the development needs of businesses and support the economy. On the other hand, paragraph 22 identifies that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Applications for alternative uses should be treated on their merits having regard for the relative need for different land uses to support sustainable local communities. Paragraph 24 outlines the application of the sequential test and 27 outlines where an applications fails the sequential test it should be refused.

#### Conclusions

The Local Plan is supportive of new services and facilities that stimulate the economy and provide jobs locally; however, the proposed development is not in accordance with the Local Plan as it is contrary to policies EP3 and EP11. It is for you to determine whether there is evidence or other information which constitutes a material consideration which indicates that the application should be approved.

**SSDC Economic Development** - Whilst the application is for D2 use employment purposes, the extant use for the premises is for B8 use. To be consistent with our marketing policy for applications for COU, the applicant/owner should have tested the market first.

There are a number of reasons for this:

- Demand for B use employment premises in Wincanton is evidenced in the Local Plan.
- There is evidence from recent planning applications of reasonable demand for B use workspace in Wincanton
- The primary purpose of the Trading Estate is for B1, B2 and B8 use and we should avoid the proliferation of COU to preserve the integrity of the estate for its intended purpose.
- We need to be consistent in the application of our marketing policy and consistent in our process for all planning applications requiring a change of use

To underline the response already submitted by our Planning Policy Officer, the application is contrary to policy and with no marketing undertaken for the premises; we are unable to support the application.

## **REPRESENTATIONS**

There has been a letter of support that acknowledges Wincanton has a few gyms but none compare to what this one will be. This gym is going to be more sports specific for strongman training and others.

## **CONSIDERATIONS**

### **Principle of Development:**

The primary purpose of Bennetts Trading Estate is for employment type (B1, B2 and B8) uses. The estate appears a vibrant business community with two or three currently vacant units of which the application site is one. From the Officer's visit there were no immediate signs of non B type uses within the wider site other than for the single A1 permission (ref: 15/04744/COU) recently given by Area East Committee that is nearer the estate's entrance. The only other non B type use is the snack bar that serves the estate's workers and visitors. The Planning Policy response is given in full above. This draws attention to the need to preserve the estate's integrity and that non B type uses alongside existing uses can have an adverse impact on the operation of existing users.

In policy terms the application fails to provide a sequential test to identify other possible alternative sites and lacks a marketing appraisal whose purpose seeks to safeguard existing uses, contrary to Policy EP3 and EP11 that are applicable in considering the proposal. Without compliance with Policy there is no 'in principle' support. We have therefore to consider whether there are any material considerations in support of the application.

### **Character and Appearance:**

There are no external alterations proposed by the current application. The proposal is not considered would have a detrimental effect on character and appearance.

### **Highway Safety:**

The applicant advises that there would be no external storage requirement and has indicated up to 9 parking spaces are possible that appears to be the case notwithstanding the presence of the adjacent security fencing that defines an outdoors storage compound for the adjacent unit. It is considered that the application generally accords with Highways Authority standing advice.

### **Neighbour Amenity:**

The introduction of non 'B' type uses introduces a different client base. During the planning officer's visit in exiting the estate there was a HGV stopped blocking the highway during a delivery/ collection thereby creating an element of inconvenience. While compatible business users will put up with this shared experience a broadened range of customers visiting the estate undoubtedly would take a different view that is considered to have a long term detrimental impact for existing users contrary to Policy EP3. Without the relevant policy supporting evidence base the neighbour amenity concerns that come down to the differences in work practices should be given great weight.

### **Other Matters:**

The applicant refers to the site employing 1 and a half staff with an anticipated increase up to 5 part timers in addition to the full time worker, although a continuing B type use is likely to employ more.

Bennetts Trading Estate is seen to be a vibrant employment location having seen a large extension (10/02091/FUL) in support of bringing business to the estate, while other sites within the estate continue to present opportunities to grow and extend. The limited number of vacant unit turn over acts to provide an opportunity to support the B type uses within the trading estate. The non- B use class types identified (A1 permitted by committee and the snack bar serving workers and visitors to the estate) indicates the current and continuing viability of the trading estate.

### **Concluding Remarks:**

While the Local Plan is supportive of new services and facilities that stimulate the economy and provide jobs locally, the proposed development is not considered to accord with the Local Plan, being contrary to



policies EP3 and EP11. In addition, the Bennett estate remains largely a home to a range of compatible B type uses whose concentration in this locality supports the estate's continued viability in providing a concentration of B type uses.

## **RECOMMENDATION**

Refuse

## **SUBJECT TO THE FOLLOWING:**

01. No evidence is submitted in support the application to demonstrate the undertaking of a sequential approach to sites in the locality, or that the premises has been the subject of a robust and extensive approach to its marketing to determine what demand there is for the continued use of the premises within the B1, B2 and B8 Use Classes. By virtue of that lack of evidence it is considered that not every reasonable attempt has been made to secure the site's continuing business use and as such this would lead to a detrimental impact on the vitality and vibrancy of Bennett's Trading Estate being contrary to Policy EP3 and EP11 of the South Somerset Local Plan 2006- 2028.

## **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 applicant/agent did not take the opportunity to enter into pre-application discussions.