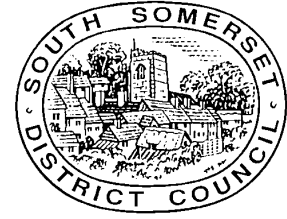


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 25th November 2015

2.00 pm

(The first report on the agenda is confidential and will be taken in closed session. The remainder of the meeting is open to the public and will not start before 2.25pm)

**The Village Hall
Martock Road
Long Sutton
TA10 9NT**

(Disabled access is available at this meeting venue)



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

The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than 4.00pm.

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

This Agenda was issued on Tuesday 17 November 2015.

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



INVESTORS IN PEOPLE

Area North Committee Membership

Clare Aparicio Paul
Neil Bloomfield
Adam Dance
Graham Middleton
Tiffany Osborne

Stephen Page
Shane Pledger
Crispin Raikes
Jo Roundell Greene
Dean Ruddle

Sylvia Seal
Sue Steele
Derek Yeomans

South Somerset District Council – Council Plan

Our focuses are: (all equal)

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

Scrutiny procedure rules

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

Consideration of planning applications

Consideration of planning applications for this month's meeting will commence no earlier than 4.00pm, following a break for refreshments, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

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

Members questions on reports prior to the meeting

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

Information for the Public

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

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

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

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

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

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

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

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

Public participation at committees

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

Public question time

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

Planning applications

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

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

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

The order of speaking on planning items will be:

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

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

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

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

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

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

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

Area North Committee

Wednesday 25 November 2015

Agenda

Preliminary Items

Confidential Item

1. **Exclusion of Press and Public** (Page 9)
2. **Historic Buildings at Risk (Confidential)** (Pages 10 - 18)

Preliminary Items

3. **Minutes**

To approve as a correct record the minutes of the previous meeting held on 28 October 2015.

4. **Apologies for absence**

5. **Declarations of Interest**

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

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

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

Planning Applications Referred to the Regulation Committee

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

Councillors Clare Aparicio Paul, Shane Pledger, Dean Ruddle and Sylvia Seal.

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

6. Date of next meeting

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 16 December 2015** (a week earlier than normal) at the **Edgar Hall, Somerton**.

7. Public question time

8. Chairman's announcements

9. Reports from members

Items for Discussion

- 10. Work of the Conservation Service** (Pages 19 - 22)
- 11. SSDC Welfare Advice Work in South Somerset** (Pages 23 - 30)
- 12. South Somerset Careline Annual Report 2014/15** (Pages 31 - 33)
- 13. Area North Committee Forward Plan** (Pages 34 - 36)
- 14. Planning Appeals** (Pages 37 - 40)
- 15. Schedule of Planning Applications to be Determined By Committee** (Pages 41 - 42)
- 16. Planning Application 14/04723/FUL - Land OS 6375, Ringwell Hill, Bower Hinton.** (Pages 43 - 67)
- 17. Planning Application 15/02218/FUL - Crimson Orchard, Top Road, Curry Mallet.** (Pages 68 - 88)
- 18. Planning Application 15/04390/FUL - Former Environment Agency (Depot), Back Lane, Curry Rivel.** (Pages 89 - 95)

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 1

Exclusion of the Press and Public

The Committee is asked to agree that the following item (agenda item 2) be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under paragraphs 3: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)." It is considered that the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.

Agenda Item 2

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Agenda Item 10

Work of the Conservation Service

Assistant Director: Martin Woods (Economy)
Service Manager: David Norris, Development Manager
Lead Officer: Adron Duckworth Conservation Manager
Contact Details: adron.duckworth@southsomerset.gov.uk or (01935) 462652

Purpose of the Report

To summarise the role and review the work of the Conservation Team of the Development Management Service.

Public Interest

The Conservation Team is part of the Development Management Service and provides specialist advice on the built and natural environment to the Council as a whole but particularly to planning, and to members of the public, agents and developers, Town and Parish Councils.

Recommendation

To note the report.

Report

The work of the Conservation team is wide ranging across issues relating to the built and natural environment of the District. South Somerset is an area of fine, varied landscapes and attractive towns and villages and the team sees its role as helping to care for these important assets and deliver well-designed and sensitive new developments.

The team consists of:-

- Landscape Architect - Robert Archer (4/5fte)
- Tree Officer - Phil Poulton
- Ecologist - Terry Franklin (0.5fte)
- 2 Conservation Officers – Andrew Tucker (AT) and Greg Venn (GV)
- Team Manager/Conservation Architect – Adron Duckworth (3/5fte)

Landscape Architect

- Provides advice on planning applications and pre-apps on the landscape impact of development proposals and those affecting AONBs (Area of Outstanding Natural Beauty) and Historic landscapes, Parks and Gardens - 460 consultations in 2014
- Landscape and architectural design advice in relation to historic areas and the wider landscape
- Negotiation of mitigation measures for applications eg. major schemes such as PV Arrays
- Input to masterplanning of major development sites and production of design codes
- Input to Spatial Policy work/ Local Plan on strategic landscape capacity

Tree Officer

- Advises on trees in relation to development proposals - 182 consultations 2014
- Enforcement casework involving tree works
- Negotiates proposals affecting TPO (Tree Preservation Orders) and Conservation Area trees - 387 applications in 2014
- Makes TPOs; 18 new TPOs this year
- Deals with Hedgerow Removal Notices (10 in 2014) and High Hedge disputes,
- Gives support for the Parish tree wardens
- Implements amenity tree planting schemes -1800 trees planted last season.

Ecologist

- All planning applications are screened for impact upon designated sites and protected species through the Bioplan Agreement with Somerset Environmental Record Centre and monitored by the ecologist. Where a potential impact is identified the ecologist advises and negotiates on appropriate mitigation measures - 337 applications 2014

Conservation Officers

- Building conservation advice on applications on listed buildings and in conservation areas and negotiations over proposals - 395 consultations 2014
- Providing pre-app advice, advice to potential purchasers - 361 pre-apps 2014
- Giving technical conservation advice
- Listed buildings at risk casework
- Enforcement casework
- Conservation Area reviews, appraisals and new designations
- Input to regeneration schemes

Team Manager/Conservation Architect

- Team management
- Input to work of Conservation Officers as above
- Architectural and urban design advice and negotiation over one-off buildings, residential developments etc and advice on planning applications.
- Technical conservation advice and specifications
- Input to masterplanning of major development sites and production of design codes
- Input to Spatial Policy/ Local Plan

The team provide a considerable amount of pre-application advice in all its roles and this is regarded as a particularly effective way of assisting applicants to produce good proposals and reducing the number of application refusals.

The team works in partnership with other services where appropriate, to help provide an integrated approach to finding solutions:-

- Spatial Policy – Conservation policies, landscape capacity studies, Heritage Strategy
- Building Control – Works to listed buildings, dangerous buildings
- Legal team – Statutory notices
- Land Charges - Mapping listed building curtilages to help with searches
- Environmental Health - Reuse of empty properties
- Area Development – Regeneration and enhancement projects such as Langport Town Centre, Prince's St. Yeovil

Work of the team over the past year

Particular activities over and above the usual run of consultations include:

- Substantial input to the Local Plan Enquiry over landscape and historic environment impacts of Directions of Growth
- Input to masterplanning of Yeovil urban extensions at Primrose Lane and Keyford
- Preparation of initial draft of Heritage Strategy
- Conservation Area Review and Appraisal completed for Langport & Huish Episcopi and Charlton Mackrell/West Charlton conservation areas.
- Mapped listed curtilages for 60 Parishes.
- Provided in-depth working experience for the two planning/conservation interns
- Promoted the listing of unlisted village war memorials in partnership with English Heritage (now Historic England). 24 new listings added.
- Provided a specification for stone repairs to Preston Plucknett War Memorial
- With grant aid from English Heritage (now Historic England) commissioned a condition survey, historical analysis and options appraisal for 'at risk' Grade 1 listed 7-11 Fore St. Chard
- Worked towards resolving other buildings at risk

Some Statistics			
	2013	2014	2015 (*to 31.7.15)
Consultations			
Landscape Architect	408	460	289*
Tree Officer	171	182	107*
Ecologist	257	337	223*
Conservation Officer AT	191	196	147*
Conservation Officer GV	159	199	126*
Team manager	72	58	41*
Listed building Consent Applications			
East	66	107	70*
North	73	96	60*
South	32	24	21*
West	93	95	55*
Building Conservation Pre-Apps			
Conservation Officer AT (East & South)	150	162	89*
Conservation Officer GV (North & West)	209	199	65*
Tree Applications			
TPO (works to TPO trees)	61	72	46*
TCA (works to trees in CA)	272	315	132*
HDG (hedgerow removal)	4	10	2*

Specifics from Forward Work Plan includes

- Work in the Local Development Scheme for Spatial Policy: Landscape and Heritage Strategies, detailed site assessments
- Master planning and design input to urban extension sites at Yeovil, Chard, Ilminster etc
- Complete mapping listed building curtilages for Land Charges
- Work towards resolving long-standing listed buildings at risk cases.

- Continue Conservation Area review and appraisal programme - complete review and appraisal for Ilminster and East Coker and appraisal for Charlton Mackrell/West Charlton conservation areas.

Financial Implications

None above the budgeted cost of the service

Corporate Priority Implications

Focus 2 – Enhance the Environment

Carbon Emissions & Adapting to Climate Change Implications)

No adverse implications

Equality and Diversity Implications

No implications indicated

Background Papers: None

Agenda Item 11

SSDC Welfare Advice Work in South Somerset

Assistant Director: Steve Joel, Health and Well Being
Service Managers: Kirsty Larkins, Housing and Welfare Manager
Alice Knight, Careline and Welfare Manager
Lead Officer: Catherine Hansford, Welfare Advice Team Leader
Contact Details: catherine.hansford@southsomerset.gov.uk or 01935 463737

Purpose of the Report

To update and inform Members on the work of the Welfare Advice Team for the financial year 2014/15.

Public Interest

The report gives an overview of the work of the SSDC Welfare Advice Team.

Recommendation

Members are invited to comment on the report

What is the Welfare Advice Team?

The Welfare Advice Team consists of 3.1 full time equivalent staff responsible for undertaking casework for clients across the whole of South Somerset. We provide specialised advice and advocacy; preparing claims, representing clients at Appeals, up to and including First-Tier and Upper Tier Tribunals.

The Team are situated within the Housing and Welfare Service and based at Petters House. We provide advocacy and advice by telephone, appointments at Petters House and the Area Offices and carry out home visits where appropriate.

Annual Statistics

During 2014/15 the Welfare Advice Team undertook casework for **593** clients across South Somerset achieving an Annual Income for clients of **£1,107,762.21**. In addition clients received a total of **£228,864.11** in Lump Sums. Combined total **£1,336,626.32** (at 13/11/2015).

Please note that these figures are provisional due to the time lag involved in benefits being awarded/clients confirming their award. This lag is longer than in previous years due to the extended delays with existing and new benefits (one year for new claims for Employment and Support Allowance (ESA) – although a basic rate is paid until that time). We would expect these figures to show a further increase as 59 cases remain open awaiting outcomes.

We undertook casework for **95** clients in Area North, achieved an annual income of **£126,589.32** and a lump sum of **£24,763.87**, combined total of **£151,353.19**.

Out of the total 593 clients we worked with across South Somerset we helped dispute 50 decisions (Appeals and Mandatory Reconsiderations). This is a drop in previous year's figures as fewer decisions are being made.

At Mandatory Reconsideration stage:

- 21 decisions were successfully overturned
- 3 were withdrawn
- 1 is still outstanding

The unsuccessful MR's, we can progress to appeal (First Tier tribunal) stage, if our clients are agreeable.

Some cases that come to us are already at this stage.

At Appeal Stage:

- 21 cases progressed to Tribunal stage
- 2 were withdrawn.
- 15 were successful
- 5 unsuccessful
- 1 remains outstanding

As before, these figures are subject to change as decisions on open cases are made and progressed as appropriate.

It is also worth noting that of all the 50 disputed decisions, 42 were for disability benefits – 9 Disability Living Allowance, 12 Personal Independence Payment and 21 Employment and Support Allowance.

Where We Are Now.

The 2012 Welfare Reform Act represents the biggest change to the welfare system in over 60 years. All these changes are also taking place against a backdrop of reductions in funding from central government across both the statutory and third sectors.

Passported Benefits

The impact of completely redesigning the whole system of means-tested benefits and tax credits goes beyond those just immediately affected by losing a benefit.

Over time a whole raft of secondary benefits have been developed and eligibility depends on receiving Income Support, income based Jobseeker's Allowance, income related Employment and Support Allowance and Child Tax Credits.

These are known as 'passported benefits' and include free school meals, school travel, prescriptions, dental treatment and other reductions in prices for services, e.g. leisure, Careline etc.

The Social Security Advisory Committee, a statutory independent committee which advises Department of Work and Pensions (DWP) on the operation of the benefits system, has recently produced a report (1) which raises clear concerns about the loss of these passported benefits.

It points out that these benefits make significant contributions to the health and wellbeing of low income families and to preventing child poverty and social exclusion.

If families lose benefits and in turn eligibility for free school meals this also impacts on the overall funding the schools receive in the 'pupil premium'.

In addition if families migrate because of the Housing Benefit caps and other loss of income arising from the reforms, then this will have significant impact sub-regionally and could exacerbate disparities of wealth in rural areas.

The application of the Spare Room Subsidy to Social Housing Tenants (known as the Bedroom Tax) was rolled out from April 2013 and, as of March 2015, 764 tenants in South Somerset experienced a reduction in Housing Benefit as a result of this.

From September 2013, the Benefit Cap (the total amount of benefit that working-age households can receive) was implemented and whilst there were a relatively small number of households affected in the whole Somerset (around 100 by April 2014), South Somerset, as of March 2015 has 27 affected households (2).

This is in addition to households with private tenancies affected by the Local Housing Allowance.

There has been an almost three fold increase in the households in Somerset receiving extra help with housing costs through Discretionary Housing Payments (DHP) in 2013-14 compared to 2012-13. DHP's in South Somerset rose from 230 to 487. (2). The number of households in South Somerset that received extra help through DHP's in 2014/15 was 513.

Saved and Maintained Tenancies

The figures for Saved and Maintained Tenancies for 2014-15 stand at 3 and 21.

Saved Tenancies are those cases which would have resulted in the loss of the tenancy but for the intervention of the Welfare Benefit Team. Maintained Tenancies are those where the Welfare Benefit Team have undertaken a significant amount of work with the clients towards assisting in the successful maintenance of the tenancy.

The cost to SSDC of dealing with a homeless application is estimated at £2,630 per family. The 3 tenancies saved by the intervention of the Welfare Benefit Team equates to a potential saving of £7,890. Further savings were made by the 17 x Maintained Tenancies, as it is highly probable that a number of these would have progressed to the stage of loss of tenancy without early intervention, which is key in the current financial climate.

The need for support for people to retain their homes has never been greater than now given the consequences of Welfare Reform.

Housing Benefit

More recent research from the National Housing Federation (3) shows that middle-income households earning between £20,000 - £30,000 a year accounted for two thirds of all new Housing Benefit claims during the last six years, as the struggle to afford a home gets tougher.

With the proportion of households having to claim Housing Benefit despite being in work

doubling to 22 per cent (one in five) since 2008, the National Housing Federation predicts that this figure could rise to one in three in the next five years. (3).

Here in South Somerset, out of a Housing Benefit caseload of 9,540 (active claims as of March 2015), working age claimants make up 6,052 and of these 2,238 are earning which equates to 23% (higher than the national average) of the total caseload and 37% of working age claimants. This does not include those in receipt of passported benefits who also work.

The estimated cost for a 2 child family if an eviction took place without a homeless application being made is £3,563. The wider social costs in relation to education and health services are estimated to be £4896. (4). In addition the emotional impact on clients' health is considerable.

Becoming homeless is of course the very last resort for families and experience has shown that considerable financial pressure will be absorbed and debt accrued by families before they accept it. The impact of this can be widely felt in families, children and vulnerable adults in these families can be particularly at risk.

Nationally, the number of Housing Benefit claimants who are in work broke the *one million* barrier for the first time when DWP statistics published in November 2013 show that 1,013,822 people in employment were claiming Housing Benefit in August 2013.

DWP statistics published in August 2015 show that nationally, 1,073, 238 people in employment were claiming Housing Benefit in May 2015 out of a total number of 4,865,567 – 22%. Again, this does not include working households who are also in receipt of passported benefits.

Unemployment

Unemployment is not so much an issue in South Somerset as underemployment - few people realise just how many in work rely on Housing Benefit to pay their rent, not to mention earnings top up's such as Working Tax Credits due to typically low wages in the area.

UK figures published in December 2013 found that the largest group in poverty are working age adults without dependent children - 4.7 million people are in this situation, the highest on record. Pensioner poverty is at its lowest level for 30 years. (5).

The Value of Welfare Advice

By ensuring the maximisation of income and helping to challenge decisions, welfare rights services ensure that national government covers such housing costs instead of the council by way of the homelessness route and/or loss in rent collection

The Low Commission, in May 2014, published a major follow up work on the economic value of social welfare advice (6) and presents compelling evidence from different sources that social welfare advice saves public services money. So apart from putting money in the pockets of those who need it, there is also widespread added value from our work.

Looking at all work to date on Cost Benefits Analysis (CBA) and Social Return on Investment data, the report finds that this not only pays for itself, but it also makes a significant contribution to families/ households, to local area economics, and also contributes to significant public savings.

Different studies done in the UK, US, Canada and Australia have all demonstrated similar findings that for every pound or dollar invested, there's a multiple of 10 in the savings produced by, for example, keeping people their homes with jobs and incomes intact rather than having to utilise expensive crisis and emergency services. The review shows that advice across different categories of law result in positive outcomes for clients and their households. (6)

Commenting on the findings Lord Colin Low said:

“This research, carried out independently, demonstrates with hard economics the true value of social welfare advice. It can no longer be argued that funding social welfare advice is too much of a burden on the state. Early and necessary interventions from advice and legal support prevent problems and expense further down the line”

Partnership Work

Co-ordinated joined up working with other agencies is now more important than ever with the emphasis on making advice more accessible in rural areas and taking service out across the district. We are striving to maintain and improve ways where we can complement each other's services, focusing on each agencies strong points, exploring new technologies and access routes and better referral systems.

We are also working in conjunction with other advice agencies on Social Policy issues. The agencies we work with, such as the National Association of Welfare Rights Advisers and Citizens Advice Bureaux campaign on a national level, which we feed into, as well as highlighting individual cases via the local MP's.

Our partner agencies include South Somerset CAB, Age UK, Yarlinton Housing Group, South Somerset Mind, Village Agents and many more.

Case Studies and Feedback

The advice we provide helps our clients get back on their feet again and encourages them to be pro-active as we try to empower and avoid over dependence.

This local face to face responsive support has become more essential as more and more services are rolled out digitally or through central processing centres.

This is highlighted in the feedback we receive from our clients.

- *“The welfare was excellent help. Everything was brilliant. Thanks for all the help and care, we appreciate it. God bless you.”*
- *“Catherine was brilliant, if I'd met her a while ago life would have been a lot easier. Very motivated, positive, helpful and friendly. Can't thank her enough.”*
- *“From the start of the process I felt supported. Andy explained every step thoroughly to me and answered any questions. Huge thanks to Andy, I was extremely happy with the service I received. I would recommend highly.”*

- *“The lady who called on us (Helen) was wonderful I cannot commend her enough.”*
- *“Helen Parrott was very kind, caring and professional. She filled in my claim form making sure to include every comment. She didn’t rush me and made sure the questions were answered in my own words. I would recommend Helen to other people, she made a stressful time more relaxed by her caring nature.”*
- *“Thank you for the excellent service - you’ve been very helpful”*
- *“Excellent service provided by Andy Pennington, with regular updates until all benefits were received.”*
- *“My case worker was very efficient and helpful”*
- *“Thank you very much for the assistance gave to me. I am very happy for your supporting and your kindness.”*

Case Study

Philip is 25 years old with Noonan’s Syndrome – a genetic disorder with a wide range of symptoms including mental health and learning difficulties, anxiety and depression.

As a result Philip is significantly limited in his mental state, struggling with day to day activities that most of us take for granted – reading, cooking meals, budgeting, as well as personal care.

Philip was in supported temporary housing following homelessness due to not coping with managing his finances. He signed off of Employment and Support Allowance (ESA) and on to Jobseeker’s Allowance (JSA) because he wanted to work, unaware of the strict requirements he would be subjected to.

Philip had previously gained employment but was unable to hold down a job because of the amount of support he needed to do so –navigating the route to work, using public transport, getting himself organised etc etc.

Philip was referred to us in November 2014 by adult support services in who had been working with him for some time.

We suggested that he move back on to ESA and explained he could still look for work whilst claiming this benefit but he would be given appropriate support to do so.

Philip re-claimed ESA and we also helped him put in a claim for Personal Independence Payment (PIP) which is a non-means tested benefit that has replaced Disability Living Allowance.

Unfortunately Philip was turned down for PIP, with points scored for difficulties with budgeting and reading. We helped him request a Mandatory Reconsideration (MR) of this decision and provided additional medical evidence as well as a written submission in support of an award.

Unfortunately the original decision was upheld in March 2015 and by this time Philip's situation was causing him significant distress. His depression worsened and he started forgetting appointments.

Philip's stepmother intervened and made contact with us. With his permission we worked with her to help him through what was a difficult time. He was still only receiving the assessment phase amount of ESA (£72.40 per week) and struggling financially.

Philip's Tribunal Hearing was finally listed in August 2015 and the panel awarded him points for difficulties with cooking a simple meal, managing his therapy, washing and bathing, reading, budgeting and planning the route of a journey. This amounted to an additional £102.85 per week plus the addition of a Severe Disability premium of £61.10 per week.

At this time Philip's ESA was still in the assessment phase and he had not had a medical. We forwarded the Tribunal's PIP decision with the medical evidence and a covering submission to the DWP Medical services who took this on board and made recommendation to the DWP without the need to a face to face medical.

Subsequently Philip was placed in the ESA Support Group amounting to an additional £51.30 per week.

As a result of the work we carried out, Philip has an increased annual income of £11,193 plus back paid benefit in the sum of £11,282. He has successfully moved into permanent accommodation with a Registered Social Landlord and continues to be supported. This has also had a significant positive impact on his mental health.

Corporate Priority Implications

Council Plan 2012-2015:

Focus 3: Homes

Focus 4: Health and Communities

Equality and Diversity Implications

The work within the Welfare Advice Team brings us into daily contact with vulnerable clients, people with disabilities and non-English speaking communities.

Financial Implications

None

Carbon Emissions and Climate Change Implications

None

Background papers;

- (1) *Universal Credit: the impact on passported benefits*, Report by the Social Security Advisory Committee, DWP, March 2012
 - (2) Somerset Welfare Reform Impact Monitoring 2013-14
 - (3) *Broken Market, Broken Dreams*, Home Truths 2014/15, report by the National Housing Federation 2014
 - (4) Somerset Community Legal Service Partnership: County Court Project
 - (5) *Annual Monitoring Poverty and Social Exclusion 2013* published by the Joseph Rowntree Foundation and written by the New Policy Institute (08/12/2013)
 - (6) *Social Welfare Advice services – A Review* by Graham Cookson, an economist at the University of Surrey
-

Agenda Item 12

South Somerset Careline Annual Report 2014/15

Assistant Director: Steve Joel, Assistant Director (Health and Well Being)
Head of Service: Kirsty Larkins, Housing & Welfare Manager
Service Manager: Alice Knight, Careline & Welfare Manager
Contact Details: Alice.Knight@southsomerset.gov.uk Tel: 01935 462943

Purpose of the Report

Alice Knight, Careline & Welfare Manager will attend the meeting to give a presentation and update members on the South Somerset Careline service. A copy of the South Somerset Careline Annual Report 2014/15 has been circulated to members prior to committee. (Hard copies will be available at committee).

Recommendation

That members note the South Somerset Careline Annual Report 2014/15.

Background

South Somerset Careline is run by SSDC's Housing & Welfare team based at Petter's House. Work undertaken includes:

- Currently supporting **2,074** people across South Somerset to remain living independently at home.
- Careline provides clients with an emergency alarm pendant which links directly through to our 24-hour care centre, based at Sedgemoor District Council.
- When a client needs help, we are able to summon help immediately, through a friend, neighbour, relative or the emergency services.
- We also offer a range of Telecare equipment such as falls detectors, epilepsy sensors and bed sensors, linked to customers Careline alarms
- In 2014, our care centre took **38,556** calls for South Somerset Careline clients.
- We take approximately **50** new referrals a month from carers, social services, Occupational Therapists, GP's, fire service, family members and individuals.
- In 2014/15 we installed **508** alarms, averaging **42.3** new service users a month.
- **98.5%** of Careline customers are very satisfied or satisfied with the service.
- In 2014/15, the service cost **£207,931** to run; in the same year the service generated **£357,798** income for SSDC.

Financial Implications

None

Council Plan Implications

- To make optimum use of resources for home adaptations every year to enable people to live independently.

- To support communities which are healthy, self-reliant and have individuals that are willing to help each other

Carbon Emissions & Climate Change Implications

None

Equality and Diversity Implications

Our service provides support for people to remain living independently in their own homes. The majority of our customers are elderly – 75% of our customers are aged 80 or over. However there is no age limit for our service and we support many customers who have physical and/or mental disabilities.

South Somerset Careline

Annual Report
2014/15



A full copy of the South Somerset Careline Annual Report 2014/15 is available to view with this agenda on the SSDC website at: <http://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=129&MId=1680&Ver=4>



Agenda Item 13

Area North Committee – Forward Plan

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

Purpose of the Report

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

Public Interest

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

Recommendation

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

Area North Committee Forward Plan

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

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

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

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

Background Papers: None

Area North Committee Forward Plan

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

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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
16 Dec '15	Citizens Advice South Somerset	Presentation to provide an update about the work of the Citizens Advice Service in South Somerset.	David Crisfield, Third Sector and Partnerships Manager, and a representative from South Somerset CAB.
16 Dec '15	Community Offices	Update report about SSDC Community Offices	Lisa Davis, Community Office Support Manager
16 Dec '15	Neighbourhood Policing – Area North	An overview of local crime and community safety priorities	Sgt Dean Hamilton – Area North Neighbourhood Policing team
16 Dec '15	Licensing Service	Update report on the Licensing Service.	Nigel Marston, Licensing Manager
27 Jan '16	Affordable Housing Programme – Area North	Update report on affordable housing in Area North.	Colin McDonald, Corporate Strategic Housing Manager
27 Jan '16	Environmental Health Service	Service update report.	Alasdair Bell, Environmental Health Manager

<i>TBC</i>	<i>Endorsement of Community led Plans</i>	<i>Curry Rivel Parish Plan South Petherton Parish Plan and Neighbourhood Plan</i>	<i>Charlotte Jones, Area Development Manager (North)</i>
<i>TBC</i>	<i>Countryside Service</i>	<i>Update report on the work of the Countryside Service</i>	<i>Katy Menday, Countryside Manager</i>

Agenda Item 14

Planning Appeals

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

Purpose of the Report

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

Public Interest

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

Recommendation

That members comment upon and note the report.

Appeals Lodged

15/03025/OUT – Land opposite Hamlyns Farm, Long Load.
Proposed demolition of dilapidated farm buildings and erection of 2no. detached and 2 no. semi-detached dwellings on land opposite Hamlyns Farm.

Appeals Dismissed

14/05005/OUT – The Oaks, Sandpits Hill, Curry Rivel.
Outline application for the erection of a dwelling and the provision of a vehicular access, all matters reserved.

Appeals Allowed

None

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

Appeal Decision

Site visit made on 5 October 2015

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

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

Decision date: 10 November 2015

Appeal Ref: APP/R3325/W/15/3011490

The Oaks, Sandpits Hill, Curry Rivel, Langport, Somerset TA10 0NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr David Elphick against the decision of South Somerset District Council.
 - The application Ref 14/05005/OUT, dated 30 October 2014, was refused by notice dated 5 January 2015.
 - The development proposed is *Outline planning application* for a single storey two bedroom dwelling with a separate detached garage with all matters reserved.
-

Decision

1. The appeal is dismissed.

Procedural matters

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

Main Issues

4. In view of the above, the main issues are: firstly, whether any adverse impacts of allowing the appeal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; and, secondly, whether the scheme should contribute towards the provision of affordable housing in the district.

Reasons

Sustainable Development

5. The appeal site comprises a former orchard lying adjacent to the appellant's property and the neighbouring bungalow and garden of Pippins. Its rear boundary backs onto Hylands that fronts onto the A378. The two other boundaries back onto farmland. The property forms part of a grouping of some nineteen properties between Curry Rivel and Langport. As such, the appeal scheme would clearly not be an isolated dwelling. Curry Rivel has a good range of community and service facilities. Certainly, this village already contains a number of services that the Council considers key to allowing new housing development within Rural Settlements where appropriate. Although there is some distance between the outer built up area of Curry Rivel and the appeal site, it does lie within reasonable walking distance to Curry Rivel (roughly 800 metres, which is seen as an acceptable distance to walk in Manual for Streets) and there is a bus route that connects with the larger settlement and Market Town of Langport. The appeal site is therefore not in an unsustainable location.
6. Although the Council suggests that the development would constitute undesirable backland development, the site relates well to the existing built form and would not represent significant encroachment into the surrounding countryside. Also it is well screened from the public footpath and surrounding farmland; the low form of development proposed would sit comfortably alongside the existing built form and would not harm the character or appearance of the area.
7. Albeit only one dwelling, the appeal scheme would see the site coming forward in the right place at the right time in line with the economic role of sustainable development and the Government's aim of boosting significantly the supply of housing. In view of this and my findings above, the proposal would be sustainable development and the benefits of that would not be significantly and demonstrably outweighed by any adverse impacts. Moreover, given the site's discreet location, the development would comply with LP Policy EQ2 which requires development to reflect local distinctiveness and preserve or enhance the character and appearance of the area.

Affordable Housing

8. Notwithstanding my findings above, the ability of an otherwise acceptable housing development proposal to contribute towards delivering the Council's housing need including, affordable housing, would constitute a significant benefit in terms of paragraph 14 of the Framework. Policy HG4 from the LP legitimately seeks appropriate levels of contributions from sites such as this towards affordable housing in the district. The mechanism to secure this is an obligation under S106 of the 1990 Act. In the absence of this, which is necessary to make the development acceptable in planning terms, the scheme is in conflict with the affordable housing aims of LP policy HG4.

Other matters

9. The family need for the new dwelling is noted. However, in view of the fact that development of the site would be acceptable in principle, this background

has only a neutral effect in the overall planning balance and so it does not sway my findings one way or the other.

10. My attention was drawn to the possibility of problems arising from surface water run-off from the existing unmade lane. However, no evidence has been presented to demonstrate that problems of this nature are bound to occur; moreover it is noted that the Council's planning case officer did not express any concern. I am not persuaded that this is a matter that would prevent development occurring at the appeal site.
11. The issue of whether the permitting of this development would establish a precedent whereby other proposals would follow was also raised by local residents. However, given the specific characteristics of the appeal site and its particular form, this is not an issue that would prevent an acceptable form of development taking place at this location.

Conclusion

12. Notwithstanding my positive finding about the sustainable form of development, the conflict with the affordable housing aims of LP policy HG4 is the prevailing consideration. Thus, having had regard to all other matters raised, it is concluded that the appeal should be dismissed.

Gareth W Thomas

INSPECTOR

Agenda Item 15

Schedule of Planning Applications to be Determined by Committee

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

Purpose of the Report

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

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 4.00pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 3.50pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
16	MARTOCK	14/04723/FUL	Residential development of 49 dwellings, public open space and associated infrastructure, including drainage attenuation pond.	Land OS 6375, Ringwell Hill, Bower Hinton.	Mr R Mead
17	ISLEMOOR	15/02218/FUL	Change of use of land to provide 2 additional Traveller pitches comprising 2 No mobile homes; 2 No touring caravans and associated hardstanding.	Crimson Orchard, Top Road, Curry Mallet.	Mr J Carson
18	CURRY RIVEL	15/04390/FUL	Conversion and extension of former waterworks spot into residential dwelling in erection of a double garage.	Former Environment Agency, Back Lane, Curry Rivel.	Mr J Conway

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

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

Agenda Item 16

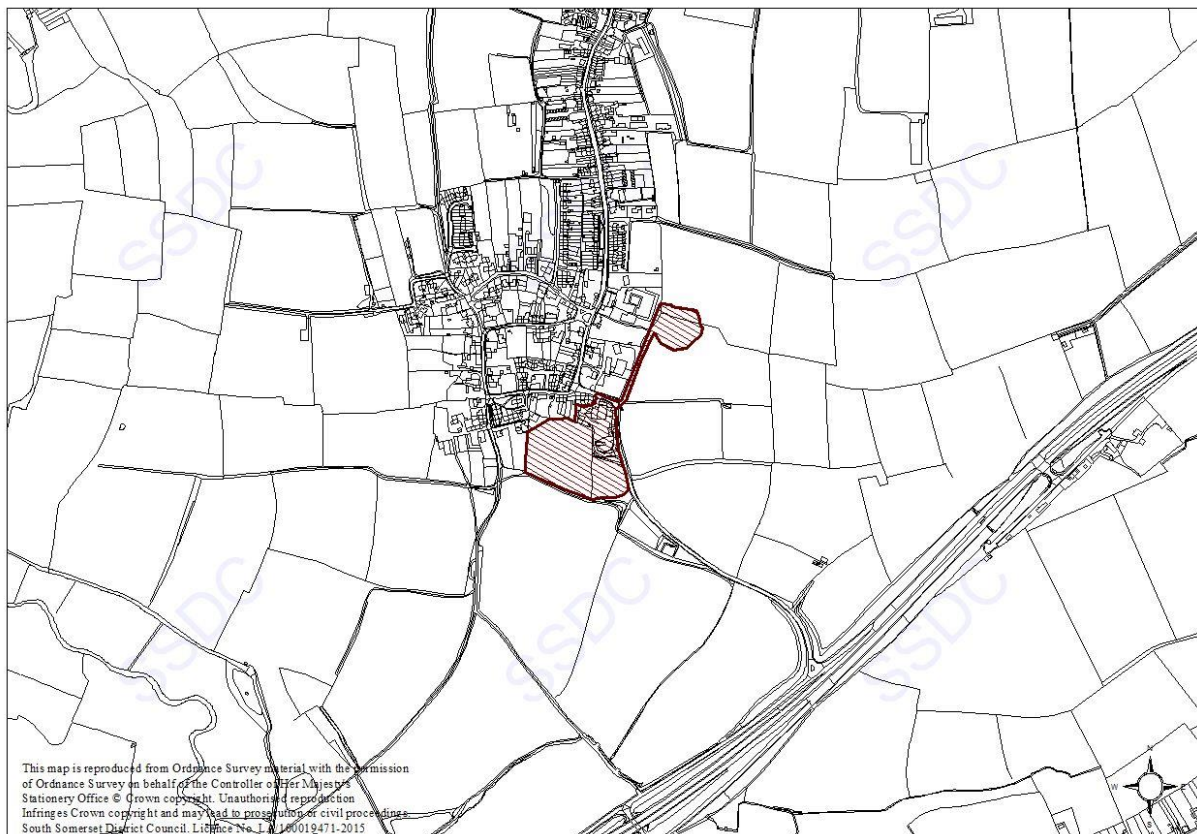
Officer Report On Planning Application: 14/04723/FUL

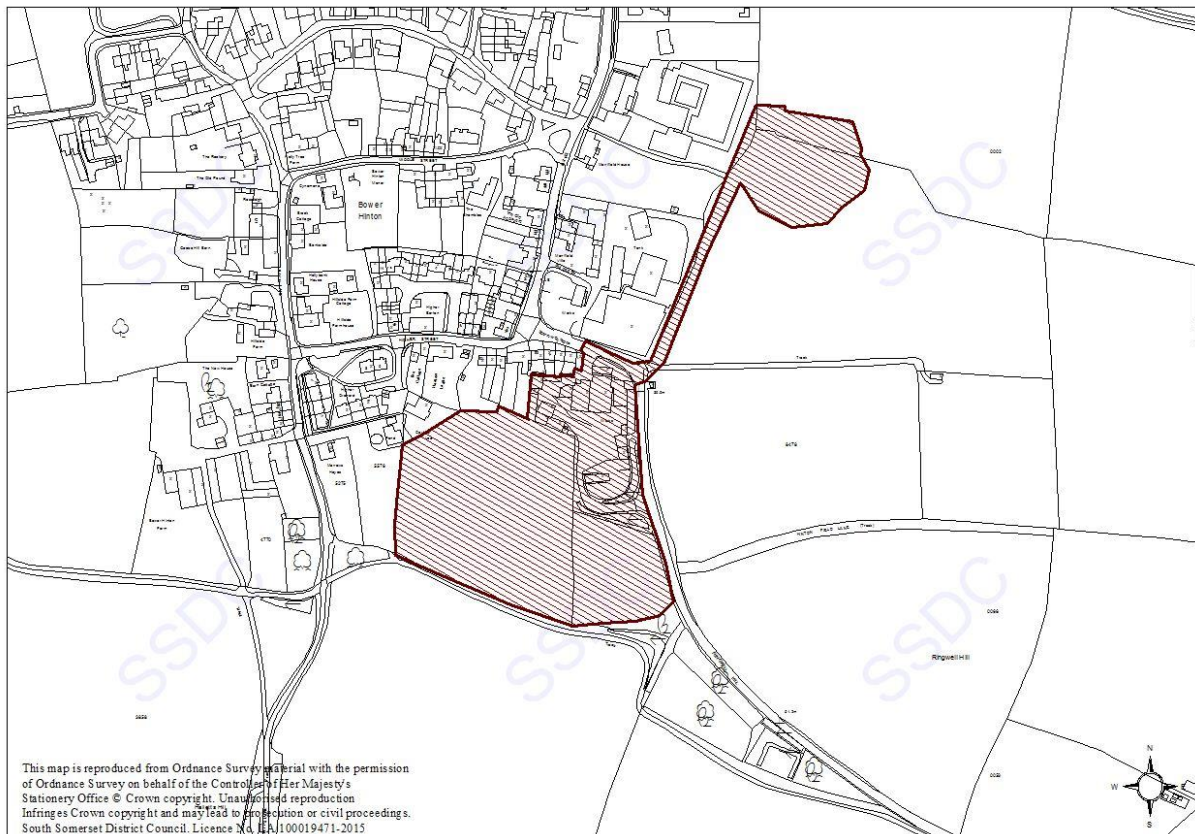
Proposal :	Proposed residential development of 49 dwellings, public open space and associated infrastructure, including drainage attenuation pond (GR: 345626/117743)
Site Address:	Land OS 6375, Ringwell Hill, Bower Hinton.
Parish:	Martock
MARTOCK Ward (SSDC Members)	Cllr Graham Middleton Cllr Neil Bloomfield
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	20th January 2015
Applicant :	Mr Richard Mead
Agent: (no agent if blank)	Alex Bullock, WYG, Hawkridge House, Chelston Business Park, Wellington TA21 8YA
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee as the recommendation to approve is contrary to saved policy MART/ME/2 of the Local Plan.

SITE DESCRIPTION AND PROPOSAL





This 3.08 hectare site is located in the southern part of Bower Hinton. The main part lies to the west and south of the B3165. It is bounded to the north by the rear of properties on Higher Street (the B3165), to the east by the B3165, to the south by agricultural land, and to the west by the rear of houses on Back Lane and Higher Street. The existing boundary treatments are hedges and trees to the south and west, the vegetated and banked road side back to the east and a variety of domestic garden boundary treatments to the north.

The site is fairly level along its southern edge with a general fall towards the north east, where there are a number of single storey farm and industrial buildings. Along the north east and east boundary the site is elevated approximately 3m above the road. There are views to the north from the southern part of the site.

The second part of the site lies to the North of the B3165, to the rear (east) a group of industrial buildings. Vehicular access to the main part of the site is from the B3165 to the east and there is a pedestrian access to the north to North Street. There are public rights of way along the southern boundary of the main part of the site and the western boundary of the second part of the site.

The site is c.0.6km north of the A303 and about 2km from the village centre and is currently used for employment (B1/B2/B8) uses and agricultural purposes (grade 3 land). It is adjacent to the conservation area and although the existing industrial buildings are unlisted there are listed buildings on the northern boundary of the main part of the site which is allocated for employment uses in the local plan

The proposal for 49 dwellings and associated access via the existing access on the main part of the site and drainage works on the second part of the site to the north of the B3165. An area of off street parking would be provided within the site for residents of existing properties fronting onto Higher Street. The dwellings comprise:-

- 27 x four-bedroom houses
- 7 x three-bedroom houses
- 9 x two-bedroom houses (including 6 bungalows)
- 6 x one-bedroom flats

131 parking spaces would be provided for the houses, together with 10 visitor spaces and 12 spaces for existing residents of Sparrow Cottages. An area of open space, including a LEAP, would be provided on the Ringwell Hill Frontage.

The application is supported by:-

- Design and Access Statement
- Planning Statement
- Transport Statement (updated July 2015)
- Statement of Community Involvement
- Commercial Assessment & Viability Report
- Ecological Impact Assessment
- Flood Risk Assessment (updated July 2015)

During the application a great crested newt mitigation proposal, a Heritage Statement and Impact Assessment, additional marketing information regarding the existing employment buildings and an amended off site highways works plan has been provided. Reconsultations have been carried out. A request was made to English Heritage to list the existing industrial buildings, however this was rejected.

RELEVANT PLANNING HISTORY:

05/00887/OUT: Proposed new industrial development and works to highway. Area North committee resolved to approve this application in July 2005. This was subsequently ratified by the Regulation Committee on 21/02/06 subject to a conditions and a s106 agreement. The S106 provided for:-

1. Widening of the carriageway at the Ringwell Hill and the provision of a footway north from the site access or the contribution to the cost doing so.
2. The contribution to the costs of any necessary TROs to cover weight and speed restrictions:
3. a Routeing Agreement so that HGVs will access via the A303.
4. The contribution to the costs of providing additional signage.
5. Travel planning.
6. Maintenance of the landscape buffer zones.

The conditions included:-

19. 30m landscape buffer to the north and west side of the site
28. Restricted working hours – 0800-1900 Mon-Fri and 0800-1300 Sat
29. No deliveries outside these hours
30. No external equipment
31. No air extraction system
32. No outside working
33. No outside storage

The applicant disputed conditions 28 and 29 contending that they were unreasonable and unnecessary and would render the proposal unviable. The matter was reconsidered by Regulation Committee on 17 July 2007 when it was reported that the Environmental Health Officer objected to the variation to conditions 28 and 29. Members resolved that “*amendments to Conditions 28 and 29 of planning permission granted on 21st February 2006 be refused.*”

Following this second resolution additional information was sought regarding the possible impact on protected species (great crested newts). At the time the applicant was keen to progress the proposal, however due to the restrictive conditions it was felt that the employment permission would not be viable and no progress was made. The application however has not been withdrawn and the resolution to approve industrial development on this site remains.

941451 Outline permission granted for light industrial development of land along the B3165 frontage. This was subsequently renewed in 1997, 2000 and 2003 but not implemented.

POLICY

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

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006-2028 (adopted March 2015).

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

SS1 – Settlement Strategy – identifies Martock/Bower Hinton as a rural Centre

SS3 – Delivering New Employment Land – sets out a need for 3.19 hectares of additional employment land for Martock/Bower Hinton over the plan period. To date 1.45ha has been delivered with the remaining 1.74ha to be delivered between now and 2028.

Policy ME/MART/2 of the previous local plan has been saved and forms part of employment land commitments at Martock in Policy SS3. This states that:-

Land west of Ringwell Hill (also known as land south of Higher Street), Bower Hinton, Martock amounting to 1.8 hectares (4.4 acres) is allocated for employment use (class B1, B2 and B8 uses). The development will be subject to the following:

- *Existing vehicular access to be upgraded;*
- *Landscaped buffer zone along northern and western boundary between existing settlement and proposed development;*
- *Retain and substantiate existing hedgerow along eastern and southern boundaries;*
- *Landscaping along southern boundary on land to east.*

SS4 – District Wide Housing Provision – sets the overall target for the delivery of at least 15,950 houses over the plan period

SS5 – Delivering New Housing Growth – sets out a need for at least 230 houses in Martock/Bower Hinton over the plan period. As at March 2015 77 dwellings had been completed in the first 9 years of the plan period, with a further 196 committed (i.e. under construction or with extant permission), meaning that around 273 are already being ‘delivered’ at Martock.

SD1 – Sustainable Development

SS6 – Infrastructure Delivery

SS7 – Phasing of Previously Developed Land

EP3 – safeguarding Employment Land

HG2 – The Use of Previously Developed Land for New Housing Development

HG3 – Provision of affordable Housing

HG5 – Achieving a Mix of Market Housing

TA1 – Low carbon travel

TA4 – Travel Plans

TA5 – Transport Impact of New development

TA6 – Parking Standards

HW1 – Provision of open space, outdoor playing space, cultural and community facilities in new development

EQ1 – Addressing Climate Change in South Somerset

EQ2 – General development

EQ3 – Historic Environment

EQ4 – Biodiversity

EQ5 – Green Infrastructure

EQ7 – Pollution Control

National Planning Policy Framework

Part 1 - Building a strong, competitive economy

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting Healthy Communities

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

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

Other Material Considerations

On 3 September 2015 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 47 of the NPF. In such circumstances paragraph 49 is engaged, this states:-

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

CONSULTATIONS

Martock Parish Council – initially recommended refusal on the grounds:-

1. *The development would be unsustainable due to:*
 - a) *the distance the nearest general food store and other amenities, including the surgery, are over 2000m away, (Bower Hinton Stores having closed), the primary school is 2,600m away.*
 - b) *The pavements from the site down to the centre of Martock are narrow, missing on some stretches and change sides 4 times requiring multiple road crossings by pedestrians.*
 - c) *There are only 3 buses per day into the centre of Martock*
 - d) *Cycling is very difficult due to the steepness of the incline of Main Street, the parked cars narrowing the road in several spaces to 1 vehicle width and the traffic on 2 blind corners.*

Therefore the site lacks realistic sustainable transport options other than the predominant use of the private car, contrary to the objectives of Policy ST3 and ST5.
2. *The loss of the existing employment land and industrial buildings which until recently employed over 20 people. The emerging Local Plan has proposed that in line with the target 230 dwellings there be a provision for 3.19 ha of new employment land required in the parish to encourage the provision of 163 additional jobs to maintain the sustainability of the settlement through to 2028 to retain the existing level of self-containment. This application loses nearly a hectare of existing employment land.*
3. *Demolition of existing heritage/ industrial landmark buildings; at least one of which is understood to be listed.*
4. *The development would not maintain the environment in that it is sited on rising ground above the existing residential area of Bower Hinton, losing agricultural land.*

In relation to the revised off-site footpath improvements:-

“The Parish Council considers that it has not received sufficient advice from County Highways to make an informed decision, and is therefore prepared to accept the proposal which SSDC considers to be the safest option for all users based on County Highways advice.”

SCC Highways Officer - initially requested additional information regarding the pedestrian access, visibility splays and the suggested TROs. A number of technical issues and travel plan failings were identified. Following the submission of amended plans the County Council raises no objection, subject to:

- the applicant entering into a s106 agreement to secure:
 - the off-site highway works, including the proposed north-south footpath link, associated works to improve pedestrian safety on the section of B3165 north of the development, visibility splays and proposed change to extent of 30mph speed limit; and
 - the travel plan; and
- conditions and informative notes relating to highways, access and parking being attached to any permission granted by your authority:

Comments awaited at the time of writing in relation off site footpath improvements.

Highways Agency – no objection.

SSDC Policy Officer – No objection to the number of houses, which, given the permissive approach of SS5 and other permitted schemes, is felt to be appropriate to Martock. However concern was raised to the loss of employment land:-

“employment land completions and commitments in Martock (2006-2013) have no way near exceeded the minimum figure (0.27 hectares completed), which already illustrates an imbalance in favour of residential growth, and the loss of this site will have a further impact on this position.

“The site is identified for employment use as explained, and paragraph 19 of the NPPF is clear that the planning system should do everything it can to support sustainable economic growth. Local Plan Policy EP3 seeks to protect employment land. It should be noted that Policy EP3 allows residential redevelopment where there is an identified need for additional housing which overrides the economic reasons in favour of retention of the land. Given the above, I do not believe that such a case has been made and the applicant makes little reference to the need for the allocated site, although a marketing exercise has been undertaken for the existing employment site (Sparrow Works) which colleagues in Economic Development are commenting on. Rather than addressing the loss of employment land, the applicant argues that the residential development of the site is acceptable on the basis that the Council lack a 5 year land supply. Insufficient detail has been provided by the applicant to comply with Policy EP3.

“On the basis of the above, the application appears not to be in compliance with para 19 of the NPPF and Local Plan Policies SS3, SS5 and EP3.”

Subsequently, and in light of the updated market appraisal, which suggests that the previously approved commercial scheme would not be viable in the current market, it is observed:-

“Discussions with colleagues in Economic Development suggest that the commercial assessment and viability assessment is robust, however I would urge them to provide a formal response on this matter as it is crucial to the judgement that needs to be made when assessing this site and its future development.

“As explained in my earlier comments, the site contributes to the supply of employment land in Martock. There is a requirement for 3.19 hectares of employment land over the plan period to support 99 B use jobs. Only 0.27 hectares had been completed between 01/04/06 and 01/09/14. An application has been submitted for 1.29 hectares of land to support 6 additional jobs (15/01865/OUT) this is currently pending consideration.

“The application is contrary to the Local Plan as previously stated, but if this site is unviable for commercial development, being mindful of the NPPF and in particular paragraphs 14 and 22, a judgement needs to be made as to whether the application should be determined in accordance with the Local Plan or whether the further evidence equates to material considerations that indicate otherwise (para 210, NPPF).”

Economic Development – considers the marketing appraisal to be reasonable. Whilst the site maybe identified for employment land it is not considered that it would sustainable to argue against the appraisal.

Area Development – No comments received.

SCC Drainage (as LLFA) - Comments awaited.

SSDC Engineer – accepts strategy and proposals set out in FRA, subject to agreeing technical detail and future management by condition. Requested clarification of outfall from attenuation pond.

Wessex Water – no objection subject to surface water being kept out of the foul sewerage system and no buildings or new trees with 6m of water mains. Any improvements required to the supply network can be requisitioned under the Water Industry Act 1991.

Somerset Drainage Boards Consortium – no objection subject to agreeing technical details.

Environment Agency – no objection subject to conditions to secure agreement of technical details and future management of drainage system.

SSDC Landscape Architect – Considers that:-

“This is a site that has never been favoured in landscape terms, and the allocation of the site as employment land within the current local plan was made without landscape support. In landscape terms, this is not a favoured development site, given its topographical prominence relative to the existing residential edge; whilst in relation to the conservation area, which lays immediately to the north west of the site, it lays above the general level of Bower Hinton’s historic core, for any potential development at this elevation to be at variance with that of the settlement. This incongruity has the potential to be quite imposing in close proximity, and can be viewed as incongruously sited when seen at distance from the Foldhill Lane area, and from ROWs to the east. Consequently whilst there is no substantive landscape issue with redeveloping the existing Works area, the larger, more elevated land to the south is not considered to have a sympathetic correspondence to the conservation area, and generally has a tenuous, peripheral relationship to the settlement as a whole.

“Putting the issue of principle aside, I can say advise that the submitted proposal has addressed a number of my previous concerns, in that (i) the built edge is pulled back from the east boundary, to avoid over-dominance of built form along this edge (due to the level differential relative to the road); (ii) the badger sett in the southeast corner is accommodated within an open space area, and (iii) existing and proposed planting within the open space area assists with playing down site profile as viewed from the east and southeast; and (iv) housing along the southern – elevated – boundary is well broken, to ensure that housing mass is not too prominent against the skyline.

“I note that a comprehensive landscape proposal is offered – drawing no; 624 01B. Other than the use of betula and sorbus within the tree planting, which are not typical of the locality; nor suited to the local soils, nor offer long-term presence, and thus should be omitted, the remainder of the proposal is sympathetically designed. If you are minded to approve, please condition that once amended, the landscape plan is implemented in full on completion of the construction works. If the build-out rate is likely to take longer than 18 months, such planting should be phased, to tally with development progress on site.”

Subsequently a revised landscaping scheme has been provided. Whilst a landscape objection is maintained it is accepted that the amended scheme overcomes previous concerns about the planting schedule.

SSDC Conservation Officer – initially raised concerns about the loss of the historic industrial buildings and requested a historic evaluation of these structure., observing:-

“As this application stands I cannot support the principle of the complete demolition of this historic complex and am of the view that a more responsive approach would be a scheme of conversion that retained the most interesting elements and preserved the established character of the building group as espoused by NPPF 17 to encourage the reuse of existing resources including conversion of existing buildings”

Considers the modified layout to better reflect the intricate interest of the spaces within the historic setting. However the design of the buildings proposed to replace the heritage assets, although attempting to invest some reference to the historic character, remains unconvincing.

Somerset Industrial Archaeological Society – object to the wholesale redevelopment of Sparrow’s site and to the demolition of the buildings in particular. Retention and conservation of the existing buildings should be included along with full archaeological investigation and recording. Suggest that should this application be approved SIAS would press for:-

- *A buildings survey by photography and selective drawings with descriptions and historical associations where known. The Society would be looking to the standard of the Viney Bridge Report by Richard Sims.*
- *On the basis of this and additional research the buildings on site could be thoroughly assessed and where possible earmarked for conversion rather than demolition.*
- *Under the National Policy Planning Framework (Section 12: Conserving and Enhancing the Historic Environment) there already appears to be the case that some buildings could fall within the category of **non-designated historic assets**.*
- *It would be expected that the PA would contain a full Heritage Statement recognising past uses and a Design & Access Statement to show how parts of the site could be suitably merged with the proposed modern development.*
- *Any permitted development work would include archaeological monitoring for sub-surface features with keyhole excavations for interpretation where appropriate.*

SCC Archaeologist – initially requested further details on any archaeological remains prior to determination of the application.

SSDC Ecologist – notes the recorded presence of great crested newts in a garden pond on adjoining land and the destruction of a bat roost in one of the existing building. It was initially recommended that outline mitigation proposals for great crested newt be agreed before the application is determined. Subsequently it was confirmed that the additional information provided is acceptable and that Great Crested Newts are very unlikely to be detrimentally affected by this proposed development. The impact on bats needs to be assessed against the Habitats Regulations, however subject to this no objection is raised subject to safeguarding conditions

Somerset Wildlife Trust – no objection subject to safeguarding.

Natural England – recommended that the possible impact on Great Crested Newts be fully investigated prior to determination.

SSDC Climate Change Officer – does not support this application as currently presented because:-

“the opportunity to maximise solar orientation within the constraints of the site has not been taken and despite the text presented in the DAS, sustainability (e.g. energy and carbon balance) is dealt with unsatisfactorily as an afterthought rather than the initial

design principle it should be.”

SSDC Tree Officer – considers trees by their access to be of value and has placed a provisional TPO on the site.

SSDC Environmental Protect Officer – no objection subject to conditions to cover possible contaminated land and construction management

SCC Rights of Way – no objection subject to works on encroaching the footpaths.

SCC Education Officer – originally considered that:-

“A development of 49 dwellings would be expected to require 10 primary school places. Whilst there are a small number of places currently available at Martock CE Primary School, these would not be sufficient taking into account the approved developments of 95 dwellings in Coat Road (13/02474/OUT), and the 35 at Lyndhurst Grove (13/01500/OUT); and there would be a shortage of school places.

“The County Council will therefore require financial contributions to mitigate the additional pressure arising from this scheme. The cost attributable to each new primary school place is £12,257, so contributions totalling £122,570 would need to be secured through a Section 106 agreement.

“Martock is also short of available pre-school places for 3-4 year-olds. This development would equate to about one-and-a-half places being required to meet additional demand, with the capital cost per place also of £12,257, so an additional £18,385 would need to be secured.”

Subsequently it has been confirmed that the cost per place has risen to £14,007, equating to a total of £161,080.

SSDC Housing Officer – requests 17 affordable houses as follows:-

- 6 x 1bed (2 person)
- 5 x 2 bed (4 person)
- 5 x 3 bed (6 person)
- 1 x 4 bed (8 person)

SSDC Leisure Policy: requests a total contribution of £107,361 (£2,191 per dwelling) as follows:-

- Provision of a 500m² LEAP on site with 30m buffer zones to dwellings to be provided and maintained by the developer.
- £18,719 towards enhancement of existing pitches at Martock Recreation Ground;
- £38,005 towards the provision of new changing rooms at Martock Recreation Ground;
- £16,414 as a commuted sum towards the above local facilities
- £24,524 towards the provision of a new community/youth centre at Martock Recreation Ground;
- £8,636 towards the development of new indoor swimming pool in the Langport/Huish Episcopi area or towards the development of a centrally based 8 lane district wide competition pool in Yeovil.
- Monitoring fee of £1,063

REPRESENTATIONS

67 objection letters and 4 letters commenting on the application have been received raising the following concerns:-

- Loss of employment space/employment allocation
- Narrow roads ill-suited to additional traffic, particularly larger vehicles, to due existing levels of traffic and parked car through Bower Hinton
- Loss of on street parking, passing and manoeuvring space if large bell-mouth junction at Bower Hinton/Higher Street is reconfigured
- Increased surface water run-off and risk of flooding
- Impact on protected species – bats, badgers and great crested newts
- Impact on all other wildlife
- Existing infrastructure (doctors surgery, school, roads) cannot cope
- Lack of facilities to serve additional residents (no post office, only a small shop, limited village centre parking etc.)
- New residents would simple leave via the A303 and bring nothing to Martock
- Housing not needed
- Unsustainable out commuting
- Lack of buses
- Not walkable to village centre facilities and services due to topography, narrow and incomplete pavements and lack of crossing points.
- Cycling to village centre not attractive (steep hill and narrow, heavily parked roads)
- Transport assessment manipulates figures to conclude these isn't congestion in Bower Hinton
- Loss of green field
- Design is poor
- Loss of historic working buildings

In the event permission is granted the following are suggested:-

- 30mph zone to be extended to the south
- Appropriate lighting to be provided
- Suitable visibility required at junction
- Barriers to be provide at junction to prevent users coming straight out onto the B3165
- Footpath should be provided from the pedestrian exit to the path through the village
- Safe crossing should be provided across Higher Street
- New bus stop to be provided at entrance to site
- The road through Bower Hinton/Hurst should be made one-way
- Ringwell hill should be widened
- All construction traffic should access from the A303 to the south
- There is a farm shop in Bower Hinton
- Not all Martock children go to school in the village this site is accessible to other schools

A petition against the proposal, signed by 244 people, has been submitted.

One letter of support has been received in support of the application on the grounds that Martock need to grow to address the shortage of housing. New homes will support new facilities, jobs etc.

Following re-consultations a further 31 letters have been received reiterating previous

comments and maintaining objections. Concern is maintained to the loss of historic buildings. The retention of other buildings is welcome but it is felt that this has not been done sympathetically.

CONSIDERATIONS

Principle

As set out above, the starting point for decision-making is the statutory development plan, which is the South Somerset Local Plan (2006 – 2028). Adopted in March 2015, this provides the policy framework through which to make decisions on whether or not to grant planning permission for development in the district.

However, the lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development fall to be determined in light of Paragraph 14 which states that where development plan policies are out-of-date planning permission should be granted unless:-

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

According to the recent High Court decision (Woodcock Holdings Ltd) in reaching a conclusion on an application, the appropriate weight to be attached to 'out-of-date' housing supply policies needs to be considered in the 'planning balance' of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. In this instance, the site is allocated for industrial development and is adjacent to a Rural Centre where policy SS5 advises that a permissive approach should be taken to housing proposals.

It falls to the local planning authority to strike the appropriate balance between the very clear benefits stemming from the delivery of houses to meet the Council's shortfall and any harmful impacts arising from this proposal. The NPPF is very clear that, without a 5 year housing land supply, housing application should be considered "*in the context of the presumption in favour of sustainable development*" (para. 49) and that any adverse impacts would need to "*significantly and demonstrably outweigh the benefits*" (para.14).

It flows from this that the proposal cannot simply be rejected because it is outside the existing village or that the number of houses might exceed the minimum set out in the local plan. Such an approach could not be justified under either paragraph 14 of the NPPF or policy SS5 of the local plan, the permissive approach of the latter being very similar to the former.

Instead it is necessary to consider whether or not the proposal would be 'sustainable' in light of any harmful impacts, whilst giving significant weight in the planning balance to the benefits of delivering much needed housing.

Notwithstanding local concerns it is accepted that no technical consultee has raised an objection to this proposal, in its own right or cumulatively with the other schemes in Martock, in terms of highways impact, drainage, ecology or archaeology. Furthermore no infrastructure provider has objected to the scheme, subject to appropriate contributions towards education, affordable housing and leisure facilities..

Accordingly subject to appropriate conditions and a S106 agreement to secure planning obligations in relation to education, affordable housing and leisure it is considered that no significant harm would arise in respect to these areas of concern.

Concerns have been raised with regard to the loss of employment land, the cumulative levels of development proposed within Martock/Bower Hinton and to the landscape impact of this proposal. There is also considerable local concern over the highways impact of the proposal. The key issues are considered as follows.

Loss of Employment Land

The proposal would result in the loss of the existing employment space and the local plan allocation. Saved policy ME/MART/2 allocates the undeveloped part of the site as part of the overarching employment growth set out by policy SS3. Policy EP3 sets out the criteria by which redevelopments of employment land will be considered. This sets out a presumption for the retention of existing employment land unless it can be demonstrated that the loss would not *“demonstrably harm the settlement’s supply of employment land/premises and/or job opportunities.”*

The applicant has provided a Commercial Assessment & Viability Report. This concluded:-

“...there is considerable availability of development land and existing buildings nearby, Martock has a 46,294 sq m industrial estate of its own within a mile’s drive, access to this site is not ideal, the northern boundary is adjacent to residential housing and market conditions remain challenging. There are units available within Sparrow Works on the other side of the road and there are many thousands of square feet of available commercial premises within nearby towns, estates and business parks. I do not believe a commercial developer would risk a commercial scheme on this site in the foreseeable future.”

Following the comments of the policy and economic development officer an addendum report has been provided which concludes:-

“This viability appraisal, which could not be undertaken by a more experienced company than Summerfield Developments, clearly supports my view that a commercial development of this site would not be viable in current market conditions. Building materials, construction and infrastructure costs continue to rise, there are no signs of rental and capital value growth in the foreseeable future, interest rates are low which help appraisals at the moment the likelihood is that they will rise soon. I have serious doubt as to whether any developer would take on such a risky project even had a profit been shown.”

It is the view of the author that there are:-

“serious reservations as to whether a commercial development would be economically viable...[and]...I can genuinely see the site remaining undeveloped for many years to come”.

The land owner has also provided evidence of the marketing of premises on the site which states that between March 2013 and summer 2014 just one expression of interest was received. In the view of their agent the limited interest is due to the age and poor configuration of the buildings (it is suggested that it may have reached the end of its useful life).

On this basis it is considered that it would be reasonable to resist the redevelopment of the existing employment site for residential purposes as the applicant has adequately addressed the requirements of policy EP3. Furthermore the reuse of this site would achieve the objectives of policies HG2 and SS7 for the reuse of previously developed land.

With regard to the undeveloped allocation, ME/MART/2, whilst there is a resolution to approve application 05/00887/FUL the previous applicant did not feel this was a viable permission and it is clear from the historic file that there were grave local concerns about the proximity of industrial units to existing dwellings. This is reflected in the onerous operation conditions that were imposed and the large, 30m, buffer between the units and the dwellings. Although the disputed conditions were challenged and the matter reconsidered at a second meeting of the Regulation committee the Council has maintained them.

The Section106 also imposed onerous requirements including the widening of Ringwell Hill and the provision of a foot path north from the site entrance. It seems that the latter could not be safely achieved. Given the viability issues identified by the applicant's agents, the views of the policy and economic development officers and the constraints imposed by the previous resolution it is considered that it would not be reasonable or justifiable to reject the current residential scheme simply because it would result in the loss of the previous unimplementable employment scheme.

Clear evidence has been provided, and accepted, that demonstrates that the delivery of employment space as required by saved policy MART/ME/2 would not be viable or likely to come forward. No evidence has been put forward to counter the applicant's case on this issue and the governments guidance in this respect is clear in that where the development of the site has been accepted (it is allocated and there is a resolution to approve), but the proposed scheme is undeliverable, local planning authorities should take a pragmatic view and "*look for solutions rather than problems.... to secure development that improve economic, social and environmental conditions of the area.*" (NPPF, para. 187).

Cumulative Impact of Level of Development in Martock/Bower Hinton

Policies SS1 and SS5 set the settlement strategy and levels of growth respectively. It is not considered that these policies are automatically rendered out-of-date by the lack of a five year housing land supply. SS1, in designating Martock /Bower Hinton a 'Rural Centre' within the hierarchy of settlements, has taken into account the fact that:-

Development in smaller but still sizeable settlements is likely to be less sustainable and so should be geared to meet local needs and address affordable housing issues. Small scale economic activity is not considered out of keeping in these settlements in order to:

- *Support economic activity that is appropriate to the scale of the settlement;*
- *Extend the range of services to better meet the needs of the settlement and immediate surrounds; and*
- *Meet identified local needs.*

(para. 5.21 SSLP 2006-2028)

The level of growth across the District is set out in Policy SS5. The figure of 230 for Martock/Bower Hinton is a minimum and any growth above this should be assessed on its merits. The current lack of a 5 year housing land supply is a material consideration of considerable weight however, it does not negate the local plan figure, or the permissive approach, which are considered to still have weight.

As at March 2015, 77 dwellings had been completed over the first 9 years of the plan period. A further 196 dwellings are committed, at total of 273, 43 over the minimum of 230 set out in the local plan. Whilst there may be other development proposals at appeal (Foldhill Road and Stapleton Cross) it is the view of the local planning authority that these are unacceptable. It would not therefore be reasonable to factor these into the equation on the basis that the appeals might be successful.

On this basis the relevant issue is whether an additional 49 houses represents growth so far in excess of the local plan minimum figure that it would either be out of kilter with Martock's status in the hierarchy of settlement in the District or that it would undermine the district wide strategy for the delivery housing focused on the higher tier settlements (Yeovil and the Market Towns). The level and pattern of growth and identified in the local plan has been subject to a detailed sustainability appraisal. Development fundamentally at odds with this plan has the potential to cause issues such as perpetuating out-commuting, deficits in infrastructure capacity and harm to the character of the settlement.

The proposed 49 dwellings would take development in Martock/Bower Hinton to 322, 92, or 40% over the local plan figure of 230. Given that this is a minimum it is not considered that it could reasonably be argued that this is objectionable either as a level of growth for Martock/Bower Hinton or that it would jeopardise the planned strategic growth of the District as set out in the local plan. In coming to this conclusion the comments of the policy officer are noted as is the lack of objection from any infrastructure provided.

On this basis it is not considered that an additional 49 dwellings in Martock/Bower Hinton is contrary to policies SS1 and SS5.

Loss of Existing Buildings

Whilst the application originally proposed the loss of all existing building on site, the applicant has amended the scheme to retain 3 buildings one of which would be converted to a pair of dwellings, the others to garaging. It is accepted that not all existing buildings are worth or capable of a viable conversion and as such it is considered that the revised scheme strike an appropriate balance between retention and new build.

The building that would be lost are not listed and are not within the conservation area. it is not considered that they make any particular contribution to the character and appearance of the conservation area or its setting and their loss would not therefore be detrimental to this historic asset. In this respect it is considered that the proposal complies with policy EQ3.

Impact on Local landscape and Visual Amenities

Whilst the Landscape Officer remains opposed to the development of this site members are reminded that the site was allocated for industrial development in the previous plan; the Council resolved to grant permission for industrial development in 2006 and that the allocation has been carried forward in to the current local plan. On this basis it would not be reasonable to now attempt to argue on landscape grounds that the site should not be developed.

The rising land to the south would screen the development in views from the south and would form the backdrop when viewed from the north. The Landscape Architect notes that, setting aside the principle, the submitted layout and landscaping scheme is sympathetic it that:-

- the built edge is pulled back from the east boundary, to avoid over-dominance of built form along this edge (due to the level differential relative to the road);
- the badger sett in the southeast corner is accommodated within an open space area;
- existing and proposed planting within the open space area assists with playing down site profile as viewed from the east and southeast;
- housing along the southern, elevated boundary is well broken, to ensure that housing mass is not too prominent against the skyline.

It is considered that the submitted scheme would achieve the aims of saved policy

ME/MART/2. It should be noted that this policy relates to industrial development, and envisages bigger, functional buildings as opposed to the 2 storey, detached, residential properties now proposed on the southern boundary, together with domestic gardens and planting. On this basis it is considered that, in landscaping terms, the proposal complies with policies EQ2, EQ5 and ME/MART/2 of the local plan.

Design and Layout of Development

It is considered that proposed mix of housing types, including the provision of 35% as affordable homes would meet the requirements of policies HG3 and HG5, the design and layout are considered to relate appropriately the context. The materials are indicated to be a mix of re-constituted stone and render, with pantiles and slate effect tile. It is not considered that these are appropriate across the development.

It is suggested that the frontage building and key plots within the site should be in natural local stone. Double roman tiles should be the dominant roofing material with the occasional use of slate for variety. Pantiles would be appropriate for ancillary buildings. Such materials are considered appropriate to the proposed house designs and would appear sympathetic to the surrounding development when viewed in the context of the locality. The applicant is agreeable to this and the details could be secured by condition and on this basis it is considered that the proposal complies with policies EQ2 and EQ3.

Residential Amenity

It is not considered that the layout or design/window arrangement of the proposed houses would have any undue impacts on the amenities of existing residents. It is noted that bungalows are proposed on the plots nearest to existing dwellings in Higher Street and the existing building to the rear of Sparrow Cottages is retained as a garage. The provision of off-street parking for existing residents would be beneficial. The layout and design of the proposed houses is considered sufficient to ensure an adequate standard of amenity for future occupiers. In this respect therefore it is considered that the proposal complies with policy EQ2.

Highway Issues and Accessibility

Clearly there is significant local concern that traffic from this development may have a serious impact on the local road network. The applicant has provided a full transport statement, which has been updated to address issues raised by the highway authority who now accept its findings and raise no objection to the proposal subject to safeguarding conditions and travel planning measures, including the extension of the 30mph limit to a point approximately 70m south of the entrance.

Whilst this is at odds with local views there is no evidence the substitution of traffic that might have been expected to be generated by the agreed industrial area by residential traffic from 49 houses would have a 'severe' impact on highways. On this basis, subject to the conditions suggested by the highways authority it is considered that the highways impacts of the proposal would not be severe and as such the scheme complies with policies TA5 and TA6 and the policies contained within the NPPF.

It is accepted that the site is at some distance (over 2000m) from the services and facilities available in the village centre, nevertheless there are a limited range of facilities including a public house, restaurant/bar, farm and coffee shop available within approximately 800m. The proposal includes a pedestrian access onto the B3165 to the north of the site and 2 options are suggested for footpath improvements to create pedestrian linkages to Bower Hinton to the north. At the time of writing these 2 options were out to consultation and an oral update on the

preferred works will be made

It is accepted that, given the topography, distance and nature of the pavement, which are in places narrow and require crossing the road to maintain continuity, not all future residents would choose to walk. However subject to creating the option to walk, it is considered that this will be a viable choice for some.

Whilst this is not ideal, members are reminded that it has been accepted that this is a sustainable location to work which would presumably commuting to the site. It would therefore be difficult to argue that it would unsustainable to live at this site and commute to work.

Accordingly subject to agreeing travel planning measures and the off-site footpath improvements it is not considered that this proposal could be regarded as contrary to policies TA4 and TA5 in terms of the accessibility of the site.

Ecology

The Council's ecologist accepts that the development will result in the destruction of a bat roost as therefore an assessment against the three derogation tests of the Habitats Regulations 2010 is a legal requirement¹ in the determination of this application. Permission can only be granted if all three derogation tests are satisfied. Such assessment should be included in the relevant committee or officer report. The tests are:

1. the development must meet a purpose of '*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*'
2. '*there is no satisfactory alternative*'
3. the development '*will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*'.

It is considered that the provisions of much needs housing to address the council shortfall constitutes a clear benefit in the wider public interest. This part of the site is previously developed land, for which there is no reasonable prospect of finding a user for the existing buildings. As such it is not considered that there is a satisfactory alternative use for these buildings.

In respect of test 3, the Council's ecologist concludes that favourable conservation status is likely to be maintained due to the presence of only low numbers of bats, of species that are relatively common and have a widespread distribution in Somerset, and the securing of appropriate mitigation by condition.

Great crested newt (one individual animal) was previously identified in a garden pond adjacent to this site. Recent surveys for this species gave a negative result and recorded the habitat as sub-optimal for this species. It's possible that the earlier record was a remnant of a once healthier population that has since died out, possibly due to longer term land use and habitat changes in the area. It's also possible that great crested newts may still be present in low numbers but at too low a population level to be readily detectable by standard survey methods. In either case the Council's ecologist does not consider that the proposed development presents a sufficiently high risk to this species to warrant any further specific consideration. On this basis, and subject to safeguarding conditions as recommended by the council's ecologist it is not considered that the proposal would have any undue impact on biodiversity, as

such the proposal complies with policy EQ4.

Drainage

The application provides for off-site drainage on land to the north at the rear of Sparrow Works. Surface water from the site would be piped north to a new surface water drain under the road which would take flows east and then south behind Sparrow Works to an attenuation pond which would discharge at the appropriate rate to an existing north flowing water course. This would pick up off site surface water that currently pools on the bend of the road.

All the drainage consultees accept this strategy subject to the agreement of the technical details by condition. The resolution of the existing problem of standing water on the bend is a welcome benefit that should be afforded weight.

On this basis it is accepted that the proposed drainage strategy would not increase the risk of flooding elsewhere and would cure an existing problem and as such complies with policy EQ2.

Planning Obligations

The proposed development will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with policies HW1 an off-site contribution towards the provision and maintenance of these facilities is requested along with an on-site LEAP equating to an overall total of £107,361 (£2,191 per dwelling).

The County Council requests an education contribution of £161,080 together with Travel Planning measures and provision for the necessary off-site improvements.

The applicant has raised no objection to making these contributions and has also agreed to the request for 35% of the houses to be affordable as requested by the housing officer. Provided these requirements are secured through the prior completion of a Section 106 agreement the application is considered to comply with policies SS6, HW1 and HG3 and the aims of the NPPF.

Conclusion

It is accepted that the proposal would result in the loss of existing employment space and the additional land allocated for B-uses in the local plan. However this needs to be balanced against the benefits in terms of the provision of additional housing, including affordable housing, to meet the Council's shortfall. In the absence of a 5 years housing land supply such benefit must be given significant weight.

It is considered that the harm arising from the loss of employment land is minor given that evidence has been provided and acceptable that it is unlikely to be delivered. There remains a landscape concern about the development of the site, however given the site history of allocation and resolution to approved industrial development, the harm that might arise should be given little weight.

Whilst local concerns including highways, visual impact, ecological impact are acknowledged they are not supported by the relevant consultees and as such little weight in the planning balance should be given to these issues.

Accordingly, whilst some harm would arise from the loss of employment land and in terms of the landscape impact of the development of this site, such harm would be outweighed by the significant benefit arising from the delivery of additional housing to meet the council's shortfall.

The development is considered to meet the requirements of sustainable development in that it would deliver a quality scheme that would sustain the environment, socially it would provide housing and economically it would support the house building industry in the short term and the economic activity of future residents would be beneficial locally.

RECOMMENDATION

That, application reference 14/04723/FUL be approved subject to the prior completion of a section 106 planning agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure:-

- (i) Contributions towards offsite recreational infrastructure, to the satisfaction of the Assistant Director (Wellbeing) broken down as:
 - £18,719 towards enhancement of existing pitches at Martock Recreation Ground;
 - £38,005 towards the provision of new changing rooms at Martock Recreation Ground;
 - £16,414 as a commuted sum towards the above local facilities
 - £24,524 towards the provision of a new community/youth centre at Martock Recreation Ground;
 - £8,636 towards the development of new indoor swimming pool in the Langport/Huish Episcopi area or towards the development of a centrally based 8 lane district wide competition pool in Yeovil.
 - Monitoring fee of £1,063
 - Monitoring fee based on 1% of total
- (ii) The provision of an on-site LEAP to the satisfaction of the Assistant Director (Wellbeing).
- (iii) At least 35% of the dwellings as affordable dwellings of a tenure and mix that is acceptable to the Corporate Strategic Housing Manager.
- (iv) an education contribution of £161,080 to the satisfaction of the Development Manager in consultation with the County Education Authority
- (v) Travel Planning measures to the satisfaction of the Development Manager in consultation with the County Highways Authority
- (vi) Off-site highways and footpath improvements, including any contribution necessarily to the full cost of applying for any Traffic Regulation Orders to the satisfaction of the Development Manager in consultation with the County Highways Authority

and the following conditions.

Justification:

Notwithstanding the local concerns the provision of 49 dwellings, which would contribute to the district Council's housing shortfall and make provision for enhancements to drainage, highways safety and community and education facilities and without undue impacts in terms of landscape, residential amenity, ecology, drainage or highway safety impacts and would respect the setting of nearby heritage

assets. As such the proposal accords with the policies of the South Somerset Local Plan 2006 - 2028 and the provisions of the National Planning Policy Framework.

Subject to the following conditions:

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

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

02. Unless required otherwise by conditions attached to this permission the development hereby permitted shall be carried out in accordance with the following plans:- 0519-100; 0519-100-1; 0519-100-2; 0519-100-3; 0519-100-4; 0519-101; 0519-102-D; 0519-102-01; 0519-103-B; 0519-104-1-C; 0519-104-2-C; 0519-105-B; 0519-106-B; 0519-107-C; 0519-108-C; 0519-109-B; 0519-111; 0519-112-A; Parking Matrix 0519-Issue 3; House Type Booklet 0519-Issue 4; 624-01G; 31871-SK01-G; 31871-SK02-D; FMW1276-SK01-B; FMW1276-SK02-C; FMW1276-SK05-A; and FMW1276-SK06.

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

03. Notwithstanding the details should in the submitted plans, no development hereby approved shall be commenced until particulars of following have been submitted to and approved in writing by the Local Planning Authority;

- a) details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
- b) a sample panel, to be prepared for inspection on site, to show the mortar mix and coursing of the external walls;
- c) details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
- d) details of all hardstanding and boundaries
- e) details of the rainwater goods and eaves and fascia details and treatment.

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

04. No development hereby approved shall be commenced until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. Such scheme shall include measure to prevent the run-off of surface water from private plots onto the highways. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework

05. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

06. The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. Such strategy scheme shall include appropriate arrangements for the agreed points of connection and provision for capacity improvements as required to serve the development. Once approved drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: In the interests of residential amenity and to ensure that proper provision is made for sewerage of the site in accordance with policies EQ1 and EQ2 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

07. Prior to the commencement of the dwellings hereby approved details of measures for the enhancement of biodiversity, which shall include the provision of bat, swallow and swift boxes and a time scale for delivery of all such measures, shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with policy EQ4 of the South Somerset local Plan 2006-2028.

08. The development hereby permitted shall not be commenced (including any demolition or site clearance) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a bat mitigation plan and method statement. The works shall be implemented in accordance with the approved details and timing of the mitigation plan and method statement, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

09. The development shall be implemented in accordance with the wildlife mitigation measures detailed in section 4 ('Mitigation and enhancement') of the Ecological Impact Assessment (EAD Ecological Consultants, July 2015), unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species and species of nature conservation importance ('priority species') in accordance with Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and

Countryside Act 1981.

10. The proposed estate roads, footways, footpaths, tactile paving, cycle ways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

11. The existing vehicular access to the site adjacent to 1 Sparrow Cottages shall be closed to vehicular traffic, its use permanently abandoned and reinstated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such works shall be completed before the occupation of the development hereby permitted.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

12. The development hereby permitted shall not be occupied until a scheme for the highway works (including the proposed north-south footpath link adjacent to 1 Sparrow Cottages and associated works to improve pedestrian safety on the section of B3165 north of the development, visibility splays and proposed change to extent of 30mph speed limit) have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be completed in accordance with the approved scheme.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

13. The development hereby permitted shall not be commenced until parking spaces as detailed on Drawing Number 0519-102 Rev D (including the spaces for existing dwellings 1-4 (inclusive) Sparrow Cottages and 98 and 100 Bower Hinton) have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highways safety and to ensure adequate parking is provided in accordance with Policies TA5 and TA6 of the South Somerset Local Plan 2006-2028.

14. The proposed internal highway layout, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

15. The development hereby permitted shall not commence unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction operation hours, construction vehicular routes to and from site, construction delivery hours, car parking for contractors and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice. Once approved the development shall be carried out in accordance with the approved Construction Management Plan.

Reason: To safeguard the amenities of the locality in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

16. Prior to implementation of this planning permission, site vegetative clearance, demolition of existing structures, ground works, heavy machinery entering site or the on-site storage of materials, a scheme of tree planting, a Tree Protection Plan and an Arboricultural Method Statement relating to all retained trees on or adjoining the site shall be drafted so as to conform to British Standard 5837: 2005. Such Tree Protection Plan and the Arboricultural Method Statement details shall be submitted to and agreed in writing with the Council and it shall include:
 - a) details of any required tree works so as to conform to BS 3998:2010 - Tree Works;
 - b) plans detailing root protection areas, construction exclusion zones and the installation of tree protection fencing;
 - c) layout plans showing the locations of required below-ground services
 - d) special tree protection and engineering measures for any approved installation of built structures, below-ground services and hard surfacing within the root protection areas of retained trees;
 - e) a scheme of arboricultural on-site supervision, monitoring and certificates of compliance relating to the tree protection measures.

Upon implementation of this planning permission, the measures as specified within the agreed scheme of tree planting, the Tree Protection Plan and the Arboricultural Method Statement shall be implemented in their entirety for the duration of construction, inclusive of any landscaping measures.

Reason : To safeguard existing trees in accordance with Policies EQ2 and EQ4 of the South Somerset Local Plan 2006-2028.

15. All planting, seeding or turfing comprised in the Landscaping Proposals as shown on drawing 624-01G shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority give written approval to any variation.

Reason: In the interests of visual amenity in a accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

16. No development hereby approved shall be commenced out until a scheme of maintenance and management of the southern boundary has been submitted to and approved in writing by the local planning authority. Once approved such regime shall be adhered to at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

17. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
 1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
 2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
 3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any on going monitoring should also be outlined.
 4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.
 5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Policy EQ7 of the South Somerset Local Plan 2006-2028.

Informatives

1. You are reminded that development, insofar as it affects a right of way should not be started and the right of way should be kept open for public use until the necessary diversion/stopping up order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
2. You are reminded that there should be no removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be

carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

3. Before this development can commence, a European Protected Species Mitigation Licence (under The Conservation (Natural Habitats, &c.) Regulations 2010) may be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.
 4. It is suggested that a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
 5. You are reminded that no work should commence on the development site until the appropriate rights of discharge for surface water have been obtained.
 6. It should be noted that given the nature and scale of the works required to create the proposed new access, it is likely that these works will need to be secured via a suitable legal agreement rather than a standard 184 Licence. Please contact the Highway Authority to progress this agreement well in advance of commencement of development.
 7. The developer delivering the necessary highway works associated with the development hereby permitted is required to consult with all frontagers affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the grant of planning permission and prior to the commencement of said highway works, especially if the design has evolved through the technical approval process. This is not the responsibility of the Highway Authority.
 8. Section 59 of the Highways Act 1980 allows the Highway Authority to recover certain expenses incurred in maintaining highways, where the average cost of maintenance has increased by excessive use. The condition survey will be used as evidence should damage to the highway network occur during the construction phase of the development.
 9. The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC).
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Agenda Item 17

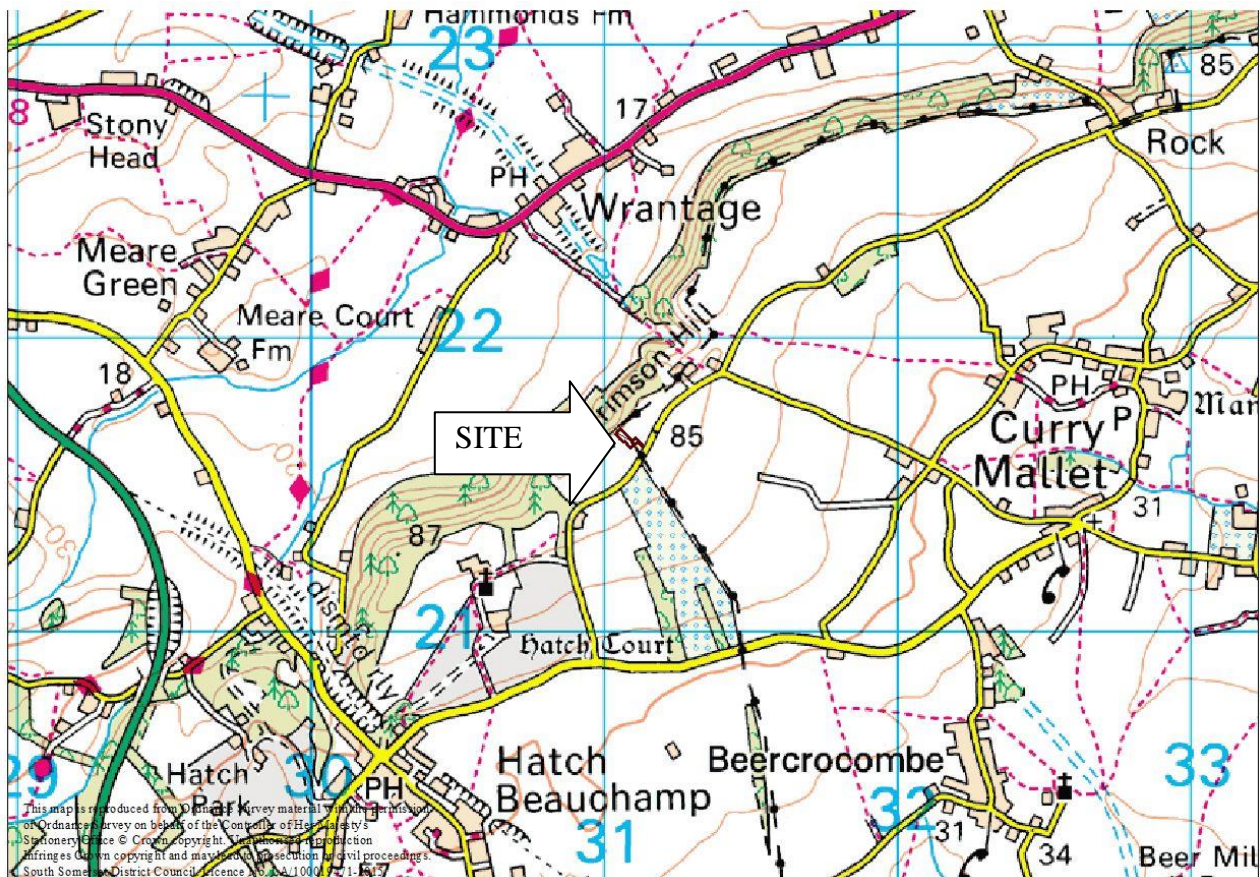
Officer Report On Planning Application: 15/02218/FUL

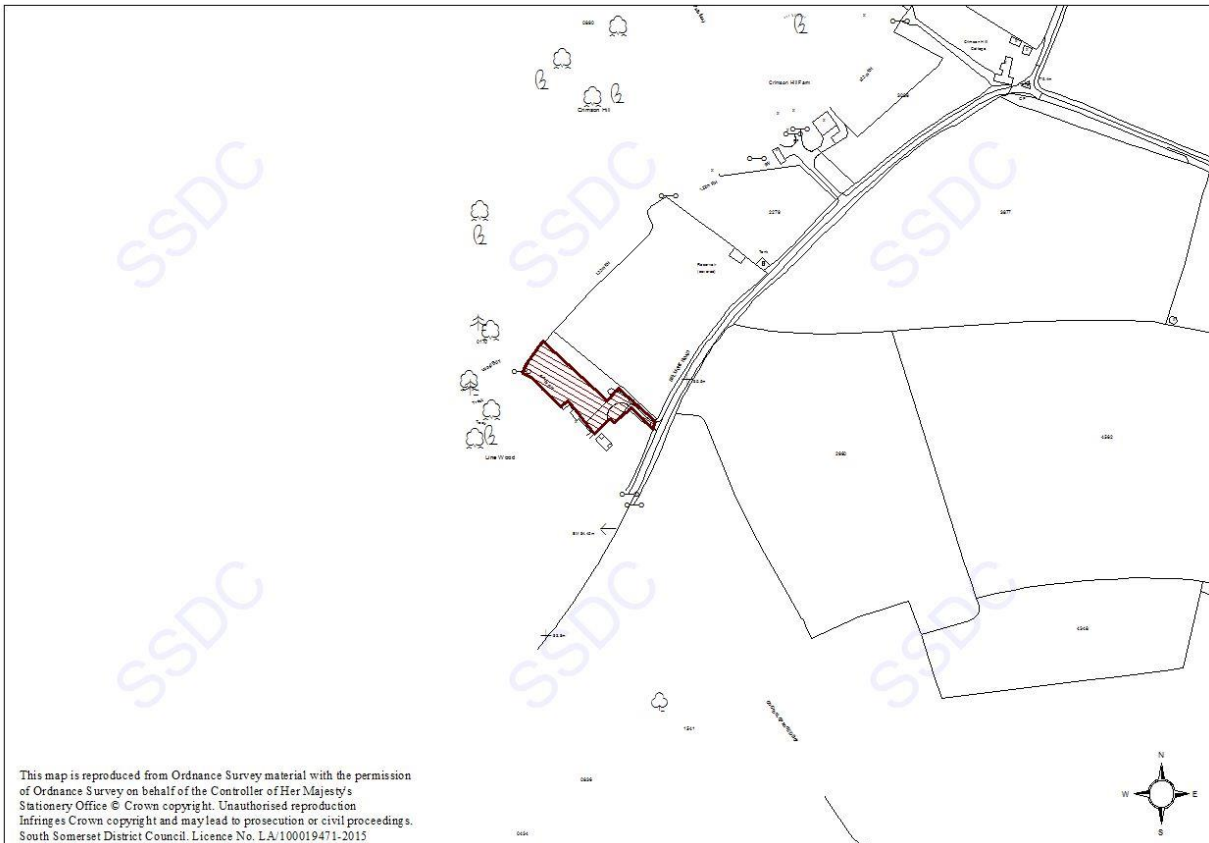
Proposal :	Application for Change of use of land to provide 2 additional Traveller pitches comprising 2 No mobile homes; 2 No Touring Caravans and associated hardstanding. (GR 331100/121615)
Site Address:	Crimson Orchard, Top Road, Curry Mallet.
Parish:	Curry Mallet
ISLEMOOR Ward (SSDC Member)	Cllr Sue Steele
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	13th July 2015
Applicant :	Mr J Carson
Agent: (no agent if blank)	Dr Simon Ruston Ruston Planning, The Picton Street Centre, 10-12 Picton Street, Montpelier, Bristol, BS6 5QA
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON) FOR REFERRAL TO COMMITTEE

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

SITE DESCRIPTION AND PROPOSAL





The location is part of the wider countryside setting beyond any development area. The nearest settlement is Hatch Beauchamp about 1.6kms away. Access to the A358 (Taunton to Ilminster road) and the A372 (Wrantage to Curry Rivel road) offers access to centres with enhanced services and facilities.

The site is on the north west side of the Belmont Road, a quiet narrow rural lane with hedgerows to either side. Planning permission was granted for use of part of the site as a single pitch traveller site in 2007 (07/01853/FUL). A further two pitches have been occupied on site since 2011, without the benefit of planning permission. The nearest neighbouring residential dwelling is a little over 200m to the north east of the site, although their land holding abuts the application site to the north west. The application site is adjacent to the District boundary with Taunton Deane Borough Council. The site also adjoins Line Wood, a County Wildlife Site, and is a little less than 1km from Hatch Court, a grade I listed property to the south west, both of which are within Taunton Deane area.

The proposal is a retrospective application seeking the provision of two additional traveller pitches comprising two mobile homes, two touring caravans and associated hardstanding. The pitches are proposed to accommodate family and close friends, all of whom are said to fulfil the statutory definition of a Traveller.

HISTORY

11/00690/FUL: A replacement agricultural building - Permitted with conditions 27/04/2011. (NOTE: This application originally sought an additional two traveller/gypsy pitches and compost toilet. Such details were withdrawn from the proposal, leaving agricultural barn to be considered only).

- 07/01853/FUL: The use of land as a site for a mobile home to accommodate travelling family and the erection of two timber buildings to provide bedroom and composting toilet - Permitted with conditions (Committee Decision) 15/02/2008.
- 06/00275/FUL: Application to change existing access - Permitted with conditions 29/03/2006.
- 05/00318/FUL: Construction of new access - Application withdrawn.

POLICY

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

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

- SD1 - Sustainable Development
- SS1 - Settlement Strategy
- SS2 - Development in Rural Settlements
- TA5 - Transport Impact of New Development
- TA6 - Parking Standards
- HG7 - Gypsies, Travellers and Travelling Showpeople
- EQ2 - General Development
- EQ7 - Pollution Control

National Planning Policy Framework

- Core Planning Principles - Paragraph 17
- Chapter 4 - Promoting Sustainable Transport
- Chapter 6 - Delivering a Wide Choice of High Quality Homes
- Chapter 7 - Requiring Good Design
- Chapter 11 - Conserving and Enhancing the Natural Environment
- Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

- Conserving and Enhancing the Historic Environment
- Design
- Natural Environment

Policy-related Material Considerations

- Planning Policy for Traveller Sites - August 2015
- Policy H - Determining planning applications for traveller sites

Human Rights Act 1998, particularly Article 14
'the right to freedom from discrimination on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status.'

Equality Act 2010

Requires the District Council to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations.

Somerset County Council Parking Strategy (September 2015)

Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

Curry Mallet Parish Council: Curry Mallet Parish Council, at its meeting held on Monday June 22nd 2015, was minded to object most strongly to the application as submitted: This objection also reflected the views of the 24 members of the public (from Curry Mallet, Hatch Beauchamp, North Curry, Fivehead & Beercombe parishes) who attended the meeting and expressed, with reasons, their concerns. Neither the applicants nor their agent were present at the meeting to hear these concerns. Rationale for the parish council's objection was that

1. The National Planning Policy Framework, 2012 (NPPF) paragraph 11 requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant local plan policies are HG7 Gypsies, travellers and Show People, EQ2 General Development, EQ7 Pollution Control and SS2 Development in Rural Areas. The Parish Council felt that the above application was contrary to the named policies for the following reasons:

- The addition of a further two mobile homes and touring caravan pitches would be over development of the site and have a detrimental impact on the visual amenity.
- It was noted from the meeting that the compost toilet approved by the previous application was not working correctly and that raw sewage was leaking onto adjoin properties. The addition of a further two composting toilets could further exacerbate the problem.
- South Somerset District Council has already exceeded its quota for Gypsy and Travellers sites.

2. The applicants had failed to demonstrate any grounds whereby Condition 2 of the original grant of planning approval (S Gale letter dated 15. 02. 08.) should be rescinded such as to allow expansion of dwellings on the site to be increased from that stipulated viz

"Permission is personal to the applicants Rebeka Davies and James Carson and to their dependents and to no other persons."

Imposition of Condition 2 had been sought by this parish council at its meeting held on 30. 7. 07. to reflect the concerns of local residents regarding any future expansion of the site for additional dwellings; point 2(b) of the Council's Observations dated 07. 8. 07., refers. At that July 30th parish council meeting, the applicants had accepted the inclusion of this condition. (Min. 361.1(g)) refers.

3. This application appears to be retrospective to ground works having been undertaken during the month of May 2011, merely a short time after the applicants had withdrawn from their February 2011 application (11/00690/FUL) their request for two traveller pitches; J Carson e:mail dated 24. 3. 11. to Lee Walton of SSDC Planning refers. In its original form, before the March 24th deletion, the February 2011 application had sought permission for two additional traveller pitches "to accommodate family and/or close

friends who fulfil the statutory definition of a traveller."

This wording almost exactly replicates that used for the present 2015 application.

SCC Highway Authority: The Highway Authority initially objected on the basis of insufficient information in relation to providing satisfactory access to the site, in terms of width of access and provision of visibility splays. The following comments were made: *"The application would bring minimal traffic impact to the local highway network. The application provides minimal information on the site layout and proposals but it appears that the site proposes to use the existing access to 'Crimson Orchard'.*

Visibility from the site onto the Belmont Road can be inhibited by vegetation. Vegetation will need to be cut back (specifically to the right of the site access) and maintained to ensure visibility onto the adjoining highway. Good visibility splays are possible as long as vegetation is cutback and managed.

The site access itself would also need to be enlarged and improved. Due to the increased traffic to and from the site, the first 5.0 m should be surfaced or consolidated. It should also be 5.0 m wide for 6.0 m back from the edge of highway to allow vehicles to pull off the highway and pass any exiting the site.

Any proposed gates at the site access should be set back 5.0m from the edge of the highway and hung to swing inwards.

Facilities, access and parking provision for the application is already provided on site and is deemed appropriate.

Until further information is provided to demonstrate suitable access proposals for the site, and demonstrating suitable visibility splays are achieved, this application should be sent for refusal."

Further amended plans have been received providing the increased width access required. The Highway Authority have also confirmed that the provision of the visibility splays originally required by the original consent for an amended access at this site (06/00275/FUL) and for the 2007 consent for the provision of a traveller pitch (07/001853/FUL) are appropriate. The previously conditioned visibility splays comprised splays of 60m in each direction, set back 2m from the carriageway edge. Additional plans have been also been submitted showing the necessary realignment and maintenance of roadside vegetation necessary to provide the visibility splays. As a result of these amendments, the Highway Authority raise no objections to the scheme.

SSDC Highway Consultant: Consider sustainability issues (transport). Development unlikely to lead to significant impact on the approach roads. Suggest plan is submitted showing the extent of available visibility splays at the access from 2.4m back commensurate with traffic speeds, along with proper surfacing (not loose stone or gravel) of access, surface water drainage measures, etc. Ensure on-site parking provision seeks to accord with SPS standards.

Wessex Water: The proposal is some distance from public water and sewerage services. The applicant has proposed sewage disposal via composting toilets which will require the approval of your Authority and Building Regulations.

There are no existing connections to the public water supply system and it is assumed that existing arrangements are served by a private water supply.

Taunton Deane Borough Council: No comments received.

SSDC Planning Policy: The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Planning Policy for Traveller Sites, CLG, March 2012 (PPTS) is an important material consideration: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6078/2113371.pdf. The definition of gypsies and travellers can be found in Annex 1 of PPTS and you should satisfy yourself that the proposed occupants of the additional pitches fall within that definition.

The seven site location criteria also set out in Policy HG7 should be used to assess this proposal. As such development should: avoid significantly contaminated land; not result in adverse impact on internationally and nationally recognised designations; not have any significant adverse impact on the landscape character and visual amenity of the area; be reasonably well related to schools and other community facilities; have safe access and occupants should not be at risk from noise pollution or flooding; have adequate space for on-site parking, servicing and turning of vehicles; and where appropriate the option for mixed residential and business use should be considered. The number of pitches provided on a site should be appropriate to the size of the site and the availability of infrastructure, services and facilities.

In addition to the existing pitch the proposal seeks planning permission for an additional two traveller pitches, each accommodating a mobile home and a touring caravan. The application site is located approximately 1.4 km from Curry Mallet where I believe there is a primary school, shop/post office, pub and church. Doctor's surgeries are located at North Curry (Taunton Deane District) approximately 5 km away, Ilminster approximately 12 km away and Broadway approximately 10 km away. Taunton is approximately 15 km away; on this basis it is considered that the site is reasonably well located to schools and other community facilities.

To conclude, in conjunction with the responses from other consultees on matters such as landscape and highways you will need to satisfy yourself that the proposal is in accordance with the remaining criteria set out in Local Plan Policy HG7; if this is the case there will be no conflict with the development plan.

SSDC Equalities Officer: According to Planning Policy for Traveller Sites, CLG, March 2012 (PPTS), Appendix 1,

'For the purposes of this planning policy "Gypsies and Travellers" means: 'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.'

Having reviewed relevant case law, it would appear that the applicants fall within this definition.

The definition is based on cases such as Mills v Cooper (1967), which identified that Gypsy status was a "material consideration" in planning cases. Circular 1/94 also used this definition, which was seen as a way of defining Gypsies without reference to their ethnicity,

but focussing on their way of life.

In *Greenwich LBC v Powell*, 1989 Lord Bridge of Harwich stated that a person could be a statutory Gypsy if he led a nomadic way of life only seasonally.

R v South Hams District Council, ex parte Gibbs at the Court of Appeal in May 1994, Lord Justice Neil found the 1968 Act redefined Gypsies as; "*Persons who wander or travel for the purpose of making or seeking their livelihood (not persons who move from place to place without any connection between their movements and their means of livelihood)*". It is this definition which is currently used by Government. It focuses on habitual lifestyle rather than ethnicity and includes both "born" Gypsies and Travellers and "elective" Travellers such as New (Age) Travellers. Lord Neil's judgement is that nomadism within the Gypsy and Traveller community had an economic purpose.

In *Maidstone BC v Secretary of State for the Environment and Dunn*, 1996, it was held that a Romani Gypsy who bred horses and travelled to horse fairs at Appleby, Stow-in-the-Wold and the New Forest, where he bought and sold horses, remaining away from his permanent site for up to two months of the year, was entitled to be accorded Gypsy status.

The Court of Appeal, in *Basildon DC v First Secretary of State and Rachel Cooper*, 2004, accepted Gypsy status for a Romani Gypsy woman who travelled to fairs during the summer months and sold craft items at those events.

SSDC Environmental Protection Officer: The Council's Environmental Protection Officer has been involved in relation to objections received in regard to the appropriateness of the existing drainage arrangements for the originally approved pitch. Investigations took place to ascertain whether the system caused local pollution problems. Following investigation of the existing arrangements, no evidence has been found to suggest that the on-site septic tank is causing pollution problems, although this could be as a result of the tank recently being emptied. It is confirmed that the existing drainage arrangements are acceptable for the existing approved use of the site, however proper management is essential. It is suggested that a drainage condition is imposed to ascertain whether the existing drainage is capable of meeting the needs of all development on site or whether additional drainage arrangements are required.

SSDC Ecologist: I've considered this application and I don't have any comments nor recommendations to make.

SSDC Landscape Architect: As the site is already characterised by built form, and this proposal places the proposed new pitches in a field corner to the north of the current development footprint, I consider landscape impact to be minimal.

(In respect to the widened access) not ideal, but providing the hedge is transplanted to the new location to maintain enclosure of the access then the impact is minor only.

REPRESENTATIONS

40 letters of objection have been received from 29 contributors, comprising local residents from several of the surrounding villages, including Curry Mallet and Hatch Beauchamp. A summary of the comments is given below:

Gypsy/Traveller Policy

- SSDC has already exceeded its provision for Traveller and Gypsy pitches.

- There are a disproportional amount of traveller sites in the area. It would appear that SSDC and TDBC are using the area to house travellers with total disregard to the local residents and amenities
- Other sites outside of SSDC should be considered, as other authorities have not met their targets.
- It is not felt that the occupiers of the approved pitches or the proposed pitches meet the established definition of a traveller.
- In gaining the original consent, it is alleged that the applicant's made false assertions which resulted in the permission being granted wrongfully.
- A lack of information has been submitted with the applicant to demonstrate the applicant's case.
- Granting retrospective permission to those who have flagrantly fluted existing planning conditions would reward and encourage future unauthorised development, increasing tension between the settled and traveller communities, contrary to Planning Policy for Traveller Sites.
- The number of pitches would be inappropriate to the size of the site and available infrastructure.
- The site would dominate the local settled community.

Sustainability

- The site is well outside of the settlement limits of Curry Mallet and Hatch Beauchamp. As such any expansion of this site would not be granted if submitted by a group of people other than a gypsy or traveller.
- Residential applications have been refused due to highways and sustainability reasons.
- The site does not have easy access to facilities, as required under national and local policy for traveller sites.

Highways

- The roads in and around the site are not suited to any increased use due to their width and lack of appropriate visibility.
- Previously required improvements to visibility arrangements have not been carried out.
- The required visibility splays of 60m in each direction cannot actually be achieved as part of the splay to the south west incorporates land in separate ownership.

Landscape/Visual Impact

- The site adjoins Line Wood, which is a County Wildlife Site, with rare and protected fauna and flora present. Some species on the application site have been lost already.
- The application represents further loss of open agricultural land that would be out of character with the area.
- The proposal would have an adverse impact on the landscape, character and visual amenity of the area. The existing site is already considered to have too great an impact locally due to noise and general deterioration of the local environment.

Local Amenities

- Would harm local tourism to the area, particularly the holiday facilities available on the adjoining Crimson Hill Farm, which has a holiday-let cottage and exempted caravan site. Users of the adjoining facilities have suggested that they will not return.
- The site adjoins woodland owned by other parties. It is suggested that more people on-site will lead to more trespass into these woods with associated damage to local flora, fauna and wildlife.
- There are inadequate drainage and sewerage arrangements on site, which it is alleged have caused pollution of adjoining land, in the form of raw sewage.
- The proposal will detrimentally impact on already struggling businesses in the area, such as the Curry Mallet shop and public house. Any loss of trade due to the proposed

site could cause these essential services to close.

- As well considering the human rights of the applicant, consideration must also be given to the human rights of adjoining residents, particularly in this case, which may have an impact on income generated from existing tourist facilities, potentially effecting livelihood and also interfere with the neighbour's right to the peaceful enjoyment of their property.
- The site is located near to Hatch Court, a grade I listed building with grade II listed registered park and gardens. Setting a precedent for significant scale gypsy and traveller sites within the locality could have an adverse impact on the setting and landscape character of these heritage assets.

Other Issues

- The original permission was for a single residential unit for one family on the basis that no further intensification of the site would be allowed. This application goes against that original stipulation.
- The original consent is also personal to the applicant's further expansion or the provision of a permanent site would not have been supported. Should the current occupiers move from the site, there is a requirement to clear the site completely.
- The site is currently in breach as a result of the two proposed pitches already being occupied. It is also alleged that the approved agricultural building and parts of the site are being used in connection with the applicant's business for the maintenance of work vehicles, as well as the business being operated from the site. It is also pointed out that other conditions imposed on the various consents have not been complied with.
- The site has been in breach since 2011, why has no enforcement action been taken?
- All the rights and freedoms contained within the Human Rights Act must be protected and applied without discrimination. Article 14 requires there to be no discrimination in the application of human rights on any grounds. Discrimination may occur if a public authority treats a person less favourably than others in similar situations on the basis of a particular characteristic, fails to treat people differently when they are significantly different situations and applies apparently neutral policies in a way that has disproportionate impact on individuals or groups. The occupiers of the adjoining land feel that their human rights would be infringed by granting permission, on the basis that they would be a minority and their business would be crippled.

Changes to Planning Policy for Traveller Sites (adopted August 2015)

- The current and proposed applicants have given up travelling permanently; therefore certainly do not fulfil the definition of a traveller. The 2015 revision of the policy omitted those who have permanently ceased to travel from the definition. Ms Davies and Ms Thomson run businesses in South Petherton, Mr Carson attends festivals as a director of a business and the horsebox, which Mr Wood claims to travel in has been on site all summer. How can operating a highly profitable business at a festival for a few days and then returning home amount to a nomadic lifestyle?
- The word 'very' has been added to the statement that "Local Planning Authorities should very strictly limit new traveller site development in open countryside." This is not only in open countryside but next door to a property to which financial viability is dependent on tourism. The site is also not presently a 'traveller site' as it is has personal consent and is granted for a limited basis for one temporary dwelling.
- In August 2015, "the Government also announced a change to national planning policy to make intentional unauthorised development a material consideration that would normally be weighed in the determination of planning applications and appeals. This change applies equally to the settled and traveller communities." The applicant has made a mockery of the planning system by applying for permission in 2011, withdrawing it and then undertaking the work intentionally. Rewarding this intentional unauthorised development now by granting retrospective planning permission would

- not accord with Government policy.
- The above changes should be applied to this application as it should be assessed in accordance with the relevant up to date planning policy and guidance.

CONSIDERATIONS

The main considerations with regard to this application are legal issues relevant to determination of the planning application, suitable alternative sites, the impact of the proposed development on the countryside setting and local amenities, including impact on residential amenity, flooding and drainage issues, highways issues, and accessibility to services and facilities.

Legal issues relevant to the determination of the planning application

The following advice has previously been provided by the Council's legal team in respect of gypsy/and traveller applications.

All applications must be made in accordance with the development plan unless material considerations indicate otherwise. An assessment therefore has to be made as to whether the application site meets the criteria as outlined in HG7 and guidance in Planning Policy for Traveller Sites and specific policies in the NPPF.

This application is for the provision of a private site for use by gypsies / travellers. Subject to the proposed development meeting the criteria of SSDC Local Plan Policy HG7, there is a legal presumption in favour of the decision on the application being made in the applicant's favour if it accords with the latter planning policy, unless other identified material planning considerations (including other Local Plan policies) say to the contrary.

Policy HG7 only applies to sites for 'gypsies and travellers' as defined within government guidance - 'Planning Policy for Traveller Sites' (*as amended August 2015*).

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'.

Thus the status of the occupiers of the site is a condition precedent for use of the site pursuant to a grant of permission under Policy HG7. This means that if this application is granted, SSDC will need to ensure that the occupation of the site is only by gypsies / travellers as defined, and no other persons. The Committee is advised that the way to do this is by a robust occupancy condition as set out in the suggested list of conditions within this report.

Human Rights

In deciding this application, the Committee must consider whether any planning harm caused by the development in question is outweighed by the interference with the applicant(s) human rights and the human rights of other occupiers of the site. Additionally, the Committee must consider the human rights of others (such as local residents) who may be affected by the development and any grant of planning permission.

The Committee's assessment of the human rights issues will need to be based on this legal advice and the evidence presented to the Council in connection with the planning application.

As the Committee will be aware, the Human Rights Act 1998 (HRA) enacted the European Convention on Human Rights into UK domestic law. The Convention imposes duties on public authorities, including local planning authorities, and Section 6 (1) HRA makes it unlawful for an authority to act in a way incompatible with Convention rights, unless specifically mandated to do so by legislation that does not allow the authority to act differently. The most relevant Convention rights with this type of application are Articles 8 and 14, namely, (Article 8) the right to respect for private and family life, home and correspondence and (Article 14) the right to freedom from discrimination on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status. Article 1 of Protocol 1 to the Convention (protection of property) is also relevant, as is Article 2 of Protocol 1 (the right to education). Both Article 8 and Article 1 of Protocol 1 allow proportional interference by the State with the rights expressed for purposes of environmental protection (which includes planning controls) or the control of property in the general interest.

For the purpose of considering Article 8 rights, any decision-maker (such as the Committee) has a duty to carry out an overt and structured assessment of the proportionality of the interference with human rights resulting from the action it proposes by asking itself a series of connected but discrete questions. To this end, the Committee must identify the (perhaps competing) interests that will be interfered with, carry out a balancing exercise of such interests to ensure the proportionality of the interference, decide the matter before it in the light of that balancing exercise and give reasons for its decision, with those reasons being minuted.

In deciding this application, and for the purposes of the required human rights assessment, the Committee should have regard to the following (particularly if minded to go against the officer's recommendation and refuse permission):

- (a) Does the proposed measure constituting the interference with human rights (a decision to refuse planning permission, contrary to officer advice) serve a legitimate aim of upholding planning policy; that is, is the objective sufficiently important to justify limiting a fundamental right under human rights legislation?
- (b) Is the measure proposed (a refusal of permission) rationally connected to that aim of upholding planning policy; that is, can it in fact serve to further that aim?
- (c) Is it the least restrictive way of achieving the aim; that is, are the means used (a refusal of permission) no more than its necessary to accomplish the objective?
- (d) Is it proportionate in the longstop sense that, viewed overall, the measure does not place too great a burden on the individual for the good of the community?

Some important factual matters that are relevant to the Committee's consideration of the human rights issues pertaining to this application include:

1. The seriousness of the impact of the Committee's decision on the applicant(s) and other occupiers basic rights including their security of accommodation, family life, health, children's education and ability to maintain their traditional travelling way of life. Whilst Article 8 does not create a positive obligation on the authority to provide any individual with a home, it is relevant as regards family life and the gypsy way of life. Gypsy status is viewed as a special aspect of private life, and the applicants' private life is lived from their caravan.
2. The availability of an alternative site, including its suitability for the individuals particular needs, the financial circumstances of those affected, and the efforts made to find an alternative site.
3. Whether there has been a full and fair opportunity for the applicant(s) and other

occupiers of the site to make their case for respecting their Article 8(1) rights, including those arising from their gypsy status, before the relevant administrative authorities, including a planning inspector;

4. The strength of reasons justifying an interference with human rights;
5. The views and rights of others such as third party objectors and any other persons who may be affected by the development.
6. What planning conditions can be imposed?
7. What provision for housing homeless persons can be made if this application is refused?
8. Whether a decision to grant permission could arguably amount to a precedent for the district and whether it is desirable or undesirable in planning terms.

The above does not purport to be an exhaustive list. It will also be relevant to some of the material planning considerations to be considered in connection with this application, such as the availability of alternative sites.

Race Relations Act 1976 ('RRA')

Members need to have regard to the legal obligation imposed on SSDC under the RRA when exercising its planning functions. Such considerations are also relevant to ensuring that there is no breach of Article 14 referred to above.

The RRA provides so far as material:

"71(1) Every body or other person specified in Schedule 1A or of a description falling within that Schedule shall, in carrying out its functions, have due regard to the need-

- (a) to eliminate unlawful racial discrimination; and
- (b) to promote equality of opportunity and good race relations between persons of different racial groups."

72. When policies are changed or new ones introduced, authorities should assess and consult on their likely impact, and where an adverse impact is identified which cannot be justified, changes should be made. It is particularly important that authorities consider all the racial groups served by the authority in order to assess the impact of their policies on those groups. Romany Gypsies and Irish Travellers have been recognised by the courts as being distinct ethnic groups covered by the RRA 1976. Under the general duty mentioned above, there is a requirement that local authorities seek to promote good race relations between Gypsies and Travellers and the settled community. This is important in the context of gypsy and traveller site planning."

Planning Considerations

Principle of Development

Policy HG7 is one of a small number of exceptions to address the specific needs of defined sections of the population, which in this case are travellers. 'Planning Policy for Travellers' (August 2015) provides guidance to Local Planning Authorities in terms of identifying and allocating appropriate sites for travellers. Importantly for consideration of this application, whilst Local Planning Authorities are required to allocate sites, it is made explicitly clear that this document can also be used for determining planning applications. It aims to provide more authorised traveller sites to enable fair access to suitable accommodation, education, health and welfare provision. It should be read in conjunction with policy HG7 that, subject to compliance with other relevant policies, supports traveller sites in rural locations.

The aim of policy HG7 is to facilitate the provision of sites for genuine gypsies and travellers to meet an identified need. For the Local Plan period up to 2028, HG7 identifies the need for

site allocations to accommodate at least 23 Residential Pitches , 10 Transit Pitches and 6 Travelling Showpeople plots. The written guidance for policy HG7 does however advise that the identified need for residential pitches in South Somerset to 2015 has been exceeded through implemented private planning consents. Therefore any applications coming forward for residential pitches before the end of 2015 will be considered against the criteria set out within HG7. Following this time, the stated policy target will apply. The relevant assessment criteria of Local Plan policy HG7 are:

- Significantly contaminated land should be avoided;
- Development should not result in an adverse impact on internationally and nationally recognised designations (for example: Natura 2000 sites, Sites of Special Scientific Interest and Areas of Outstanding Natural Beauty);
- The development should not have a significant adverse impact on the landscape character and visual amenity of the area;
- The site is reasonably well related to schools and other community facilities;
- The health and safety of occupants and visitors will not be at risk through unsafe access to sites, noise pollution or unacceptable flood risk;
- There should be adequate space for on-site parking, servicing and turning of vehicles;
- The option of mixed residential and business use on sites will be considered where appropriate.

HG7 also specifies that "the number of pitches provided should be appropriate to the size of the site and availability of infrastructure, services and facilities in accordance with the general principles set out in the settlement hierarchy."

Any site accepted under policy HG7 must be for the purposes of occupation by bona fide gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites (August 2015). In this case, objections have been raised on the basis that it is not believed that the land owners who occupy the site in connection with approval 07/01853/FUL, or the intended occupiers of the two new pitches proposed by this application, fulfil the definition of a traveller. This assertion is reiterated following the August 2015 update to the Government Policy for Traveller Sites, as it is argued that the current occupiers and the proposed occupiers have permanently ceased travelling. In considering whether the applicants' comply with the definition of a traveller it is important to note that the existing occupiers (i.e. Mr J Carson and Ms R Davies) occupy the site subject to a personal consent. Their status is not in question in considering this application. It is relevant to consider whether the proposed occupiers of the two new sites comply.

On originally submitting the application, it was stated that the two pitches were intended for 'friends or family' of the land owners, who fulfil the definition of a traveller. Further information was submitted later to confirm that the current (and intended) occupiers of the pitches, are a Mr J Wood and Ms J Thompson, a couple with a two year old son, and Mr H Davies, the applicant's grown up son who previously lived in the approved residence as a dependent of Mr Carson and Ms Davies. The proposed occupiers' traveller statements are summarised below:

Mr J Wood Started travelling in 1992, at the age of 19. After spending a year on the road, Mr Wood spent a year completing a City and guilds motor mechanics course, after which he found work travelling to different sites in the travelling community to fix vehicles. In 1994, Mr Wood acquired an HGV licence to supplement mechanic work and has travelled widely since. In the summer months, Mr Wood has always found work at festivals doing a variety of jobs including site décor and catering. Mr Wood has been working for an events recycling company since 1999. The events vary from shows and corporate functions to music festivals and sporting events. It is stated that the nature of this work involves continuous travelling

around the country for 8 months of the year. Mr Wood states that he lives in a converted horsebox and has to take his home with him. In winter months he works as a mobile mechanic and welder. Mr Wood met his partner, Ms Thompson in 2006 and has been based in Somerset since 2008, after Ms Thompson established a small silver jewellery business. Mr Wood has been steadily establishing a group of clients locally in relation to his work as a mobile mechanic and welder. Since being based in Somerset, the couple have lived on a temporary site on an industrial cow farm, the conditions of which were detrimental to Mr Wood's health. They now have a two year old son and require a safe base in order to offer more security than unauthorised developments/encampments, where they can also maintain local work and social connections. It is however stated that the work that they do in the summer months is an important part of their income and that their lifestyle is inextricably tied with this. The offer by Mr Carson and Ms Davies to apply for permission on their behalf present them with a way in which to continue to travel for economic purposes in the summer months but return to the area in the winter months to raise their family and work locally.

Ms Thompson Has lived on the road in caravans for over 14 years, living where work was available. This work included seasonal fruit picking and summer festival works, such as strawberry picking in Devon at the start of the summer and apple picking in Kent in the autumn. During mid-summer, work was sought at a variety of festivals and events. Ms Thompson states that on numerous occasions, she has worked for festival décor companies, a travelling café, festival caterers, site service and an events recycling company. Ms Thompson advises that in winter months it was harder to find a legal base so she lived in lay-bys and on various traveller sites in and around Brighton and across the West Country. Ms Thompson moved to Somerset in 2004, where she lived in her trailer on a cow farm, while remaining travelling in the summer for economic purpose. Following this she took up a part time apprenticeship with an established local silversmith and now owns her own business with a local workshop. Ms Thompson converted a caravan into a jewellery workshop and continues to travel during the summer months selling her jewellery and running workshops at various festivals and events. Ms Thompson states that being a 'New Traveller' is a major cultural part of who she is and that this type of cultural community travel/work lifestyle cannot be maintained from living in a house. Since giving birth to her son in 2013, Ms Thompson acknowledges that he will need to be educated both on the road and at a conventional school. She feels that being able to legally live within a small community of travellers at Crimson Orchard, will allow her to bring up her son and live in a way that would enable her to continue to pursue a travelling lifestyle whilst having a secure base to maintain her son's education. It is advised that community and kinship are very important to New Travellers and she would like to remain with people who she considers to be like an extended family. It is further suggested that if they were forced to leave a place that had already been granted consent as suitable for one travelling family, more money would be spent in evicting them from unstable, unauthorised encampments, whereas approval would allow them to be housed in culturally sensitive, stable accommodation.

Mr H Davies Is the applicant's adult son and has therefore lived on the site as a dependent. He is now seeking accommodation of his own and continues following a travelling lifestyle working as a carpenter on events sites.

The application's supporting information includes reference to several pieces of case law and associated appeal decisions relating to the issue of traveller status and contends that all three proposed occupiers fulfil the definition of travellers. Further to the changes in the amended national Planning Policy (August 2015), it is advised that none of the occupants have ceased travelling permanently and still continue, or intend to continue, travelling in the manner that they have since taking up this way of life.

The Council's Equalities Officer has reviewed the submitted information and does confirm

that on the basis of the submission, and the relevant case law, it does appear that the applicant's fall within the definition of a gypsy and traveller, as defined by Planning Policy for Traveller Sites. Accordingly it is considered that this proposal would meet an identified need for a traveller site. The personal circumstances of the intended users of the proposed pitches, tied in with the occupiers of the approved pitches, is also considered acceptable.

Alternative Sites

There are existing SSDC owned gypsy and traveller sites at Tintinhull, Pitney and Ilton, however at the time of submission there were no available pitches on these sites. Contributors have suggested that other Somerset district councils have failed to meet their allocations for gypsy/traveller sites so the applicant's should first look for alternative sites in either districts, however it is not considered appropriate to determine the application on this basis. The application has been made in this district, with an identified connection to South Somerset. On this basis, it noted that there are no available public alternative sites for the applicants to occupy.

Need for the Development:

It has been pointed out that Local Plan policy HG7 identifies that the need for residential pitches in South Somerset to 2015 has already been exceeded through implemented private planning consents. Objectors therefore suggest that this means that there is no need to approve any more consent. HG7 simply states that *"any applications coming forward for residential pitches before the end of 2015 will be considered against the criteria set out within HG7. Following this time (i.e. 2016 onwards), the stated policy target will apply."* Contrary to the view that no more sites should be allowed, it is simply the case that there is no pressure to identify any new sites. Where an application comes forward that meets the criteria identified in HG7, and of course the definition of a gypsy and traveller, it is still appropriate to grant consent.

Sustainability

The site is within the countryside away from service centres, within an area where the highways network is noticeably more rural in character, although relatively close to main roads. The Council's Planning Policy Officer has noted that the application site is located approximately 1.4 km from Curry Mallet, which has a primary school, shop/post office, pub and church. There are doctor's surgeries are located at North Curry (Taunton Deane District) approximately 5 km away, Ilminster approximately 12 km away and Broadway approximately 10 km away. Taunton is approximately 15 km away. In the context of assessing the proposal against the relevant exception policies relating to gypsies and travellers, it is considered that the site is reasonably well located to schools and other community facilities, so as to be acceptable.

Landscape Character/Visual Impact

Notwithstanding the presence of the two unauthorised pitches, the site is already occupied as a single residential pitch by virtue of planning permission 07/01853/FUL. Present on site is the residential accommodation, along with a timber clad agricultural building and a couple of smaller existing buildings. The two additional pitches are discretely located to the north west of the application site, beyond the existing development, where they are well-enclosed by existing hedge and tree planting along the adjoining site boundaries. In considering the proposal, the Council's Landscape Architect has identified the landscape impact to be minimal.

Consideration has been given to the fact that the existing site is subject to a personal consent and does theoretically have to be cleared should Mr Carson and Ms Davies cease to occupy it, however over the many years since commencement of the residential use of the site, it is considered that the use has become established at this location with associated landscaping treatments also becoming well-established. This is considered to be a natural extension of this site that will have minimal impact on the surrounding landscape, which includes Line Wood, a designated County Wildlife Site, which lies beyond the border with Taunton Deane Borough Council. Due to the discreet nature of the site it is considered to be appropriate for continued occupation and as such, a personal, or other form of temporary permission, is not considered necessary.

It is noted that there is a grade I listed building (Hatch Court) and its listed park and gardens lie a little under a 1km from the site. Considering the scale of the proposed development, limited visibility and distance from this heritage asset, there is considered to be no adverse impact on its setting or character. Taunton Deane Borough Council have been consulted but have made no comments in respect to this application.

Local Amenity

Objections have been received in relation to the number of gypsy and traveller sites in the wider area, both within South Somerset and Taunton Deane. It is also suggested that granting this permission may have an adverse impact on local tourism and the ability for local services, such as the shop and pub in Curry Mallet, to remain viable. Taking this into account, there is considered to be no reason to assume that granting consent should have any adverse impact on tourism in general, as there are no grounds to take the view that this proposal should be any more harmful than any other residential occupation in the open countryside, especially taking into account the small-scale nature of the proposal.

More pertinent to this application is the location adjoining land relating to the nearest property, Crimson Hill Farm, which is located just over 200m to the north east of the site. The adjoining residents operate a tourism business with a holiday-let cottage and an exempted caravan site. The neighbours have objected to the proposal, particularly on the basis that their human rights could be compromised as the granting of planning permission could adversely affect their business so that their income is significantly compromised. Objection has also been raised on the basis that it would appear that existing drainage provision to serve the application site is not appropriate, and this has allegedly resulted in the contamination of part the neighbour's woodland with raw sewage.

Turning first to the general impact on the adjoining site initially, the main property and the holiday-let cottage are located at over 200m from the site, with the applicant's agricultural field in between. It is not considered that there would be any unacceptable harm to residential amenity or the ability to enjoy these properties. It is noted that there is a narrower strip of field that adjoins the north east corner of the application site, in which it is advised that caravans are often sited in relation to the neighbour's exempted caravan site. While it is noted that this is close to the application site and may potentially be close enough for the proposed development to be apparent, it should be noted that the neighbour has a large landholding, with several places where caravans could be sited that would be at a more desirable distance from the application site so as not to be adversely affected. While it is acknowledged that the area identified has the potential to be the most isolated and tranquil location, it is not considered that it has been demonstrated that granting this permission would lead to the neighbour's business being unacceptably harmed. Of course, Member's may wish to consider this matter in more detail and give the appropriate consideration to the impact on the neighbour's human rights, just as they will have to consider the human rights of the applicant and intended occupiers.

In respect to foul sewage disposal, there is a composting toilet on site, which is a tried and tested feature that should raise no concerns in respect to contamination of the site and adjoining land. It is also noted that drainage provision was provided following the grant of planning permission 07/01853/FUL, in the form of a sewage treatment plant. Following the reports of potential contamination, the Council's Environmental Protection Officer visited the site to investigate further. There was no evidence directly linking the contamination to the application site, however, dye testing was carried out. Following this no dye has appeared on the neighbouring land, however it is also noted that the effluent storage tank was emptied not long before the Environmental Protection Officer's visit. It is therefore possible that the tank may have overflowed, however it is considered that this installed drainage scheme is appropriate to deal with the effluent generation from the approved site, however this is reliant on proper management and regular emptying, in the same way as any similar system would require. This in itself is not a planning matter, with the Local Planning Authority having to assume that the drainage system is properly maintained. The control of such matters falls within the remit of Environment Agency and Environmental Protection Legislation. This does strictly relate to the already approved application and not this proposal, however it is considered that adequate provision either exists or can be provided to address the need of the site. A condition will be imposed to ensure that appropriate drainage provision is provided.

In considering the general wider impact of the proposal, policy contained in 'Planning Policy for Traveller Sites' states that sites located in rural areas should respect the scale of, and not dominate the nearest settled community. If approved, the proposal would lead to the provision of a small-scale site limited to three discretely located pitches. As such, it is not considered that, there is sufficient evidence to indicate that the nearest settled communities would be adversely dominated by this proposal. Moreover, if this application were to be approved, then a set of conditions would be imposed that seek to strictly control the use of the site including the number of caravans and to prohibit business use. If there was any breach of one or more of those conditions, then the LPA may use enforcement powers to regularise the situation.

In respect to enforcement powers, it has been suggested that the applicant has carried out commercial operations from the application site, however no such operation has been evident during officer visits to the site. This does not however preclude action should a future breach be reported and subsequently confirmed.

Highways Safety

The application site is served via an access that was first put in place following planning permission 06/00275/FUL. As part of the approval, a properly consolidated access track and visibility splays of 60m set back 2m from the carriageway edge were required by condition. In the submission of later applications for the residential use of the site and the provision of an agricultural building, these requirements were repeated by the County Highway Authority.

In considering this application, the Highway Authority consider that the proposal will have minimal traffic impact on the local highway network and that there are already appropriate parking and turning facilities on site to serve the development. As such no objections are raised in principle. It however requested that the access needs to be widened to 5m over its first 6m and that appropriate visibility splays need to be put in place. At present the visibility is inhibited by vegetation, however the Highway Officer has confirmed that good visibility splays are possible with the cutting back and management of the vegetation. It is advised that the provision of the originally approved splays (i.e. 60m by 60m) will be acceptable. It has been brought to the attention of the Local Planning Authority that the originally approved visibility splay has not been put in place, as such amended plans were sought to provide the

increased width access and also to provide the visibility originally required. Should permission be granted, it is suggested that a condition be imposed to require these splay to be provided within two months of the decision.

An objection has been raised on the basis that 60m cannot be achieved to the south west of the access as part of the visibility splay shown on the submitted drawing actually crosses land not in the applicant's ownership. This is noted and it is indeed clear that the frontage in this direction that is in the applicant's control extends to approximately 53m. While this does not meet the full 60m requirement, this is still a considerable distance and it is felt that this would provide an acceptable level of visibility to address any highway safety concerns associated with this development.

Conclusion

The provision of two additional pitches for use by travellers, subject to the proposed development meeting the criteria of SSDC Local Plan policy HG7 is considered to be acceptable as there is a presumption in favour of the proposal, subject to acceptance by any relevant policy and other material considerations. In this case, it is considered that the applicants have satisfactorily demonstrated that they fulfil the legal definition of a gypsy/traveller and that this way of life has not permanently ceased. On balance the recommendation is to approve the application.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

Not relevant to this application.

RECOMMENDATION

Approve planning permission with conditions

01. Notwithstanding the concerns raised in respect of sustainability, local landscape character, highway safety, flooding, impact on heritage assets, residential and other local amenity, the proposed development of an additional two gypsy/traveller site pitches, would meet a recognised need without detriment to visual or residential amenity or highways safety. The site is reasonably well located relative to schools and other community facilities and can provide for appropriate sewerage disposal and other necessary facilities. As such the proposal complies with policies SD1, TA5, TA6 and HG7 of the South Somerset local Plan and the policies contained in the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Site Location Plan - drawing no. BJC15-SLP', received 14th May 2015, 'Site Layout Plan - drawing no. BJC15-LAYOUT Revision B', received 2nd June 2015 and 'VISIBILITY AND LANDSCAPING - drawing no. BJC15-VSL', received 1st September 2015.

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

02. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Travellers.

Reason: To avoid any ambiguity as to who can occupy the site hereby permitted as an exception to policy.

03. There shall be no more than 2 pitches on the whole of the application site contained within the area outlined in red on the submitted location plan, drawing no. 'BJC15-SLP'. Each pitch shall be limited to the areas identified as 'Plot 1' and 'Plot 2' on submitted site layout plan, drawing no. 'BJC15-LAYOUT Revision B'. On each of the 2 pitches hereby approved, no more than 2 caravans shall be stationed at any time, of which no more than one caravan shall be a residential mobile home.

Reason: To ensure that the Local Planning Authority have control with regard to the number and type of caravans on the site in the interests of visual amenity and highway safety in accordance with policies TA5, TA6 and EQ2 of the South Somerset Local Plan and the provisions of chapters 4, 7 and 11 of the National Planning Policy Framework.

04. No commercial activities, including the storage of materials, shall take place on the land.

Reason: In the interests of visual and residential amenity and highway safety in accordance with policies TA5, TA6 and EQ2 of the South Somerset Local Plan and the provisions of chapters 4, 7, 11 and the core planning principles of the National Planning Policy Framework.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings or structures shall be erected on site other than those expressly authorised by this permission.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), all means proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. Such details, as may be approved, shall be retained and not varied or added to without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to prevent unnecessary pollution of the night sky in accordance with policies TA5, TA6 and EQ2 of the South Somerset Local Plan and the provisions of chapters 4, 7 and 11 of the National Planning Policy Framework.

07. The area identified as 'car park' on the submitted site layout plan, drawing no. 'BJC15-LAYOUT Revision B', shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted and that approved by planning permission 07/01853/FUL.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

08. Visibility splays shall be provided in accordance with details, as indicated on submitted visibility splay and landscaping plan, drawing no. 'BJC15-VSL'. There shall be no obstruction to visibility greater than 900mm above the adjoining road level in advance of said visibility splays in so far as they are within the applicant's land ownership, as indicated by the areas of land outlined in red and blue on submitted site location plan, drawing no. 'BJC15-SLP'. Such visibility shall be provided within two months of the date of this decision and shall be maintained at all times thereafter.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

09. A properly consolidated and surfaced access (not loose stone or gravel), measuring 5.0m in width and 6.0m back from the edge of the adjoining carriageway, in accordance with details as indicated on the submitted site layout plan, drawing no. 'BJC15-LAYOUT Revision B', shall be constructed within two months of the date of this decision, or within an agreed timeframe to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

10. Any proposed gates at the site access shall be hung to open inwards and shall be set back a minimum distance of 5.0m from the adjoining carriageway edge. Said gates shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

11. A scheme of landscaping shall be carried out Landscaping in accordance with the details indicated on the submitted visibility splay and landscaping plan, drawing no. 'BJC15-VSL'. Such approved scheme of landscaping shall be implemented in its entirety during the first planting season (October to March inclusive) following the date of this decision. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

12. Details of foul and surface water drainage to serve the development, shall be submitted to and approved in writing by the Local Planning Authority. Such approved drainage details shall be completed and become fully operational within two months of the date of this decision, or within an agreed timeframe to be approved in writing by the Local

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

Reason: In the interests of residential amenity and highway safety in accordance with policies TA5, TA6 and EQ2 of the South Somerset Local Plan and the provisions of chapter 4 and the core planning principles of the National Planning Policy Framework.

Agenda Item 18

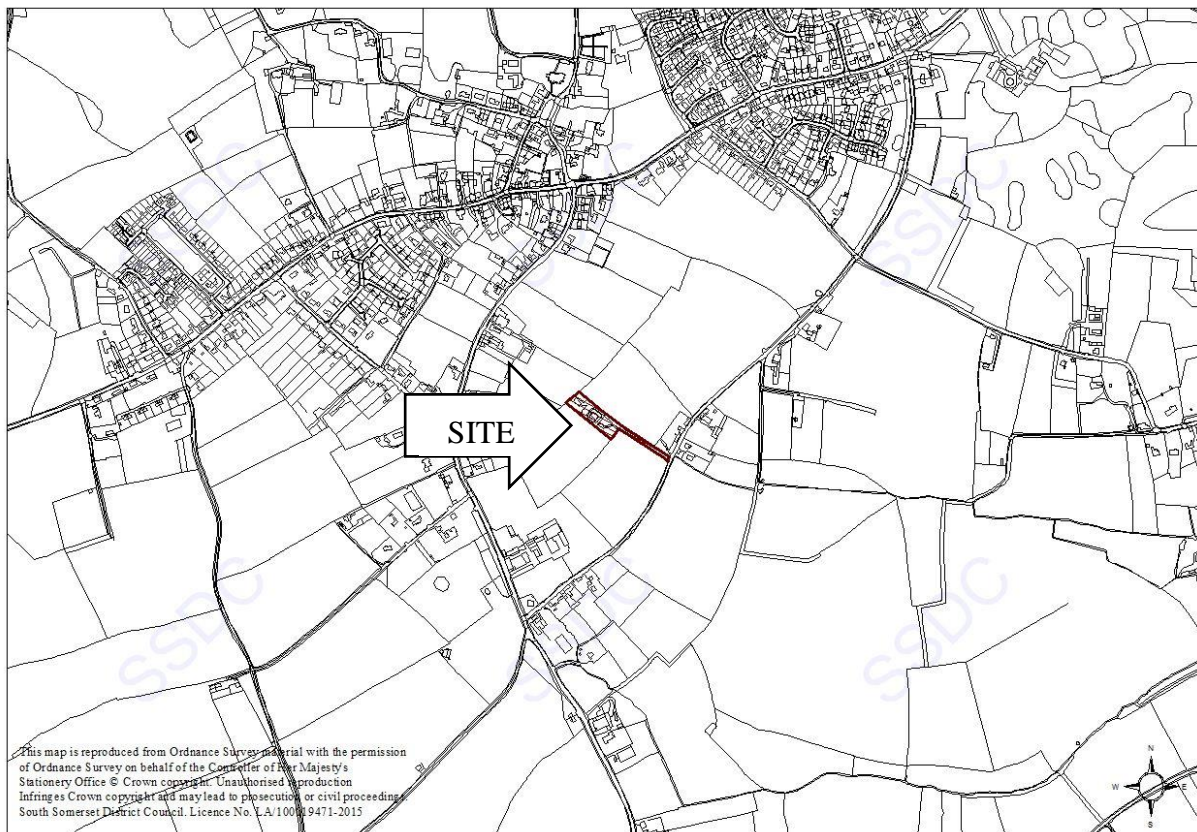
Officer Report On Planning Application: 15/04390/FUL

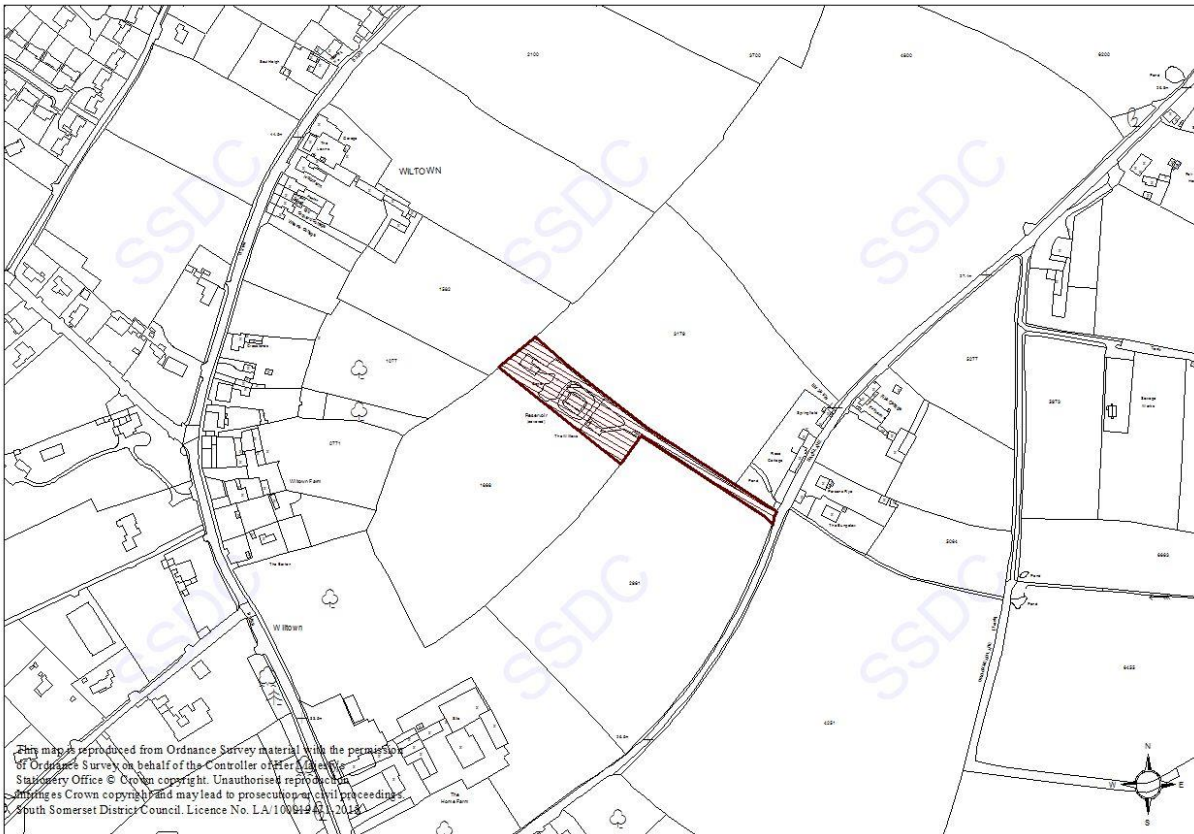
Proposal :	Proposed conversion and extension of former waterworks depot into residential dwelling including the erection of a double garage (GR 339210/124771).
Site Address:	Former Environment Agency (Depot), Back Lane, Curry Rivel.
Parish:	Curry Rivel
CURRY RIVEL Ward (SSDC Member)	Cllr T Osborne
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	24th November 2015
Applicant :	Mr J Conway
Agent: (no agent if blank)	Mr Francesco Della Valle, Lake View, The Maltings, Charlton Estate, Shepton Mallet BA4 5QE
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee at the request of the Ward Member for a full discussion of the merits of the proposal.

SITE DESCRIPTION AND PROPOSAL





The site is located in open countryside to the south west of the village. It is surrounded on three sides by open fields. It is the north-westernmost portion of land previously used as a waterworks depot. On the site is a brick depot building with a pitched slate roof. The remainder of the depot site, to the south east of the application site, comprises a disused reservoir, and a two-storey brick dwellinghouse. Access to these sites is taken along a private paved driveway off the north west side of Back Lane.

Permission is sought for the conversion and extension of the waterworks depot building to form a dwellinghouse.

HISTORY

15/03046/FUL: Proposed conversion and extension of former waterworks depot into residential dwelling including the erection of a double garage and carport - withdrawn

POLICY

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

should be refused, unless other material considerations indicate otherwise.

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

SD1	Sustainable Development
SS4	District Wide Housing Provision
SS5	Delivering New Housing Growth
SS6	Infrastructure Delivery
SS7	Phasing of Previously Developed Land
HG2	The Use of Previously Developed Land (PDL) for New Housing Development
HG3	Provision of Affordable Housing
HG4	Provision of Affordable Housing - Sites of 1-5 Dwellings
TA5	Transport Impact of New Development
TA6	Parking Standards
EQ2	General Development
EQ4	Biodiversity
EQ7	Pollution Control

National Planning Policy Framework (March 2012):

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

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

Policy-related Material Considerations

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

South Somerset Sustainable Community Strategy (2008-2026)

CONSULTATIONS

Parish Council: No objections.

Highways Authority: Standing Advice applies.

SSDC Highways Consultant: *Traffic impact on Back Lane unlikely to be significant. Consider extent of visibility splays at the site access - acknowledge former use of building but dwelling is likely to increase the use of the access on a daily basis. On-site parking to accord with SPS standards.*

SSDC Landscape Officer: *The site is a singular location, laying between Wiltown and Back lane within open fields to the south of the main village. Whilst the site is host to the functional depot building, it is not a domestic presence, and it is of relatively modest scale. Whilst there is a single residence accessed off the same track as the depot building - 'Springfield', to the southeast - its presence is singular, and set outside the village envelope, and thus does not provide precedent for further development. The character of the application plot is not residential.*

The proposal before us abuts pasture fields on all sides, apart from the narrow boundary with 'Springfield'. It is large scale, and as viewed from Wiltown, will appear incongruous in form and scale, and at variance with its open field surround. Consequently I view the proposal to erode local character and advise a landscape case for refusal.

SSDC Tree Officer: Initial comments (previous application): An objection was raised on the basis that landscape features (trees) would be lost and/or harmed. In particular:

- below-ground services would be likely to harm root systems;
- footprint of development is too close to retained trees for practical retention of trees
- no mitigation is offered for the loss of trees

Recommended revising the proposal, perhaps seeking to retain and manage the existing Willows by a traditional pollarding approach; whilst devising an improved scheme of tree and shrub planting (employing cell-grown and container-grown stock) that would compliment the new dwelling within the surrounding landscape.

In response to the current, amended scheme, regret is expressed that the previous recommendations have not been adopted. The scheme is still considered harmful to established trees on site. No suitable mitigation planting has been proposed. An objection is raised.

SSDC Ecologist: No objection subject to condition relating to bats.

SSDC Environmental Protection Officer: No objection, subject to condition relating to possible contamination.

Wessex Water: No objection is raised. Information is given about future drainage arrangements.

REPRESENTATIONS

Two letters of objection have been received, raising the following main points and referring back to comments offered previously:

- the size, scale and design of the property is totally out of keeping with its surroundings;
- effectively a new dwelling in open countryside;
- future residents would be subject to unacceptable noise from the activities at Old Oak Farm

Two letters of support have been received, raising the following points:

- the site is well suited for residential use, with existing access;
- impact on any neighbours would be minimal;
- a home would be provided for an additional family on brownfield land in a sustainable location.

CONSIDERATIONS

Principle of Development

The site, although adjacent to a single dwellinghouse, is in a countryside locality remote from services and facilities where development is not encouraged. Paragraph 55 of the NPPF advises that isolated homes in the countryside should be avoided unless special circumstances indicate otherwise, such as the re-use of redundant or disused buildings where this would lead to an enhancement to the immediate setting. Policy EQ2 of the Local Plan seeks to maintain the District's local distinctiveness, preserving or enhancing its inherent character. The principle of the development would therefore depend upon it being demonstrated that the setting would be enhanced by conversion and re-use of the existing building.

Design, Visual and Landscape Impact

The existing building on the site is a brick structure with slate roof dating back to 1901. It was presumably erected as part of the same development as the two-storey house to the south-east ('The Willows') at the time of the establishment of this waterworks depot. Although a modest structure, it is of sound construction and good quality materials, with a total floor area of 140 sq m, and good internal volumes under a relatively high roof. Importantly, it is well embedded in the setting, with a large amount of established vegetation, and some worthwhile mature trees. In this context, the building is of an appropriate scale and design for its former function. It sits well within the landscape, respecting the open rural setting.

It is considered that a modest scheme of conversion could be devised for this building, and within the context of this well-screened site located in an open landscape. Such a scheme would have to be sensitive to the openness of the wider setting, and the need to maintain and enhance the existing screening provided by trees and shrubs.

However, the current proposal largely overwhelms this building, demolishing some elements and building over and around it. Only small portions of the original building will protrude from the front and rear elevations. A garage outbuilding is proposed for the north-eastern boundary, necessitating the removal of at least one tree. The scale of the development and positioning on site will require removal of much existing vegetation, and, as pointed out by the Tree Officer, would be unsuccessful in retaining any significant screening.

The net visual impact on the setting will be significant. This is a large development in an open landscape. Given its height and bulk, it will be clearly visible from various aspects. It will present an intrusive and incongruous large-scale modern feature in what is currently a low-scale, traditional rural setting beyond the developments of the settlement. The necessity of reducing existing screen vegetation, and the resulting domestic intrusion of the various paraphernalia will emphasise this incongruity.

The Landscape Officer has clearly set out his concerns and recommended refusal of the application, as has the Tree Officer. It is not considered that the proposal would represent an enhancement of the immediate setting, or that it would respect the established rural character of that setting. Furthermore, it is a development on a much larger scale than is appropriate to the building being considered for 're-use' and conversion. It is therefore not considered to accord with the aims of Paragraph 55 of the NPPF or Policy EQ2 of the Local Plan.

Impact on Residential Amenity

The proposed dwellinghouse is sufficiently distant from any neighbouring residential properties

to avoid overlooking or other harmful amenity impacts that would warrant a refusal of the application. An objector has referred to concern about noise created by local farms. It is not considered that there are any farming activities sufficiently close to the site to warrant a refusal on amenity grounds.

Impact on Highway Safety

The existing access down a private drive is used by a single dwelling and was used by the depot. Whilst there could be some increase in usage with this change of use, it is not considered that it is significant on this lesser road with relatively slow moving traffic. Reasonable visibility exists at the junction with Back Lane. Adequate parking and turning space can be achieved on site. It is considered that the proposal is generally in accordance with Standing Advice, and that there is no highway safety reason for refusal of the application.

Five-year Land Supply

The Council is currently unable to demonstrate an adequate five-year supply of housing land as required by the NPPF. Under such circumstances, local plan policies regulating the supply of housing could be considered out of date and there is a presumption in favour of development which is otherwise sustainable. However, the current proposal is being considered under advice within the NPPF - paragraph 55, which would enable to conversion of buildings in the countryside where some enhancement can be demonstrated. As discussed above, the proposal is considered to harm the existing setting, and the proposal involves considerably more development than conversion of a disused building. It is not considered that the contribution towards housing supply which this single dwellinghouse would offer would outweigh the significant harm identified.

Affordable Housing

The proposal to create a new dwelling is subject to the provision of a contribution towards the provision of affordable housing under Policy HG4 of the Local Plan.

Letters of Representation

The comments received from local residents have been considered. They are largely dealt with in the body of the report. The following additional points are made:

- Old Oak Farm is sufficiently distant from the site to cause any demonstrable amenity harm.
- Whilst the advantages of the proposal pointed out by a resident are noted, it is not considered that they singly or together outweigh the considerable harm to the landscape and countryside setting that would result from the proposal.

EIA Regulations

Not relevant.

Conclusion

The proposal is of a design, scale and massing that fails to respect the rural setting or the character of the building being re-used. It is not considered that it represents an enhancement of the immediate setting. On the contrary, it is considered that it represents significant harm to the character and appearance of the local landscape. Whilst no amenity, highway safety or other harm has been identified, it is not considered that the proposal complies with the aims of

the NPPF or the Local Plan, and it is accordingly recommended for refusal.

S.106 AGREEMENT

Should the application be permitted, a contribution should be secured by way of a S106 Agreement towards the provision of affordable housing in terms of Policy HG4 of the Local Plan.

RECOMMENDATION

Refuse for the following reason(s)

01. The proposal, by reason of its design, scale and massing, fails to respect the established character and appearance of the local landscape and the immediate setting, and would cause significant harm to this countryside setting, eroding its essential rural character. The identified harm is not considered to be outweighed by the contribution of a single dwellinghouse to the Council's five-year land supply, and the proposal is considered to be contrary to the aims of the NPPF and Policies SD1 and EQ2 of the South Somerset Local Plan.
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