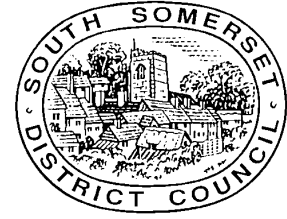


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 29th June 2016

2.00 pm

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

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



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

The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than **3.15pm**

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

This Agenda was issued on Tuesday 21 June 2016.

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



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 Aims

South Somerset will be a confident, resilient and flexible organisation, protecting and improving core services, delivering public priorities and acting in the best long-term interests of the district. We will:

- Protect core services to the public by reducing costs and seeking income generation.
- Increase the focus on Jobs and Economic Development.
- Protect and enhance the quality of our environment.
- Enable housing to meet all needs.
- Improve health and reduce health inequalities.

Scrutiny procedure rules

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

Consideration of planning applications

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

Highways

A representative from the Area Highways Office will normally attend Area North Committee quarterly in February, May, August and November – they will be usually be available from 15 minutes before the meeting to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset County Council on 0300 123 2224.

Members questions on reports prior to the meeting

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

Information for the Public

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

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

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

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

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

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

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

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

Public participation at committees

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

Public question time

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

Planning applications

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

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

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

The order of speaking on planning items will be:

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

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

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

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

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

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

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

Area North Committee

Wednesday 29 June 2016

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meetings held on 19 May 2016 and 25 May 2016.

2. Apologies for absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2112 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 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 and Sylvia Seal.

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

finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. Date of next meeting

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 27 July 2016** at a venue to be confirmed.

5. Public question time

6. Chairman's announcements

7. Reports from members

Items for Discussion

8. Community Offices Update (Pages 9 - 14)

9. Performance of the Streetscene Service (Pages 15 - 19)

10. Community Health and Leisure Service Update (Pages 20 - 28)

11. Area North Committee Forward Plan (Pages 29 - 30)

12. Planning Appeals (Pages 31 - 55)

13. Schedule of Planning Applications to be Determined By Committee (Pages 56 - 57)

14. Planning Application 16/01569/OUT - Land Rear of Maismore, Compton Street, Compton Dundon. (Pages 58 - 65)

15. Planning Application 16/00678/OUT - Clarendon House, Street Road, Compton Dundon. (Pages 66 - 71)

16. Planning Application 1601834FUL - Shearstone, Silver Street, East Lambrook (Pages 72 - 75)

17. Planning Application 15/05688/FUL - Lower Farm, Lambrook Road, West Lambrook. (Pages 76 - 84)

18. Planning Application 15/05689/LBC - Lower Farm, Lambrook Road, West Lambrook. (Pages 85 - 88)

19. Planning Application 16/01012/FUL - 18 East Street, Martock. (Pages 89 - 96)

20. Planning Application 15/04736/FUL - The Limes, High Street, Curry Rivel. (Pages 97 - 104)

21. Planning Application 15/04737/LBC - The Limes, High Street, Curry Rivel. (Pages 105 - 109)

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.

This does not apply to decisions taken on planning applications.

Recording and photography at council meetings

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

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

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

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

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Agenda Item 8

Community Offices Update

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

Purpose of the Report

To update Councillors on the yearly footfall/enquiry figures across the district.

Public Interest

South Somerset District Council (SSDC) has 6 community offices which enable the public to access a wide range of Council related information and other assistance. This supplements the other ways of contacting SSDC, which is by phone or the website. This report gives an update of the number of customers who visit the offices from April 15 through to end of March 16.

Recommendation

That the Area North Committee comment on and note the contents of the report.

Background

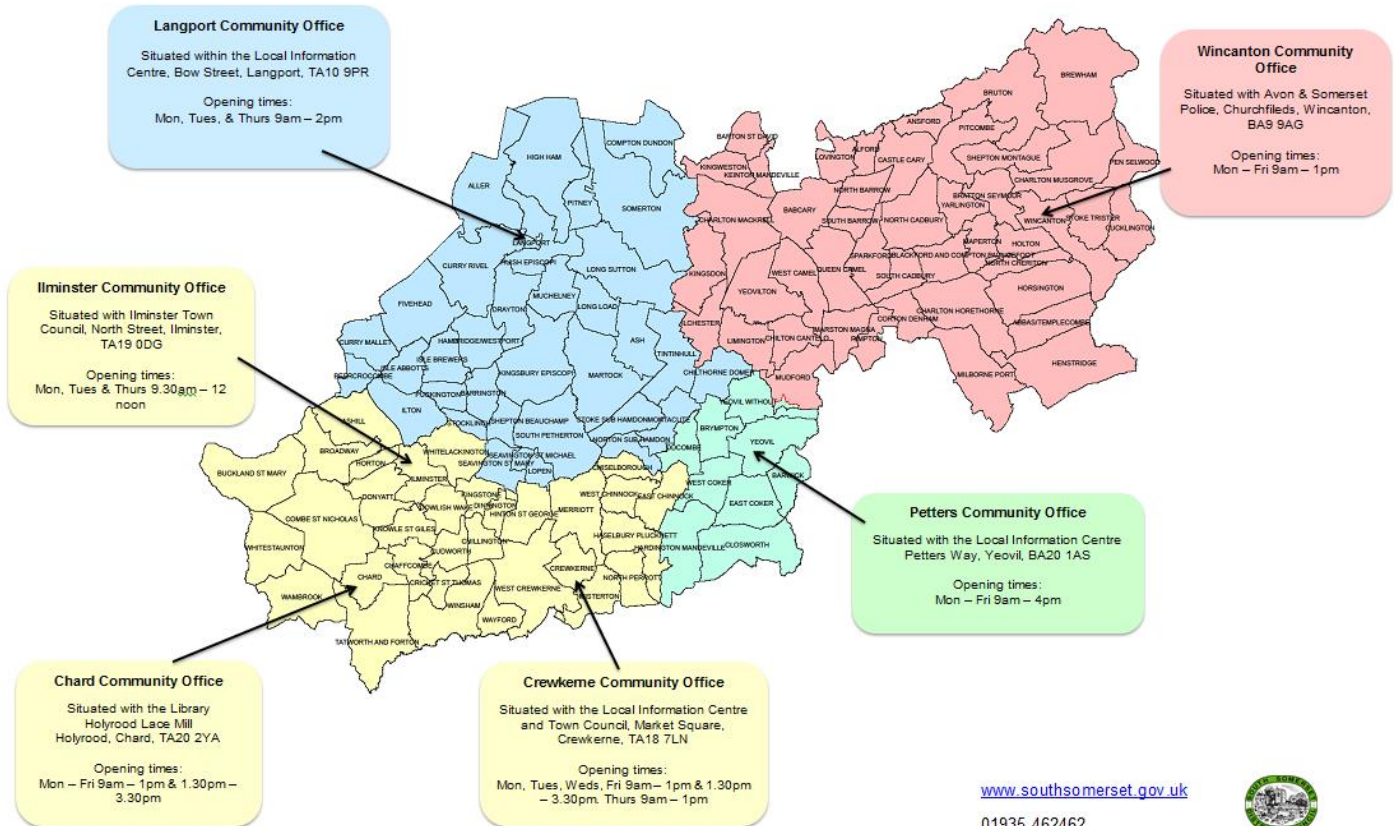
The community offices are located in Yeovil, Crewkerne, Chard, Ilminster, Langport and Wincanton and are managed by the Community Office Support Manager and Deputy Community Office Support Manager, reporting to the Assistant Director, Communities. There are 13 (9.5FTE) Community Support Assistants (CSA)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

The Community Offices

The main SSDC services that customers visit our offices are:

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

SSDC Community Offices



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

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

Full Community Office information can be found at <http://www.southsomerset.gov.uk/visit-our-offices/> or on our leaflets located at the offices.

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

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

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

The Community Support team have access to the online referral system which enables them to refer customers as appropriate to the Welfare Benefits team and outside agencies such as CAB, SSVCA. There is a weekly surgery held by the Welfare Benefits team in the Crewkerne Community office and the Welfare Benefits Advisors provide support and advice to many of the visitors to the front office. They work closely with the Community Support team to raise awareness of the benefits that people may be entitled to. During 2015 - 16 the team made around 150 Welfare benefit referrals.

The Community Support Assistants also have the ability to support the Contact Centre by picking up calls from the area offices in order to help reduce call waiting times during busier periods.

Neighbourhoods within Yeovil West and Yeovil Central fall within 10% of the most deprived areas within South Somerset with neighbourhoods within Yeovil East and Chard Jocelyn falling within 20%. (Source: 2015 Indices of Deprivation mapper).

Highlights

Across the Community Offices overall footfall has reduced by 8% with core service footfall reducing by 10% from the previous year.

Web transactions have increased by 20%.

It should be noted that the offices at Chard, Wincanton & Petters have their own bookable meeting rooms and visitors for meetings are included as part of reception duties footfall.

Housing & Homelessness footfalls showed a slight increase and during 15-16 applicants were asked to provide supporting evidence for new applications, renewals and updating existing applications. The housing register figures have not increased during the year.

Around 12,000 (43%) customers (excluding reception footfall) visiting the Community Offices came in for benefits help, queries, or to provide additional information/evidence in support of their benefit applications. 1,800 (12%) customers required additional support or assistance - i.e. help to complete online/paper forms/evidence.

During 2015 - 16 there were 3,675 benefit application forms received by SSDC, this is a reduction of 6.6% from 2014 - 15. Of this number 17% of applications were received online, compared to 14% in 2014 -15.

Looking forward the Benefits team will be looking at our on-line provision and how they can make the switch from the majority of forms being paper based to being on-line.

Universal Credit is due to be fully rolled out across South Somerset in early 2017, this means that anyone of working age who has a rent liability will no longer claim housing benefit from the Council. Instead they will claim Universal Credit from DWP. However, if they are liable to pay Council Tax they will need to make an application for that from the Council.

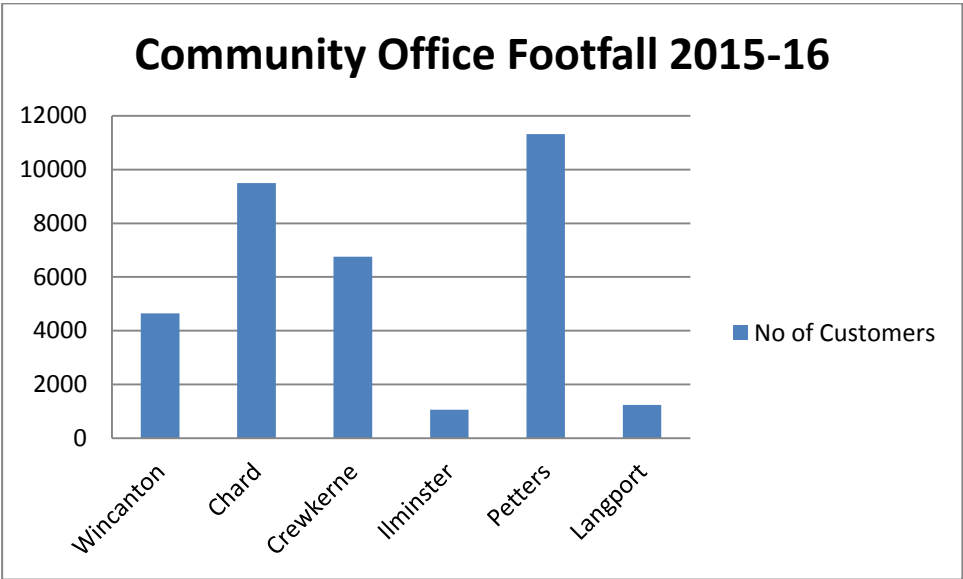
Cash machine transactions remained around the same in Chard (6,539 transactions) but reduced at Petters (8,956 transactions – a decrease of around 900 from the previous year). A cash machine was installed at Brympton Way in January 2014 and customers now have two places of access in Yeovil. Transactions at Brympton Way for 2015-16 were 2,489. The number of customers paying their Council Tax by Direct debit has increased with approximately 65% of bills now being paid by Direct Debit.

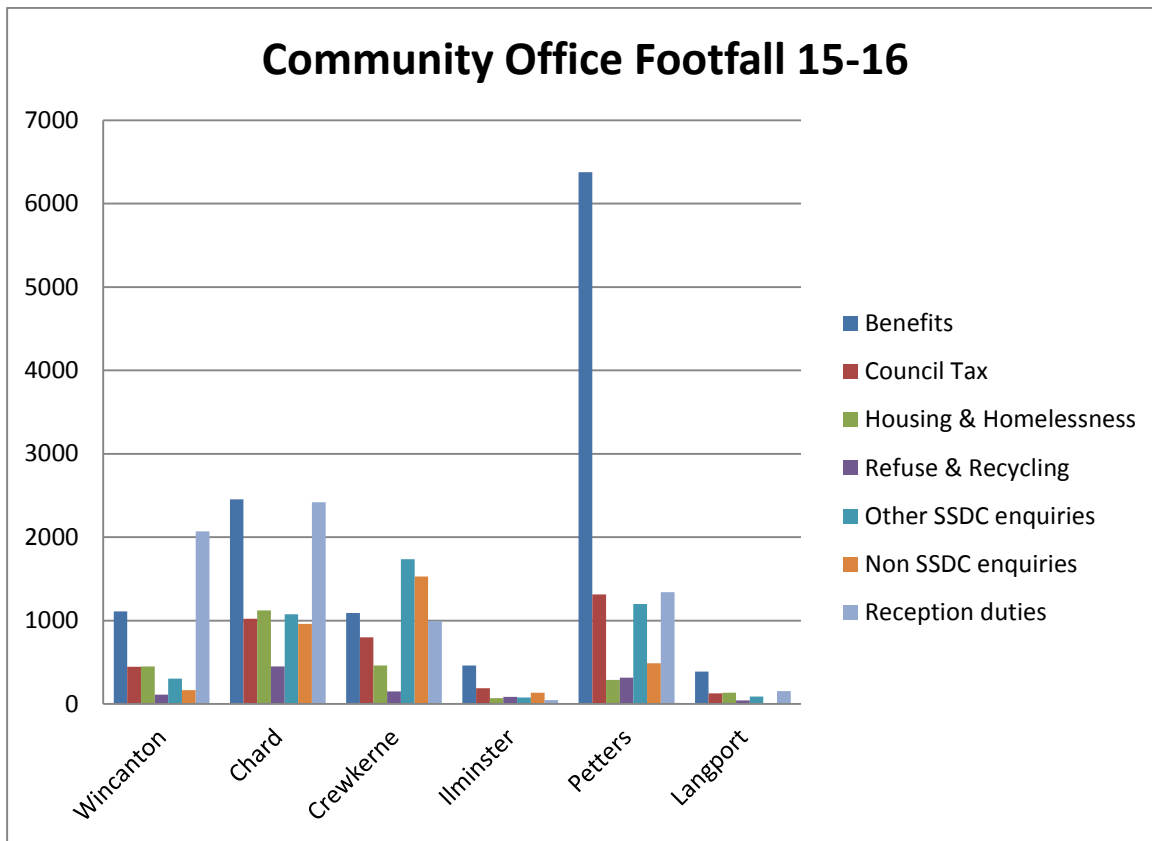
Footfall figures (Number of customers visiting the Community Offices)

Total footfall comparisons for all Community Offices from April 2012 - April 2016

All SSDC Community Offices	2012 - 2013	2013 - 2014	% change in footfall 12/13 - 13/14	2014-2015	% change in footfall 13/14 - 14/15	2015-16	% change in footfall 14-15 - 15-16
Benefits	18561	15345	-17%	13560	-12%	11874	-12%
Council Tax	4270	4282	0.3%	4250	-0.7%	3894	-8%
Housing & Homelessness	3450	2608	-24%	2306	-12%	2523	9%
Refuse & Recycling	1882	1411	-25%	1469	4%	1156	-21%
Core services total	28163	23646	-16%	21585	-9%	19447	-10%
Other SSDC enquiries	5768	4067	-29%	4206	3%	4474	6%
Non SSDC enquiries	10522	8102	-23%	6832	-16%	3585	-48%
Reception duties	8462	6189	-27%	4848	-22%	7019	45%
Total Footfall	52915	42004	-21%	37471	-11%	34525	-8%

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





Customer satisfaction

Our annual customer satisfaction survey will be completed in September 2016.

The future

In the coming year we will be looking to increase awareness of the services provided at the Community Offices and ensure that the service provided best meets the needs of the customer. With an increase in digital access there is a continuing need to support customers to access services online and raise awareness of alternative methods to access information and services.

Although still at an early stage, the Council's Transformation Programme will focus on the needs and preferences of customers using the network of community offices. In the meantime we will continue to work with other SSDC services to ensure that we are fully aware of any changes and that the Community Support Assistants have the knowledge and access to the systems to provide the best possible front facing service.

The Community Support team has recently been updated on Business Rates and it is hoped that this will enable more information and support to be provided to local businesses. They will also be receiving training in the near future to assist with the receipt of taxi licences and DBS checks for drivers in the community offices.

The internal SSDC courier will cease at the end of July. Customers who pay Council Tax or other payments via cheque will now be required to post directly to Brympton Way or pay by other means ie cash machine, direct debit or online. The Community Support Assistants will

continue to help customers to use alternative methods of payment where possible and monitor impact.

Financial Implications

None arising directly from this report.

Council Plan Implications

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

Carbon Emissions & Climate Change Implications

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

Equality and Diversity Implications

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

Background Papers: *Community Office Update Nov 15*

Agenda Item 9

Performance of the Streetscene Service

Assistant Director: Laurence Willis - Environment
Lead Officer: Chris Cooper - Streetscene Manager
Contact Details: chris.cooper@southsomerset.gov.uk or (01935) 462840

Purpose of the Report

To update and inform the Area North Committee on the performance of the Streetscene Service in Area North for the period November 2015 – May 2016.

Recommendation

Members are invited to comment on the report.

The major focuses of the service so far for this period that affect Area North, are listed below.

- Routine cleansing and grounds maintenance
- Highway weed control

Operational Works

Over the last few months we have focussed on the normal pattern of seasonal matters such as litter clearance, rural road sweeping, ditch maintenance and horticultural works. Our horticultural teams completed the annual work programmes including the winter ditch maintenance, shrub bed maintenance and hedge cutting programs. Currently we are in peak growing season with mowing and weed control keeping us fully engaged, whilst routine litter control, bin emptying and fly tip removal continue as normal.

During 2015/16 we delivered two applications of herbicide as programmed through the highway weed killing operation. We are currently starting this work program for the 2016/17 season and aim to deliver the same level of service in this financial year.

The herbicide that we use is Round-up pro-biactive which carries no hazard classification and when coupled with an approach of spot spraying individual weeds rather than 'blanket spraying' vast areas, does I believe provide the safest cost effective method of weed control available to us when considering the size of the area that we maintain. We recognise that there are some concerns regarding the use of Glyphosate in some parts of the community and we are consistently monitoring government guidance on this matter and will respond in line with published guidelines.

Since the last Area Report, we have fitted weed removal brushes onto the road sweepers and have completed the sweeping programme for removal of soil and weeds that have built up on kerbed areas of the roads around the Area. This work plan has made a notable impression; we have cleaned the main roads, roundabouts and splitter islands on the A303. The programme has removed many tons of soil build-ups from our main road system and as a result of this work; we are seeing reduced localised pooling of water on roads due to improved water access to road drains and less weed growth along these routes.

One aspect of the service that has always been an area of demand has been the calls for additional bins around the district. In response to this we have reviewed our service and made changes that have resulted in an increase in capacity. We are therefore, able to accommodate some additional requests should they be required to address litter and dog waste issues across the district.

As always, we continue to focus on managing the number of flytips found in the district, the chart below shows the numbers of fly tips collected from Area North over the year.

AREA North	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	TOTALS
Aller		1											1
Ash									2		2		4
Barrington											1		1
Beercrocombe													0
Bower Hinton													0
Chilthorne Domer	1					1		2				2	6
Compton Dundon	1	1											2
Curry Mallet	1	1	3	2				1	1	1	2	1	13
Curry Rivel	1	4						1	1	3		3	13
Drayton			1	1		3							5
Fivehead		3		3	1	1	1		4		1	2	16
Hambridge & Westport				2	1	1					1		5
High Ham			1				1		2	1	1	6	12
Huish Episcopi				1	2	1	1		2		2	2	11
Ilton					1			3				1	5
Isle Abbotts	1		1					1				1	4
Isle Brewers													0
Kingsbury Episcopi	2		2		2	1			1	2	1	1	12
Langport		1									3	1	5
Long Load				2			1					1	4
Long Sutton				1			1					2	4
Lopen							2						2
Martock	3	2		2	4	1	3	1	1		1	1	19
Montacute	1	2	6	2			3				2		16
Muchelney								1	1				2
Norton Sub Hamdon	1						1		1				3
Pitney										2		1	3
Puckington													0
Seavington		1		2	1	2					1	1	8
Shepton Beauchamp							1					1	2

Somerton	1	1	1	1	1	3		1		1	1	7	18
South Petherton	3	1	4	3	8	4		3	2	7	12	10	57
Stocklinch											1	1	2
Stoke Sub Hamdon				1					1		1	1	4
Tintinhull	1		2	2	6				2	1	4	1	19
TOTAL AREA NORTH	17	18	21	25	27	18	15	14	21	18	37	47	278

In Area North we find that the levels of tipping over the year show 278 instances of dumping compared to 264 reported fly tips for the same period last year. Although we are seeing a small increase in the Area, we are finding a reduction in numbers across the district as a whole, as during the previous year when we cleared 1157 tips across the district compared to 1083 this year.

Having analysed the figures, we believe that the reduction is due to the street cleaning teams collecting single black bags of rubbish as routine litter rather than recording it as small fly tips. We recognise that dumping on private land is not included in this recording and in certain locations this is a problem for members of our community. We will be working to develop ways in which we can assist landowners to address these issues over the coming months.

During the autumn, our teams spent a number of weeks removing leaves from across the area and for the coming autumn we are investigating ways that we could use what we collect to recycle as mulch.

Earlier this year the team supported the Clean for the Queen initiative that was taken up by a number of parishes and towns throughout the district. In Area North we worked with Curry Rivel, South Petherton and Somerton. Should any other towns or parishes have cleansing or environmental initiatives, we would be delighted to work with them if they are interested.

This year we offered free Christmas tree shredding in the towns around the district and in Area North we visited Langport, Somerton and South Petherton. The scheme received a good response from residents in the towns that took part and we recycled a good number of trees, we aim to repeat this scheme next Christmas.

The team was also involved in works at Langport to clean out the ditch which runs alongside the very attractive riverside walk. Here we used a small boat to access the litter that had been blown or thrown into the water to leave the area clean, whilst our arboricultural team did some work on the overhanging trees to improve the views along the route. We also worked with a number of volunteers to litter pick the town and local footpaths enjoyed by residents. My thanks to Cllr. AparicioPaul for mustering the volunteers and liaising between us all to make the works run smoothly.

The Parish Rangers employed by the team have been very busy and feedback on the contribution they have made to their respective parishes continues to be very good. We have recently worked to support the Turnhill Ranger Scheme and have started some drainage related works with South Petherton. We are continuing to develop the scheme with more parishes as requests are received.

We have continued to liaise with the Parish Environmental Wardens across the district. The idea of the scheme is to develop a network of key individuals in each parish which will develop relationships with the service to work with us to address a wide range of environmental issues – from reporting a problem through to working with our teams to deliver locally important projects. Should members or Parishes be interested in joining this group, please give me a call on the number listed above for a chat or to arrange for us to come and talk with the Parish Council about the scheme. We will very soon be holding an open day/evening for the Wardens to see the range of work that the team carries out which will help us explore options for improvements together.

Since the summer, the team has been working very closely with the Yeovil Cemetery Team and together we are making notable improvements to the delivery of this service. This is a specialised area of work and there is considerable expertise available within the service. In order to maximise good practice across the district we are available to work with other burial organisations to compare work practices and ensure that best work and health & safety practice is being followed. Recently we have been working with the Chard cemetery team to share best practice and we are currently looking to develop business continuity plans for both organisations based upon working cooperatively. Should you be interested in discussing this in more detail, please contact us to arrange a meeting.

We continue to develop staff in a range of both operational and managerial areas of work in order to improve capacity, deliver high quality safe services and to equip the team to deal with emergency response works in a professional and safe manner. Recently we have been speaking with both the Chard cemetery team and the Crewkerne Amenities team to share opportunities for training and development.

Last year the team submitted a bid for capital expenditure to improve access for all into and around our open spaces. I am delighted to inform you that phase one of a three phase program was agreed and we will be installing a tarmac pathway around Minchington recreation ground in Norton-sub-Hamdon. We will be submitting a further bid later in the year to extend this work and make our parks and open spaces more useable.

Fortunately this winter we did not suffer from the flooding that has affected the area in the past, however we have focussed on training our staff to work in and around water in order to meet our health and safety responsibilities. This training has presented some challenges to the way that we have always traditionally operated and we are currently reviewing our working practices to ensure that we can operate as safely as possible in response to flooding and other water related works.

What's coming next?

- Spring / Summer annual work programmes
- Highway weed control program
- Ongoing development of the Parish Warden Scheme
- Ongoing development of our depot facilities
- Review of working in water practices

Financial Implications

All of the matters highlighted in the report have been achieved within service budgets.

Implications for Corporate Priorities

- Continue to deliver schemes with local communities that enhance the appearance of their local areas.
- Continue to support communities to minimise floodwater risks.
- Maintain street cleaning high performance across the district.

Background Papers

Progress report to Area Committees on the Performance of the Streetscene service.

Agenda Item 10

Community Health and Leisure Service Update

Assistant Director: Steve Joel, Health and Wellbeing
Service Manager: Lynda Pincombe, Community Health and Leisure Manager
Lead Officer: Lynda Pincombe, Community Health and Leisure Manager
Contact Details: e-mail: Lynda.Pincombe@southsomerset.gov.uk or 01935 462614

Purpose of the Report

This report provides an update on the work of the Community Health and Leisure Service in Area North.

Public Interest

This report seeks to provide Area North members with a progress report on the work undertaken by the Council's Community Health and Leisure Service in the last 12 months. This report highlights specific examples of work undertaken within the area so that members can gain an understanding of how the service is creating value and making a difference for residents in their respective communities.

Recommendation

- 1) That the Area North Committee notes the content of this report.
- 2) That Members contact the Community Health and Leisure Manager, if they would like to discuss the current service delivery programme or recommend future priorities.

Background

The Community Health and Leisure team is based at Brympton Way but delivers in all areas, often providing specific technical support or project support with a view to developing sustainable activity. The team frequently works with area development staff on local projects and in the assessment of leisure related Area grants where a strategic overview or technical input may be required.

The services provided by the Community Health and Leisure team is summarised in the table below:

What?	Why?
Healthy Lifestyles	To provide a high quality physical activity and healthy lifestyles programme to enable more people to become active and healthier in South Somerset in line with Council Plan Focus 4.1 and the Somerset/South Somerset Health and Wellbeing Strategy.
Sports Development	To develop and support community sports clubs and other voluntary organisation to deliver excellent sporting opportunities for all residents in South Somerset in line with Council Plan Focus 4.1.

Play and Youth Facilities	To increase the quality and quantity of play opportunities in South Somerset in line with Council Plan Focus 4.3
Opportunities for Young People	To provide and support the development of positive activities for young people in South Somerset in line with Council Plan Focus 4.1.
Leisure Facility Development/Management	To manage and develop sports facilities that help to provide a healthy living environment and sustainable communities in line with Council Plan 4.3

Report

Healthy Lifestyles

Core Work:

- Priority Area 1: To increase the utilisation of the outdoors and green spaces for exercise and health related activity
- Priority Area 2: To decrease the number of adults and children in South Somerset who are currently inactive
- Priority Area 3: To reduce the number of overweight and obese adults and children in South Somerset

Area North Achievements/Delivery in the last 12 months:

Priority Area 1 – Utilisation of outdoors and green space for exercise and health related activity

- Walk figures for the first six months of 2015/16 (April to September) is as follows; 4404 attendances, up 1100 on the half way stage in 2014/15 and 166 new walkers have joined the scheme so far this year. Remaining walk data still being uploaded to the database.
- 2 training days have been held for volunteers, 18 leaders have been trained from across the district. A thank you event has been arranged for September 2016 to reward our committed volunteers.
- 5 Walk Leaders have received their Bronze pin badge for leading 50 Health Walks since April 2014. The pin badges have been designed by the team to recognise volunteers and their dedication to Walking for Health
- There are currently 20 walks taking place across the district, most occurring weekly. Area East currently has 7 Health walks, including new walks in Martock and Curry Rival
- A new Health Walk Directory has been produced with over 1000 circulated across the district. This can also be accessed on line at www.southsomerset.gov.uk/healthwalks
- A 321 route has been planned in Langport, the installation has been delayed due to Environment Agency permissions

Priority Area 2 – Decrease number of adults and children who are currently inactive (completing less than 30 minutes of activity a week)

- 1 Flexercise workshop has been delivered in Area North, 9 leaders were trained at this workshop. Flexercise equipment was originally lent to Our Place Martock and equipment was then funded for the group. 3 Active Somerset Classes have been

funded (attendances in brackets). Yoga with Age UK in South Petherton (13), Yoga with Age UK in Barrington (16) and Yoga with Age UK in Langport (9)

- Sport50 started in The Seavingtons, with 14 in attendance and ran for approximately 12 months before stopping. Sport 50 has started in Somerton with 22 in attendance and is due to start in both Ash and Stoke Sub Hamdon this month.
- A New Age Kurling taster session was held for Curry Mallet Active Living Group with 8 attending.
- Activity finder website Zing continues to be updated and promoted to advertise the number of exercise and activity opportunities in the district and a range of venues. www.zingsomerset.co.uk

Priority Area 3 – Reduce the number of overweight and obese adults and children

- Continued to support Children's Centres in the area by attending meetings and delivering Healthy Lifestyle programmes where possible. health testing delivered at South Petherton (5).
- 3 training courses have been offered at discounted rates to anyone working in health promotion in South Somerset. Courses include; Level 3 NVQ in Nutrition (9) Encouraging Physical Activity (15) and Understanding Behaviour Change (11). The team then work with those trained to deliver initiatives across the district.
- 6 Staff from Yarlinton Housing Group have been trained in basic health promotion messages that up skill staff in how to support residents to become more active, eat healthily and manage their weight.

Area North Priorities for 2016/17:

Priority Area 1 – Utilisation of outdoors and green space for exercise and health related activity

- Offer free Health Walk Leader training to community volunteers
- Develop opportunities for people to become more active through walking
- Report data to The Ramblers using Walking for Health database and provide feedback and support to volunteers
- Promote walking opportunities through printed directories and maps, local communication channels and online resources
- Maintain the standards required to be an accredited Walking for Health scheme
- Promote green spaces for healthy growing and eating of food
- Support mental health organisations to access the outdoors in order to increase physical activity levels
- Development of 321 running routes across the district, promoting these facilities through flyers, local communication channels and online

Priority Area 2 – Decrease number of adults and children who are currently inactive (completing less than 30 minutes of activity a week)

- Keep online resources such as the Healthy Lifestyles pages on SSDC website and promote these resources to local residents, health professionals and community organisations
- Develop new opportunities and promote existing physical activity opportunities utilising Active Somerset funding
- Support the ageing population to maintain independence into later life through a range of targeted initiatives such as falls classes, physical activity classes, health testing, Pop Up Sport/Sport50, Golden Age Olympics and the Flexercise programme.
- Utilise available funding to develop new physical activity opportunities

- Continue to offer and develop both internal and external healthy workplace programmes including a range of different initiatives

Priority Area 3 – Reduce the number of overweight and obese adults and children

- Offer support and deliver a range of initiatives to Children’s Centres and Primary Schools across the district to promote a healthy weight e.g. active clubs training, buggy walks and weight management programmes.
- Utilise available funding to develop healthy weight interventions in local areas in partnership with GP surgeries and community groups
- Deliver healthy weight initiatives at workplaces as part of healthy workplace programme, e.g. weight loss challenge
- Deliver health testing at community groups/organisations to raise awareness of the importance of a healthy lifestyle and encourage people to take responsibility for their own health
- Keep online resources up to date on SSDC website and sign post to additional services such as the Zing Somerset service

Sports Development

Core Work:

- To support the development of new and existing community sports clubs.
- To support the development of coaches, volunteers and officials.
- To seek to enhance school sport.

Area North Achievements/Delivery in the last 12 months

- Continue to deliver a programme of winter and summer junior tennis competition for junior tennis players across the district. 321 junior players took part in the 2015 Summer Series. Both Martock and Somerton Tennis Clubs have hosted tournaments as part of this programme.
- Martock Tennis Club hosted the South Somerset Mini Tennis Red Finals in June 2015, this was attended by 11 schools which qualified from the cluster finals and 44 young people took part. Norton Sub Hamdon from Area North won the competition.
- Supported and funded 12 young leaders from Stanchester Academy to attend Lawn Tennis Association Young Leaders Award and then officiate and score at the final in June.
- Officers supported and with funding from South Somerset Community Badminton Network (operated by SSDC) delivered a Badminton competition for the Langport Community Learning Partnership. Hambridge, King Ina (Somerton), Curry Rivel, Long Sutton and Huish Episcopi attended. Hambidge also won the area final and the county final.
- Officers have supported Huish Episcopi Academy and Stanchester Academy to hosted Boccia sessions for over 20 schools. This helps enable those children with a special educational need to be involved in a full inclusive activity.
- Delivered a schools gymnastics programme for the 6th year, in partnership with Orchard Gymnastics in Yeovil. 42 teams and 210 children took part, 4 teams were from Area North schools. These were from Hambridge and Curry Mallet primary schools.
- Organised Year 6 Hockey Area Finals at Yeovil AGP, which was attended by 8 schools and 80 young people, Hambridge and Kingsbury Episcopi primary schools attended from Area North.

- Officers have supported a young Leadership programme for 30 Year 6 pupils in the Langport Community Learning Partnership area at Long Sutton village hall. These leaders deliver playground activity sessions back in their schools.
- Officers worked in partnership with Stanchester Academy within Area North to support an Archery festival for year 3/4 pupils, which attracted over 80 children.
- Officers supported Huish Episcopi Academy to host the secondary schools rounder's competition in the summer of 2015. 12 schools contested the competition with Huish Episcopi supplied 12 sports leaders to help with the running of the competition.
- Started to plan for pilot *In It Together* to deliver Back to Netball and Beginners Tennis courses in Langport and Martock, this is a Sport England funded 3 year project to increase the number of women and girls taking part in sport and physical activity across South Somerset. We will continue to develop new courses in Area North over the duration of the project.
- Officers have worked with Somerset FA to access £3,000 funding from the English Schools FA to deliver a Futsal project across South Somerset. This has resulted in a club being developed at Huish Episcopi Academy, attended by 15 students on a weekly basis.
- Continue to deliver the Junior Athletics community programme which includes Fundamentals, Junior Athletics and the Academy. In 2015, 156 (7% increase on 2014) young people were registered on our Junior Athletics programme with between 20 and 48 athletes attending our weekly short courses. We have a number of young people who attend from Area North.
- 49 young people attended our summer junior athletics camp at the Bill Whistlecroft Athletics Arena, Yeovil in August 2015. 12 of these young people were from Area North.

Area North Priorities for 2016/17

Sports Specific Development

- Continue to deliver a programme of sports specific development opportunities in partnership with key community sports clubs and NGB's to include: Tennis, Badminton, Hockey, Gymnastics, Athletics and Swimming.
- Deliver 'In It Together' within Area North, funded by Sport England Community Sport Activation, a project to increase the participation of women and girls across South Somerset. The total project cost was £258,844, with £163,294 from Sport England.
- Work with tennis clubs in Area North to support Great British Tennis Weekend 2016. People of all ages and abilities can just turn up with equipment provided for free.
- Working with Huish Episcopi Academy to deliver Mash Up football sessions and regular football competitions for social players and girls on Artificial Grass Pitch.
- Officers to work with Huish Episcopi Academy and CLP sports association with a view to arranging various competitions using the school as the host site and their leaders for support.

Play and Youth Facilities

Core Work:

- To work in partnership with others to provide a range of challenging and exciting play spaces and youth facilities across the district.
- To offer annual, quarterly and routine play inspection service to not-for-profit organisations.

Area North Achievements/Delivery in the last 12 months

- Completed the total refurbishment of the Lavers Oak Play Area, Martock
- Supported Langport & Huish Episcopi Memorial Field Management Committee with improvements to their play area.
- Support Stoke sub Hamdon Recreation Ground Trust with design support for their plans to develop an Adventure Playspace.

Area North Priorities for 2016/17

- Complete improvements to Minchington Close Play Area, Norton Sub Hamdon
- Support Curry Rivel with their plans to develop the play area at Westfield Recreation Ground.

Opportunities for Young People

Core Work:

- To support the development of stimulating things to do and places to go.
- To support the development of new and existing youth clubs.
- To develop opportunities for young people to volunteer and become involved in their communities.
- To support the development of playschemes and targeted holiday activity programmes.

Area North Achievements/Delivery in the last 12 months

Play Days - Successful Play Days have been delivered in Area North over the past year with rural communities benefiting from free access to play opportunities. Play Days were delivered in partnership with communities at the following locations in 2015; South Petherton, Curry Rivel, Ash, Chilthorne Domer, Fivehead, Martock, Kingsbury Episcopi, Long Sutton, Somerton Ilton Stoke Sub Hamdon and Langport.

Disclosure & Baring Scheme (DBS) – Officers have continued to support volunteers working with young people with free DBS checks. . In 2015 a total of 61 DBS checks were processed for the district and due to Data Protection we do not keep records of these by area.

Somerset Rural Youth Project (SRYP) – SSDC provides a grant each year to SRYP to support youth work around the district. In 2015/16 SRYP supported young people in Area North with their National Citizenship Scheme (NCS) with participants from Martock, Chilthorne Domer, Stoke Sub Hamdon, Langport, Somerton and Barrington.

Youth Club Support – Officers have continued to provide youth club support in Area North where required. Langport, Somerton, Barrington, Martock, Fivehead and Drayton were supported with Youth Development Grants.

Youth Club Leader Training – Officers organised free First Aid Training, Food Hygiene Level 2 and Introduction to Child Protection workshops for volunteers working in youth clubs in South Somerset.

Area North Priorities for 2016/17

Play Day Programme – Another year of Play Days is planned for 2016 and will include settlements in Area North. These days are delivered by SSDC and local communities. The planning of these days is in progress, and the communities to be included in the plan at this time are;

Curry Rivel, South Petherton, Martock, Kingsbury Episcopi, Ilton, Stoke sub Hamdon, Chilthorne Domer.

Deliver another successful National Play Day at Yeovil Country Park on Wednesday 3rd August 2016.

Deliver another successful South Somerset Bike Fest on 17th August 2016 at Yeovil Country Park.

To support the new and existing youth clubs that have been established in Area North.

Leisure Facility Development and Management

Core Work:

- To provide sports clubs and community organisations with specialist advice and support to develop their facility projects.
- To secure appropriate leisure contributions from housing development to enhance local and strategic sport and recreation provision.
- To maximise access to existing dual use school sports facilities.
- To effectively and efficiently manage the Council's Facilities at Yeovil Recreation Centre.

Area North Achievements/Delivery in the last 12 months

- Officers have delivered a briefing session for Somerton Town Council members on how S106 obligations are calculated and have provided some support to help the Town Council to look the future of their recreation ground.
- Officers have supported Area Development, Planning and Legal to complete documentation to secure new recreation facilities for Ilton; it is hoped that this will be concluded shortly.
- Working with Huish Episcopi Academy, officers led the submission of a successful funding application to Sport England's Improvement Fund. The Academy have received £481,381 to enclose the existing Lido to provide indoor swimming for the community in an area with no indoor swimming provision and a deficiency of over 250 sqm of indoor swimming provision. The proposal consists of refreshing the existing pool, adding a proprietary enclosure alongside new community changing, lighting, heating, air handling, and disability access.
- To April 2016, £1.1 million of S106 funding (capital and revenue contributions), have been banked as a result of the teams obligation requests via the planning process. Of the money received, £355,169 has been spent to date on enhancing or delivering new infrastructure in the area.

Area North Priorities for 2016/17

- To assist Langport and Huish Memorial Ground management group and their fundraising officer to develop a project to improve changing provision at their recreation ground.
- To support Curry Rivel Parish Council as necessary to improve facilities at their recreation ground.
- To continue to seek S106 obligations in relation to recreational facilities where there is the necessary justification to do so.

Other District Wide Work/Achievements in the Last 12 months

Play, Youth and Leisure Strategy refresh

- Our previous play, youth and sports strategies have now expired. Four area workshops took place in 2015 to research what stakeholders think about current play, youth and sports provision in the district and to identify future delivery priorities. Due to the imminent release of a new Sport England strategy and capacity of the team during the latter half of 2015 the production of a new draft leisure strategy has been delayed until this year.

New District Playing Pitch Strategy

- In line with updated national planning guidance, the Community Health and Leisure team is working with Sport England and National Governing Bodies of Sport to produce a new playing pitch strategy. This strategy help to protect existing pitch/changing room provision, identify district development priorities, underpins requests for developer contributions and helps the Council and other pitch providers to secure external funding.

A considerable amount of auditing of pitch provision and changing room provision has taken place during 2015 by team members. The strategy is expected to be finalised by the summer. Members will be asked to comment on and approve the final strategy.

Communications

- **Posters / Promotional material:** A huge range of posters and promotional material have been produced in the last 7 months which have contributed towards the increased success of activities including Health Walks, Playdays, Youth Days, Healthy Communities and the wide range of activities at Yeovil Recreation Centre. This work has included creating a new brand from scratch for the Click into Activity project. The ability to be able to produce this material in house is a significant cost saving to the Council.
- **Electronic Newsletter:** The service produces a monthly communication to our Health & Well Being newsletter mailing list. In excess of 1,000 people read the electronic newsletter every month with an average of 160 people actively clicking on specific articles in each newsletter
- **Press Releases:** The service directly generated 20 press releases in the last 7 months
- **Social Media:** Engagement on Facebook has continued to increase in the last 7 months with the Yeovil Recreation Centre and Play/Youth Facebook pages now reaching 3,000 likes between them (up from 2,000 in June 2015). Social media has been used extensively to promote the hugely popular Playdays during the Summer and also the

Family Fun Day at Yeovil Recreation Centre. Have also set up a 'Healthy Somerset' Twitter account which along with a Yeovil Recreation Centre account now has in excess of 100 followers.

Play Areas - The team directly manages and inspects 56 play areas across the district, 8 in Area North, 3 in Area North, 39 in Area South and 6 in Area West.

Passport to Leisure Card

- This scheme allows residents on low incomes to obtain discounts on the cost of certain leisure and cultural activities at Crewkerne Aqua Centre, Goldenstones Leisure Centre, Octagon Theatre, SSDC directly organised holiday activities, Wincanton Sports Centre, St Michael's Hall and Yeovil Recreation Centre.
- The service administers the scheme (free of charge) and as of January 2016 there were 314 valid cards; 19 in Area North, 56 in Area North, 229 in Area South and 10 in Area West

The Community Resource Service/Scrapstore

- This service was transferred to The Hub from 1st April 2013 for five years and the service continues to oversee contractor delivery. The Hub agreed to take on the future delivery of the Resource Service from their own premises in Yeovil from September 2015 after only 2 years, without any further subsidy from the Council.

Financial Implications

No new implications.

Corporate Priority Implications

The work of the Community Health and Leisure service contributes to the following aims within the Health and Communities Focus of the Council Plan:

- Ensure that the strategic priorities of the Somerset Health and Well-being Board reflect local needs and align council resources to deliver projects to address those needs
- Maintain and enhance the South Somerset network of leisure and cultural facilities, optimising opportunities for external funding to promote healthy living.

Equality and Diversity Implications

Consideration is given by the service to ensure that all facilities and services are accessible.

Background Papers: none

Agenda Item 11

Area North Committee – Forward Plan

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

Purpose of the Report

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

Public Interest

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

Recommendation

Members are asked to:

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

Area North Committee Forward Plan

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

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

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

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

Background Papers: None

Area North Committee Forward Plan

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

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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
27 July '16	Area North Development Plan	To adopt the Area North Development Plan for 2016/17.	Helen Rutter, Assistant Director (Communities)
27 Jul '16	Section 106 Monitoring Report	Update report on the completion of the terms of various s106 agreements, including the collection and re-investment of financial obligations from developers.	Neil Waddleton, Section 106 Monitoring Officer
28 Sept '16	<i>South Petherton Parish Plan</i>	<i>Presentation regarding South Petherton Community Planning</i>	<i>Representative from South Petherton Parish Council</i>
TBC	<i>Highways Update</i>	<i>Routine update report from the Highways Authority.</i>	<i>SCC Highways</i>
TBC	<i>Licensing Service</i>	<i>Update report on the Licensing Service.</i>	<i>Nigel Marston, Licensing Manager</i>
TBC	<i>Endorsement of Community Led Plans</i>	<i>Curry Rivel Parish Plan South Petherton Parish Plan and Neighbourhood Plan</i>	Sara Kelly, Area Development Lead (North)

Agenda Item 12

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

16/00058/PAMB – Barns at Merricks Farm, Park Lane, Huish Episcopi.
Notification for prior approval for the change of use of existing agricultural building to a dwelling.

15/05197/PAMB - Barns at Merricks Farm, Park Lane, Huish Episcopi.
Notification for prior approval for the change of use of part of existing agricultural building to a dwelling.

16/00170/OUT – land West of Stillbrook Road, Fivehead.
Outline application for the erection of four detached bungalows with some matters reserved.

Appeals Dismissed

None

Appeals Allowed

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

15/01310/FUL – Wessex House, Pestors Lane, Somerton.
Demolition of existing care home and development of extra care units with communal facilities.

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



Appeal Decision

Hearing held on 9 February 2016

Site visit made on 10 February 2016

by R C Kirby BA (Hons) DipTP MRTPI

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

Decision date: 08 June 2016

Appeal Ref: APP/R3325/W/15/3135346

Aller Court, Aller, Langport TA10 0QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Aller Court Solar Park Ltd and Andrew Maltby against the decision of South Somerset District Council.
 - The application Ref 14/04300/FUL, dated 19 September 2015, was refused by notice dated 23 July 2015.
 - The development is a proposed solar park comprising the erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks, ancillary equipment and ecological mitigation measures.
-

Decision

1. The appeal is allowed and planning permission is granted for a proposed solar park comprising the erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks, ancillary equipment and ecological mitigation measures at Aller Court, Aller, Langport TA10 0QR in accordance with the terms of application Ref 14/04300/FUL, dated 19 September 2015 and subject to the 17 conditions in the attached Schedule.

Procedural Matters

2. Although a different named appellant is referred to in the Planning Support Statement to that named above, it was confirmed at the Hearing that the appeal is made by Aller Court Solar Park Ltd and Andrew Maltby.
3. During the course of the planning application amended plans were submitted. The Council determined the application on this basis. Prior to the Hearing a revised Mitigation Plan (Ref: 2707-200-Rev H) was submitted which reflected the revised Planning Layout of the proposal. The Council was provided with the opportunity to comment on this drawing. I am satisfied that my consideration of it would not prejudice those who should have been consulted of the change, as the drawing merely seeks to include the revised layout of the scheme, as considered by the Council. No party would be prejudiced by my consideration of this drawing. I have therefore determined the appeal on the basis of this revised drawing and those considered by the Council.
4. A Statement of Common Ground (SoCG) was submitted at the Hearing outlining matters of agreement and dispute between the main parties.

Main Issue

5. The main issue in this case is the effect of the proposal on the character and appearance of the landscape of the area. This analysis needs to take place in light of any benefits the proposal might bring forward.

Reasons

The Policy Background

6. An objective of Policy EQ1 of the South Somerset Local Plan (2006 – 2028) (Local Plan) is to support the delivery of renewable and low carbon energy where this is consistent with national policy. The policy recognises that in some cases there may be unacceptable impacts that could preclude renewable and low carbon energy development, including where there would be significant adverse impacts upon residential and visual amenity, landscape character, designated heritage assets and biodiversity.
7. Policy EQ2 of the Local Plan requires new development to be designed to achieve a high quality which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district. In considering the suitability of new development, regard will be had to, amongst other matters, sustainable construction principles; the conservation and enhancement of the landscape character of the area; the reinforcement and respect for local context; the protection of designated wildlife and landscape sites and the protection of residential amenity of neighbouring properties.
8. These policies broadly reflect the National Planning Policy Framework's (the Framework) general approach as set out in its core planning principles. In particular, the account that should be taken of the different roles and character of different areas; the recognition of the intrinsic character and beauty of the countryside; the support given to the transition to a low carbon future; the securing of a good standard of amenity for all existing and future occupants of land and buildings; and the conservation and enhancement of the natural environment. Paragraph 109 of the Framework further advises that the planning system should contribute to and enhance the natural and local environment by, amongst other things protecting and enhancing valued landscapes.
9. The Planning Practice Guidance (PPG) provides further guidance in respect of solar farms, advising that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, it continues that the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.
10. The UK Solar Strategy Part 2: Delivering a Brighter Future (April 2014) sets out advice in relation to large scale ground mounted solar PV farms and suggests that local planning authorities will need to consider, amongst other things, to focus such development on previously developed and non-agricultural land, provided it is not of high environmental value. Where the site is greenfield land, poorer quality land should be utilised in preference to higher quality land. The proposal should allow for the continued agricultural use of the land and/or encourage biodiversity improvements around arrays. The Strategy also states

that the visual effect of the proposal should be considered, and that heritage assets are conserved in an appropriate manner.

Landscape Impact

11. The appeal site comprises a gently sloping agricultural field of 26.7 hectares approximately 500 metres northwest of the main farm buildings at Aller Court. The proposal is for a solar park with a peak output of approximately 17 megawatts of electricity which would operate and generate electricity for 25 years. The appellants have indicated that after this time the infrastructure would be removed from the site and the land would be restored. The solar panels would be south facing, laid out in rows running east to west and would be 2.4 metres in height and mounted at a fixed angle of 22 degrees. There would also be associated equipment, including inverters and transformers, equipment housing, internal tracks, security fencing and security cameras.
12. The appeal site falls within the Somerset Levels and Moors National Character Area (142), which is described as a flat landscape of wet pasture, arable and wetland divided by ditches and rhynes, punctuated by hills, ridges and islands. The area has little built development other than small farmsteads or hamlets confined to the islands or hillocks, giving the area a tranquil character and largely open landscape. These key characteristics are evident in the local landscape upon and around the appeal site. Environmental opportunities in this area, identified within Natural England's National Character Area Profile include managing the predominant pastoral landscape (SEO 2) and protecting the open views and distinctive character of the landscape (SEO 4).
13. The Council's more detailed Landscape Character Assessment (LCA) published in 1993 identifies the appeal site as being located within the 'Fivehead and High Ham Escarpments, Valleys and Moors' local character area. This assessment notes that the open moor contrasts sharply with the hedged landscape around the fringes of the moor. Key character elements are the rectilinear network of grassy fields with droves and rhynes as wet fences lined with pollarded trees. It also notes the isolation and naturalness due to the limited number of roads and buildings resulting from the tendency for the low lying areas to flood.
14. These assessments largely reflect the observations I made on my site visit. Whilst much of the area is treeless, the appeal site has a mature native hedgerow on its northeast boundary, and a hedgerow with gaps along its northwest corner. Pollarded willows are also a feature and were evident within the vicinity of the appeal site and Aller Drove. Although no reference is made to the electricity pylons within the LCA, they are a dominant feature in the environs of the appeal site, visible over a long distance.
15. The appeal proposal would undoubtedly change the open, undeveloped character of the appeal site from a predominantly undeveloped pastoral landscape to one incorporating man made structures that are not characteristic of the area. However, the close up views of the proposal from Aller Drove would be partially obscured by the existing mature hedgerow along the boundary of the site. Even when the hedgerow was not in leaf (as was the case at the time of my site visit) it is likely that the slim line side and rear profile of the arrays close to the boundary of the site would only be visible, and as such the landscape impact would be limited.

16. From the River Parrett Trail, the proposed solar arrays would be visible from various viewpoints, as identified in the appellants' Landscape and Visual Impact Assessment (LVIA). I was unable to walk this route at the time of my site visit, as the area was flooded. However, I was not provided with evidence that the viewpoints selected and information contained within the LVIA was not representative. I was able to view the appeal site from the road between Stathe and Oath, which, whilst further away from the appeal site than the right of way along the river, is not dissimilar to the viewpoints contained within the LVIA.
17. From this road I found that the proposed development would not be unduly prominent or intrusive in the wider landscape, because of the intervening distance and landscaping that would partially screen the development. Although closer than the road, the effect from the River Parrett Trail would be likely to be similar. The solar park would be visible as a thin sliver of blue/grey between the gaps in the existing trees and would be read against the backdrop of the wooded hillside. The appellants intend to plant a line of willows along the southern boundary of the site, which over the medium term would serve to screen the development further. Whilst I note the Council's concern about new planting in the area, I observed that planting was a feature of the environs of the site and subject to the control of species would not result in harm to the character and appearance of the area.
18. Although it is the appellants' intention to pollard the existing and proposed willows in the future, this would be done on a rotation basis and as such a screen would be maintained to soften the impact of the development from these receptor points. I acknowledge that the proposal would be more visible during the year when the trees were not in leaf, but having regard to the distance from these points, I am satisfied that the landscape impact would not be significant.
19. I observed on my site visit that from the top of Burrow Mump, the appeal site is visible as a distant feature in the wider panorama. The proposed solar park would barely be perceptible in the wider landscape context because of its distance from this feature.
20. Having viewed the appeal site from the viewpoints contained within the appellants' LVIA, I found that the impact of the scheme would be greatest from the public footpath which runs along the top of the escarpment (viewpoint No 3). The solar arrays and associated equipment would be largely seen in their entirety from this viewpoint through a clearing in the trees. The solar park would be seen in the foreground of views from this footpath and would form a significant man made feature in the view of the moor below. The LVIA identifies the sensitivity of this viewpoint as high and the visual impact of the scheme from it as adverse and moderate. I agree that the sensitivity is high and find that at this point, the visual impact of the scheme would be adverse.
21. However, the development would only be visible from a short section of this footpath, because further along it the site disappears from view behind the edge of the escarpment and the woodland. As such the adverse visual impact of the solar park would be high for only a short distance when viewed from this public footpath. It is not possible to mitigate the visual impact of the scheme from this short section of footpath, given the elevated nature of this viewpoint.

22. In light of my findings, the proposal would have an adverse effect on the landscape character of the area. This would be most apparent from the public footpath on top of the escarpment. However, the scheme would only be visible from a small stretch of this footpath. Whilst the scheme's impact would be high at this point, further along the path, its impact would be limited. From other public vantage points, the impact of the scheme would not be significant. Accordingly, taken as a whole, I find that the scheme would have a moderate impact on the landscape character of the area.
23. In that Policy EQ1 of the Local Plan recognises that there will be some adverse impact associated with renewable and low carbon energy generation, and given that I have found that the landscape impact of the scheme would be moderate, there would be no conflict with this Policy. However, there would be limited conflict with Policy EQ2 of the Local Plan in that the proposal would not conserve or enhance the landscape of the area.
24. The Council accepts that solar parks are generally quiet developments, and other than during the construction period it is likely that the scheme would not adversely impact upon the peace and tranquillity that is a characteristic of the area.

Other Matters

Heritage Assets

25. There are a number of heritage assets within the locality of the appeal site, including St Andrew's Church, a grade II* listed building and Aller Court Farm a grade II listed building. There are also scheduled monuments including Duck Decoy on Middle Moor approximately 850 metres to the southeast of the appeal site and Burrow Mump.
26. The starting point for consideration of the impact of the proposal on the setting of listed buildings is the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Section 66(1) requires the decision-maker, in considering whether to grant planning permission for development that affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
27. Local Plan Policy EQ3 supports proposals that conserve and where appropriate enhance the historic significance of heritage assets, including their setting. It also requires alterations, including those for energy efficiency and renewable energy, to be balanced alongside the need to retain the integrity of the historic environment. This policy broadly reflects the Framework and its core planning principle to conserve heritage assets in a manner appropriate to their significance.
28. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's significance. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Amongst others features, the Framework identifies listed buildings and scheduled monuments as heritage assets.

29. Aller Court Farm is a working farm and has origins in agriculture. As a consequence it derives a degree of significance from its setting in the surrounding pastoral landscape. The adjoining St Andrew's Church elevated above the surrounding fields also derives a degree of its significance from the surrounding landscape. Although not forming a reason for refusal within the Council's Decision Notice, it is suggested that the presence of a solar park would detract from the setting of these listed buildings.
30. I observed on my site visit that having regard to the distance between the proposed solar park and these listed buildings, and the presence of modern farm buildings in-between, the proposal and listed buildings would not be viewed in the same context. The solar park would not be visible from the listed buildings as it would be at a lower level than them. Although the scheme would be visible in longer views towards the Church, given my findings above, it would barely be perceptible in the wider panorama given the distance these views would be taken from, and the intervening vegetation.
31. In light of the foregoing, I am satisfied that the presence of the solar park would not alter the sense of these listed buildings sitting in a pastoral landscape to any degree. On that basis, I concur with the Council and Historic England that the proposal would not adversely affect the setting or significance of these heritage assets.
32. As outlined earlier in my Decision, the proposal would appear small in scale in the wider panorama of the pastoral landscape from Burrow Mump. Given the distance of this heritage asset from the appeal site, I concur with the views of Historic England that the proposed scheme would not have a significant impact on the setting of Burrow Mump. I also share its view that the proposal would not impact on the setting of Duck Decoy, given the relationship of the scheme to this site and the lack of intervisibility.
33. There are a number of historic cropmarks upon the appeal site which are designated as sites of archaeological interest. At the Hearing, the Council confirmed that the archaeological significance of the site could be controlled by way of a suitably worded planning condition. I have no reason to disagree with the Council in this respect.
34. I therefore conclude on this matter that the proposal would not lead to any harmful change to the settings of these heritage assets, and neither would the proposal degrade their respective significance in any way. On that basis, the proposal does not conflict with the requirements of the Act, Local Plan Policy EQ3 or the Framework.

Effect on Wildlife Sites

35. The appeal site is in close proximity to the Somerset Levels and Moors Special Protection Area and Ramsar site. It is also close to West Sedgemoor Site of Special Scientific Interest (SSSI), Southlake Moor SSSI and King's Sedgemoor SSSI. The Somerset Levels National Nature Reserve is approximately 1.2 kilometres to the north and northwest of appeal site; and the County Wildlife Sites of Aller Drove Rhynes and Aller Moor are located to the northeast and west respectively.
36. Although not forming a reason for refusal within the Council's decision notice, local residents suggest that the proposal would have an adverse effect upon

these designated sites. The area is clearly rich in wildlife and this was evident on my site visit. However, whilst I note the concerns that pesticides from the site may affect biodiversity in the area and that birds may collide with the solar panels, I have not been provided with substantive evidence to demonstrate these concerns. Furthermore, whilst I accept that birds of prey may perch on the top of the camera poles, I am satisfied that measures could be taken to prevent this from occurring. As such the scheme would be unlikely to have an adverse effect upon the ground nesting bird population of the area as a result. The mitigation measures proposed for Lapwings would serve to enhance the biodiversity of the area.

37. I therefore find that the proposal would not be harmful to the biodiversity value of locally, nationally or internationally protected sites and that the scheme would incorporate appropriate beneficial conservation features. In the absence of substantive evidence, I am not convinced that the scheme would result in pollution of the surrounding water environment. In reaching this conclusion, I note that no objections were received to the scheme from the Council's Ecologist or the RSPB. There would therefore be no conflict with the biodiversity objectives of Policy EQ4 of the Local Plan or the pollution control objectives of Policy EQ7. Furthermore, the scheme would accord with the core planning principle of the Framework relating to the conservation and enhancement of the natural environment and reducing pollution.

Highway Safety

38. The appeal site would be accessed along Church Path, a narrow road serving a number of residential properties, children's playground, public footpaths, church and graveyard and Aller Court Farm. This road has no pavement. Local residents and the Parish Council have expressed concern about the safety of this access to serve the development. The appellants have indicated that during the construction phase a number of large vehicles would visit the site to deliver materials. However, once the site is constructed there would be minimal vehicle movements to it. Mention was made at the Hearing of one vehicle visiting the site monthly on average.
39. The appellants submitted a Construction Traffic Management Plan (CTMP) with the planning application which indicated that the construction period for the development would be in the region of 18 weeks and would be likely to generate an average of 13 heavy goods vehicle movements per week, averaging 2-3 trips daily. The CTMP also provided detail on delivery times and following discussion at the Hearing it was agreed between the parties that the delivery times should avoid the times when children were going to and coming home from school to avoid any conflict with pedestrians and construction vehicles. This could be secured by way of a suitably worded planning condition.
40. I note that the Highway Authority (HA) raised no objection to the proposal considering that the construction phase was relatively short-term and would not result in harm to highway safety. The submitted swept path analysis shows that a HGV can navigate Church Path without encroaching on the verges. In the absence of substantive evidence to demonstrate otherwise, I have no reason to reach a different conclusion to the HA, that the scheme would not result in harm to highway safety. There would be no conflict with the safety and convenience objectives of Local Plan Policy TA5.

Flood Risk

41. Within the SoCG both parties agreed that the proposal would not cause any impact on the drainage of land or the surrounding area. Whilst local residents have raised concern about the impact of the scheme on the surrounding watercourses, I have not been provided with convincing evidence to substantiate this concern. Indeed I note that the solar panels would comprise horizontal slots across the surface area of each panel which would allow intercepted rainfall to drip through to the ground at a regular interval. The design of the panels would not therefore concentrate runoff beneath each structure. I note that the Council and Environment Agency did not raise this as a concern, and I am satisfied that the proposal would be unlikely to result in localised flooding as a result.

Agricultural Land Value

42. The Framework makes it clear at paragraph 112 that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Natural England's Agricultural Land Classification (ALC) system classifies land into 5 grades. The best and most versatile (BMV) agricultural land is identified within Annex 2 of the Framework as land in grades 1, 2 and 3a of the ALC. The Planning Practice Guidance (PPG) advises that these grades of land are the most flexible, productive and efficient in response to inputs and can best deliver food and non-food crops for future generations.
43. Whilst there was some dispute at the planning application stage as to the agricultural land value of the site (the site was shown as part Grade 2 and part Grade 3 on the ALC maps), it was confirmed at the Hearing that following detailed investigation that there is no grade 2 land upon the site. However, approximately 20% of the site is classed as grade 3a; the remainder is classed as grade 3b. The Written Ministerial Statement – Solar energy: protecting the local and global environment (25 March 2015) (WMS) states that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence.
44. The appellants have indicated that they have secured a grid connection with Western Power Distribution. The scheme would connect to the existing electricity line to the east of the site boundary. Given this, and having regard to the WMS and costs and viability, the appellants looked at alternative sites within a 2.5 kilometre radius of the connection point. No suitable buildings, previously developed land or potential rooftop opportunities on large commercial or industrial buildings were identified within the search area, and no agricultural land within grades 4 or 5 was identified. Having regard to the character of the area, I have no reason to doubt the appellants' findings and I note that the Council did not dispute them either.
45. Whilst noting that the proposal would be constructed on approximately 5.3 hectares of grade 3a land, this represents a small portion of the overall site. The appellants have indicated that is their intention for sheep to graze the land. The land would remain in agricultural use for food production. Although crops would not be grown on the land whilst the solar park was operational, they could be grown on it in the future when the development was removed

from the site. This extended fallow period would be likely to be of benefit to soil quality in any event.

46. I therefore find that although there would be a temporary limit on the use of this BMV agricultural land, the site would remain in agricultural use for food production and would not be lost to agricultural use. Furthermore, there would be biodiversity enhancements associated with the proposal. There would be no conflict with the WMS in this respect. In reaching this conclusion I have had regard to 2 appeal decisions¹ that were drawn to my attention at the Hearing where the effect of the development on BMV agricultural land was an issue. However, in both cases the whole of the site was BMV agricultural land and I find that the schemes referred to are not directly comparable to that before me. I have therefore attached limited weight to them in my overall Decision. In any event, I am obliged to determine the scheme before me on its individual merits and this is the approach that I have taken.

Living Conditions

47. Local residents have expressed concern that the proposal would be visually intrusive and noisy. However the effect upon living conditions was not a concern raised by the Council. Indeed the Council's Environmental Protection Officer confirmed both in writing and at the Hearing that solar farms are by their nature quiet developments and that it would be unlikely that neighbouring occupiers would be adversely affected by the proposal.
48. Whilst glimpses of the rear of the scheme would be visible from the properties in Aller Drove, the site would be partially screened by a hedgerow which is proposed to be supplemented to reduce its visual impact from this location. There is also a field between the appeal site and nearby residential properties. From my observations, I find that the scheme would not be overbearing or intrusive from these properties. Properties in Stathe and Oath are located some distance from the appeal site, such that the scheme would not be intrusive or harmful. I reach a similar conclusion in respect of properties on Aller Hill, where although the scheme would be visible from parts of the affected properties, it would not be visually intrusive to a degree that would be harmful to living conditions.

Other Issues Raised

49. A number of other matters have been raised during the course of the consideration of this case. These relate to matters such as the effect on tourism, stability of property and the effect on broadband and the cumulative impact of the scheme. However, I have no substantive evidence that the proposal would cause harm in these respects. The letter submitted in response to the planning application which provided a calculation of the likely financial impact on the tourism industry of the area was based on assumptions rather than providing an objective analysis. I therefore attach limited weight to it in my overall Decision.
50. The matter of glint and glare has been raised more generally, but there is no evidence that this would cause distraction or harm to living conditions. At the Hearing the Council provided me with details of other sites for solar development in the locality. I share its view that given the lack of intervisibility

¹ Refs: APP/V2635/W/14/3001281 and APP/N2535/W/15/3004150

between the respective sites that there would not be a harmful impact of solar development in the area.

Benefits of the Scheme

51. The proposed development would have a capacity of 17 megawatts and would power approximately 4,300 homes. The scheme would be likely to result in a reduction of carbon dioxide emissions in the region of 7,420 tonnes per annum². Reflective of wider Government policy designed to address the potential impacts of climate change and to ensure energy security, one of the core planning principles of the Framework is to encourage the use of renewable resources, for example by the development of renewable energy. Paragraph 97 of the Framework states that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.
52. The proposal would result in some enhancement to biodiversity through the introduction of species rich grassland and other planting and maintenance, alongside Lapwing mitigation measures. Jobs would be created during the construction phase, although the longer term employment opportunities would be limited. This however amounts to a limited economic benefit. The proposal can be regarded as a farm diversification scheme; the production of willow for cricket bats would be extended on the site. This would accord with the support given to a prosperous rural economy as set out in paragraph 28 of the Framework.

The Balancing Exercise

53. The proposed scheme would be a large man-made development in this largely undeveloped rural area. It would result in a form of development that is not characteristic of the area. The landscape character of the area would not be conserved or enhanced and as such there would be conflict with Local Plan Policy EQ2. However, this harm would be for a temporary period and the scheme would be reversible.
54. Within the surrounding landscape, the proposed solar farm would not be readily perceived as such, other than from a small section of footpath on the top of the escarpment. Whilst the proposal would be visible in the foreground, it would not obscure views of the wider area of the Somerset Levels and Moors. In respect of renewable or low carbon energy schemes, Paragraph 98 of the Framework advises that applications should be approved if its impacts are (or can be made) acceptable.
55. Policy EQ1 of the Local Plan acknowledges that there may be adverse impacts of renewable and low carbon energy generation developments, and states that development will be permitted where there are no significant adverse impacts, on amongst other matters landscape character. That is the case with the scheme before me. Although the impact of the scheme cannot be made acceptable from the footpath on top of the escarpment, its impact from the other receptor points are, or can be made acceptable. I have found that the impact of the scheme on the wider landscape would be moderate.

² Figures taken from the Appellants' Statement

56. Part of the scheme would be constructed on BMV agricultural land. However, for the reasons given above, the agricultural use of the land would remain in food production, as sheep would graze the site. Its long term agricultural use would not be lost. I therefore attach limited weight to this matter.
57. Against these matters, the proposal would bring forward benefits of a significant scale in terms of the production of renewable energy, as well as biodiversity enhancements. This is in accordance with the Framework and the general thrust of Policy EQ1 of the Local Plan which seeks to support the delivery of renewable and low carbon energy where this is consistent with national policy. The scheme would also assist in the ongoing stability of a rural business.
58. It is my conclusion that the benefits of the scheme clearly outweigh the temporary harm that would be caused to the landscape character of the area, and the temporary limit on the type of food that could be grown on the site.

Conditions

59. The Council put forward a list of suggested conditions in the event that the appeal was allowed. These were discussed at the Hearing and I have taken into consideration that discussion in my Decision. I have considered the conditions in light of the guidance on conditions within the PPG and the Framework.
60. For the avoidance of doubt a condition is necessary specifying the approved plans. Having regard to the temporary nature of the development and to safeguard the character and appearance of the area and BMV agricultural land, a condition is necessary limiting the duration of the permission and ensuring that the site is restored in due course. To safeguard the character and appearance of the area it is necessary to control external lighting; the type of fencing and materials used on the exterior of the housing and the security camera equipment; and the details of the proposed new planting.
61. To prevent flood risk, conditions are necessary restricting the location of development in relation to watercourses, controlling the raising of ground levels and the details of flood storage compensation. In the interests of enhancing biodiversity on the site, it is necessary to impose conditions in respect of mitigation and enhancement, and requiring further details in respect of the impact of the scheme on birds.
62. In the interests of highway safety and living conditions, a condition is necessary requiring the development to be undertaken in accordance with a Construction Traffic Management Plan. In the interests of pollution and living conditions, conditions are necessary requiring the submission and implementation of a Construction Environmental Management Plan, controlling audible alarms on the site and controlling noise emitted from the scheme. In the interests of archaeology, a condition is necessary requiring a scheme of investigation to take place. In the interests of sustainability, a condition is necessary preventing the solar arrays from being concreted into the ground.
63. A condition is not necessary requiring the development to be carried out at a certain height as the approved plans condition would cover this matter.

Conclusion

64. For the above reasons, and having regard to all other matters raised, the appeal is allowed.

R C Kirby

INSPECTOR

APPEARANCES:

FOR THE APPELLANTS

Mr A Maltby	Appellant
Mr A Hunter	Dlp Consultants
Miss R Bird	The Landmark Practice
Mr C McDermott	Sightline
Mr A Fido	Savills
Mr M Harding Rolls	British Renewables
Miss C Spearman	British Renewables

FOR THE COUNCIL

Mr A Noon	Planning Officer
Mr R Archer	Landscape Officer
Mr P Huntington	Environmental Protection Officer
Cllr S Pledger	Chairman of North SSDC

INTERESTED PARTIES

Mr D Mayor	Aller Parish Council
Mr R Bates	Aller Parish Council
Mr A Crutchfield	Local Resident
Mrs D Dean	Local Resident
Mr D Kennedy	Local Resident
Mrs A Kennedy	Local Resident
Mr C Hitchings	Local Resident
Mrs C Hitchings	Local Resident
Mr J Bailey	Local Resident
Mrs J Bailey	Local Resident
Mr L White	Local Resident
Mrs J White	Local Resident
Mr R Birchby	Local Resident
Mrs C Birchby	Local Resident

Miss K Pollock	Local Resident
Mr N Whitson-Jones	CPRE Somerset
Mrs M Chittenden	Local Resident
Mr J Stamp	Local Resident
Mrs P Stamp	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Signed Statement of Common Ground
2. Copy of Natural England 'Agricultural Land Classification: protecting the best and most versatile agricultural land' document
3. Copy of report by Soundguard Acoustics dated 4 February 2016
4. Copy of Local Plan Policy EQ7
5. Copy of Local Plan Policy EQ4
6. Copy of Local Plan Policy EQ3
7. Copy of Local Plan Policy TA5
8. Copy of Local Plan Policy TA6
9. Copy of Local Plan Policy SD1
10. Copies of Ordnance Survey Location Plans showing the sites of solar installations in the locality
11. Copy of suggested wording relating to noise emissions from the site

SCHEDULE

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 1074-0200-05 Issue 03; 1074-0204-00 Issue 01; 1074-0205-01 Issue 01; 1074-0206-09 Issue 01; 1074-0208-70 Issue 01; Figure 1 Site Location Plan; 1074-0208-50 Issue 01; 1074-0207-13 Issue 02; 1074-0201-01 Issue 09; 1074-0208-76 Issue 01; 2707-200-Rev H; 00005-02.
3. The permission hereby granted is for the proposed development to be retained for a period of not more than 25 years from the date that electricity from the development is first supplied to the grid, this date to be notified in writing to the Local Planning Authority. The development hereby permitted shall be removed and the land restored to its former condition within 25 years of the date of this permission or within six months of the cessation of the use of the solar park for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan shall be submitted to the local planning authority no less than 6 months prior to the cessation of the use of the solar park for the generation of electricity and shall make provision for the removal of all structures, materials and any associated goods and chattels from the site. The local planning authority must be notified of the cessation of electricity generation in writing no later than five working days after the event.
4. There shall be no permanent raising of ground levels in Flood Zone 3. Prior to the commencement of any works on site details of a scheme of flood storage compensation, including a timetable for the works, shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.
5. No development shall take place within 8 metres of the top of bank of any river or ditch at any time during the development.
6. No development shall take place unless a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
 - Procedures for maintaining good public relations including complaint management, public consultation and liaison
 - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the local planning authority, shall be carried out only between the following hours: 08.00 and 18.00 Mondays to Fridays and 08.00 and 13.00 on

Saturdays and; at no time on Sundays and Bank Holidays.

- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
 - Procedures for emergency deviation of the agreed working hours.
 - South Somerset District Council encourages all contractors to be 'Considerate Contractors' when working in the District by being aware of the needs of neighbours and the environment.
 - Control measures for dust and other air-borne pollutants.
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes;
 - Measures for surface water management during the construction phase;
 - Measures for the protection of boundary ditches and hedges, ensuring any site lighting is not detrimental to wildlife, the protection of badger setts, and minimising harm to any other potential wildlife interests.
- The Plan shall be implemented in accordance with the approved details.

7. Prior to the commencement of development, a Construction Traffic Management Plan providing details on the delivery of the material for the solar park to the site and details for the removal of plant and equipment from the site, including times and supervision (the times shall avoid the morning and afternoon school bus pick up and drop off times); details of the parking and storage area; means to ensure that there shall be emission of dust or deposit of mud, slurry or other debris on the highway; and any alterations to the vehicular access shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
8. Prior to the commencement of development details of measures for the enhancement of biodiversity, including Lapwing mitigation, and a timetable for implementation 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.
9. No development shall take place unless there has been submitted to and approved in writing by the local planning authority details of a scheme for post-construction monitoring of impacts on birds, and measures that will be implemented to avoid and mitigate any significant impacts. In particular the details shall include:
 - Species to be subject to monitoring;
 - Frequency, seasons and duration of monitoring (minimum of 3 years);
 - Methods to be used for monitoring;
 - Persons responsible for undertaking the monitoring;
 - Reporting of results;
 - Details of a steering group to oversee and evaluate the results of the monitoring programme;
 - Mechanisms for identifying threshold impact levels and for implementing mitigation measures in the event of thresholds being exceeded.The monitoring and mitigation scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
10. No works shall commence on site unless details of measures to minimise

the risk of harm of collision by birds with overhead lines have been submitted to and agreed in writing by the local planning authority. The agreed details shall be fully implemented as part of the development and shall thereafter be permanently maintained unless otherwise agreed in writing by the local planning authority.

11. No development hereby approved shall take place unless the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.
12. Prior to the first use of the site for the generation of electricity, a landscaping scheme and Landscape Management Plan for the duration of the operation of the site, shall be submitted to and approved by the local planning authority. The scheme of landscaping shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first generation of electricity. If within a period of five years from the completion of the development the approved planting dies, is removed or becomes seriously damaged or diseased, it shall be replaced in the next planting season with others of similar size and species. Development shall be carried out in accordance with the approved details.
13. No development shall commence unless details of the design and finished colour of the security fencing and the finished colour and position of the security camera equipment has been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
14. No means of audible alarm shall be installed on the site without the prior written consent of the local planning authority.
15. Other than on the switch gear building, no means of external illumination or external lighting shall be installed without the prior written consent of the local planning authority.
16. The supporting posts to the solar array shall not be concreted into the ground.
17. The rating level of the noise emitted from the development hereby approved from fixed plant and equipment shall not exceed a level of 30dB(A) outside any dwelling at a distance of not less than 3.5 metres from any façade of that dwelling containing a window to a habitable room. The measurements and assessment shall be made in accordance with BS 4142: 1997.

Appeal Decision

Site visit made on 27 April 2016

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 1 June 2016

Appeal Ref: APP/R3325/W/15/3141567

Wessex House, Pestors Lane, Somerton, Somerset TA11 7AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Close Care Homes (Somerton) Limited against the decision of South Somerset District Council.
 - The application Ref 15/01310/FUL, dated 18 March 2015, was refused by notice dated 23 July 2015.
 - The development proposed is demolition of existing care home and development of Extra Care units with communal facilities.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing care home and development of Extra Care units with communal facilities at Wessex House, Pestors Lane, Somerton, Somerset TA11 7AA in accordance with the terms of the application, Ref 15/01310/FUL, dated 18 March 2015, subject to the conditions in the attached Annex.

Main Issues

2. The main issues are whether the proposal would preserve or enhance the character or appearance and setting of the Somerton Conservation Area (the CA), preserve the setting of adjacent Grade II listed buildings (the LBs), and the effect on the character and appearance of the surrounding area generally.

Reasons

3. The CA is characterised by a variety of mainly stone faced pitched roof buildings, including a number that are listed for their historic importance. The site is located outside of but immediately adjacent to the CA, which also excludes the other dwellings in Wessex Rise. The LBs adjacent to the site are located to the north of the site comprising The White Hart Inn, The Globe Inn, Selwood House, and Nos 1 and 2 Market Place. Therefore, special attention has to be paid to the desirability of preserving or enhancing the character or appearance and setting of the CA and preserving the setting of the LBs.
4. The proposed development would introduce additional floors compared with that existing and so would add significant extra bulk. However, as well as the proposed building height being staggered to reflect the drop in levels from north to south, those site levels would be lowered to account for that additional

- bulk. This would therefore minimise any additional visual impact, particularly as the overall height of the building would be similar.
5. The front elevation facing Pestors Lane would remain as three storeys and only slightly nearer to the road, and the third storey would be partially within the roofspace. However, the upper floors would no longer be set back, as is the case with the existing building, and the second floor would be significantly wider, such that it would be more prominent. Nevertheless, the degree of set back, behind the line of an adjacent fairly high wall to the west and in the context of the slightly raised position of existing Wessex Rise dwellings above Pestors Lane to the east, it would not be so prominent as to dominate the street scene, including buildings within the CA.
 6. The full four storey element would be substantially higher than the respective existing part of the building that it would replace, but again it would be a similar height to the highest part of the rest of the building. That section would also be set well back from the road side of Wessex Rise so as to avoid it having an unacceptably enclosing or overbearing effect, and a retained mature tree, protected by a Tree Preservation Order, would further soften its appearance.
 7. In terms of the LBs to the north of the site, the two storey form of the northern part of the proposed building, together with the degree of space around it, would ensure that it would not dominate those LBs.
 8. The proposal would involve significant areas of less typical rendering. However, this would be balanced by the more traditional stone finish on key feature elements of building including the gables. The combination of the two materials would also create visual breaks that would help to reduce the overall massing effect of the building.
 9. A characteristic feature of the longer range views of the settlement from public footpaths in the open countryside to the south is the varied roofscape comprising mainly pitched roofs. Those views would be altered by the proposal and the additional bulk of the four storey element would obscure some existing roofs and trees to the north of the site. However, the pitched roof design, broken up with gables, together with the use of appropriate materials, would ensure that it would complement those existing buildings within the CA, including the LBs to the north and also further to the west along West Street. The height would also be such as to avoid it materially obscuring views of the listed church further to the north of the site.
 10. The glass atrium feature atop the four storey element would be clearly noticeable from those longer views to varying degrees. Although not an expected roof form in the context of the existing surrounding roofscape, its glazed design would be likely to lighten its appearance and it would also be confined within two pitched roof areas which would provide it with some degree of screening. As such it would be unlikely to comprise a dominating or obtrusive feature.
 11. For the above reasons, the proposed development would preserve the character and appearance and setting of the CA, would preserve the setting of the LBs, and would not cause unacceptable harm to the character and appearance of the surrounding area generally including Wessex Rise and the countryside to the south. As such it would accord with Policies EQ2 and EQ3 of the South Somerset Local Plan which together require the achievement of high

quality design and that heritage assets will be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place. It would also accord with the National Planning Policy Framework which in sections 7 and 12 respectively sets out the requirement for good design and conserving and enhancing the historic environment.

Other matters

12. In respect of whether the proposed use would be regarded as being within the C2 (residential institutions) or C3 (dwellinghouses) use class, based on the submitted evidence of the proposed nature of the proposal as an extra-care facility for the elderly, I am satisfied that, despite the self-contained flats, it would be a C2 use. As such, it would not attract an affordable housing planning obligation and I have also not received any substantive evidence to support claims that such obligations have been secured on other C2 developments elsewhere in the District.
13. I have had regard to concerns raised about provision for adequate parking on the site, in terms of the risk of any unacceptable intensification in the demand for parking on the surrounding streets, and increased traffic in the vicinity. In terms of on-street parking, it would be necessary to avoid the potential for inappropriate and obstructive parking resulting from the development and the resultant risks to highway and pedestrian safety. I am satisfied, based on the evidence submitted, that the proposed level of on-site parking would be sufficient for the nature of the use and occupancy of the proposed development, and that there would be unlikely to be an increase in traffic movements that would be disproportionate to the nature of the local road network. In this regard, the occupancy of the development could also be controlled through a planning condition.
14. Concerns raised about the effect upon the amenities of local residents during the construction phase could be mitigated through a condition to secure a Construction Management Plan.
15. I have had regard to the amount of outdoor amenity space proposed. Whilst this would be fairly limited, I note that there would be a combination of some communal and private outdoor space, as well as a number of balconies and indoor communal space. I am therefore satisfied that residents' living conditions would be acceptable in this respect. I have also received insufficient substantive evidence to demonstrate that the size of the proposed development would be inappropriate in terms of viability or the living conditions of prospective residents generally.
16. The Council has confirmed that a formal Environmental Risk Assessment Report would not be required for the proposal and I have no reason to consider differently.
17. In respect of the need for the type of accommodation proposed, although it is disputed as to whether this has been clearly demonstrated, it would nevertheless replace an existing, albeit vacant, care facility and would be providing accommodation for the elderly, who require care, in a sustainable location close to the town centre. I have not received any substantive evidence of an over-riding need for an alternative use of the site such as for starter flats and bedsits.

Conditions

18. The Council has suggested a number of conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government's Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wordings.
19. The standard time condition is required in this case, and for the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans is also required.
20. In the interests of the character and appearance of the surrounding area, conditions relating to the following would be necessary: landscaping details, including tree and hedgerow protection measures, boundary treatment details, and long term maintenance measures for all hard and soft landscaping; external lighting details; samples of the materials to be used in the construction of the external walls, roofs, windows (including any rooflights) and doors; details of the recessing of all new windows and doors; and details of the proposed rainwater goods, eaves and fascias and their treatment. Details of hardstanding and boundaries referred to in suggested condition 8 would be covered under the separate landscaping condition.
21. In the interests of highway and pedestrian safety, conditions relating to the following would be necessary: in terms of ensuring adequate provision for parking, the securing of the occupancy of the development to those intended in respect of it being 'extra-care' accommodation for people aged 65 or over, which would also ensure that it continues to meet housing policy requirements given that the proposal does not provide for affordable housing; surface water drainage details; provision of a footway across the site frontage; retention of the parking and turning areas for those purposes only and without obstruction; and a scheme for the safeguarding of the route of the footpath through the site. In respect of securing the occupancy, notwithstanding the information already submitted, I consider that it would first be necessary to secure the submission of a clear statement of the proposed operational management in order to provide sufficient control through the condition.
22. In the interests of environmental sustainability a condition to secure a Travel Plan to promote low carbon travel would be necessary.
23. To ensure that the amenities of the locality are safeguarded during the demolition and construction phases, a condition to secure a Construction Management Plan would be necessary.
24. The ecological features of the site would need to be protected through a condition to ensure provision for bird and bat boxes to be installed.

Conclusion

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

Andrew Dawe

INSPECTOR

Annex

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL10 revision C, PL11 revision C, PL12 revision C, PL13 revision C, PL14 revision C, PL16 revision C, PL17 revision F, PL18 revision D, PL19 revision B, PL24.
- 3) The use of the apartments within the building hereby approved shall, at all times and unless otherwise agreed by the local planning authority in writing, be used for the designed purpose of providing 'extra-care' living units of accommodation for person or persons who, for the purpose of acquiring purchase or lease of any of the approved apartments, are contracted into a care package and who have a minimum age of not less than 65 years of age as required by condition 4 of this permission. Furthermore, the supporting staff and resources associated with the management of the site and the delivery and implementation of the individual care package(s) associated with the terms of purchase and occupancy of each apartment, together with the occupants' permitted use of the facilities provided within the approved building, shall be in accordance with the submitted application details and an operation management statement, which shall be submitted to and approved in writing by the local planning authority before any development takes place, unless otherwise agreed by the local planning authority in writing.
- 4) The occupation of the apartments hereby approved shall at all times, and unless otherwise agreed by the local planning authority in writing, be limited to a person aged 65 or over and any resident dependents who satisfy the requirements referred to in condition 3 of this permission. No other person shall occupy any of the approved apartments.
- 5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities, and measures for the protection of existing trees and hedgerows to be retained during the course of development; existing and proposed finished levels; the position, design and materials of all site enclosures and boundaries; and hard surfacing materials.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the development or its completion, 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 gives written approval to any variation.
- 7) No development shall take place until a scheme for the long term maintenance of all hard and soft landscaping areas has been submitted to

- and approved in writing by the local planning authority. The approved scheme shall thereafter be implemented in full.
- 8) No development shall take place, nor any external lighting works carried out, until a scheme for external lighting of the site has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved.
 - 9) No development shall take place until the following have been submitted to and approved in writing by the local planning authority: samples of the materials to be used in the construction of the external walls, roofs, windows (including any rooflights) and doors of the building hereby permitted; details of the recessing of all new windows and doors; and details of the proposed rainwater goods, eaves and fascias and their treatment. Development shall be carried out in accordance with the approved details.
 - 10) The development hereby permitted shall not be first occupied until surface water drainage works, including measures to prevent disposal of such water from the site onto the highway, have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Those details shall include details of gullies, connections, soakaways and means of attenuation on the site. That provision for surface water drainage shall thereafter be maintained at all times.
 - 11) The development hereby permitted shall not be first occupied until a footway has been constructed along the entire frontage of the site in accordance with that shown generally on drawing number PL16 revision C and a specification which shall have first been submitted to and approved in writing by the local planning authority.
 - 12) The areas allocated for the parking and turning of vehicles, as shown on drawing number PL16 revision C, shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.
 - 13) The development hereby permitted shall not be first occupied until a Travel Plan to promote low carbon travel has been submitted to and approved in writing by the local planning authority. That Travel Plan shall thereafter be implemented in accordance with measures contained within it.
 - 14) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i) construction vehicle movements;
 - ii) demolition and construction operation hours;
 - iii) construction vehicle routes to and from the site;
 - iv) construction delivery hours;
 - v) expected number of construction vehicles per day;
 - vi) the parking of vehicles of site operatives, contractors and visitors;
 - vii) specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - viii) a scheme to encourage contractors to use public transport.

- 15) No development shall take place until a scheme for the provision of bird and bat boxes for the site has been submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved details prior to the first occupation of the development hereby permitted and retained as such thereafter.
- 16) No development shall take place until details of a scheme to safeguard the route of the footpath through the site from Wessex Rise to the footpath on the northern boundary of the site have been submitted to and approved in writing by the local planning authority. The footpath route shall be kept available for public use at all times thereafter, in accordance with the approved scheme, including throughout the demolition and construction phases unless agreed otherwise in writing by the local planning authority.

Agenda Item 13

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 3.15pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 3.05pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
14	WESSEX	16/01569/OUT	Outline application for a single dwelling and associated garage.	Land Rear of Maismore, Compton Street, Compton Dundon.	Mr D Davis
15	WESSEX	16/00678/OUT	Proposed single dwelling, amended access and extended curtilage.	Clarendon House, Street Road, Compton Dundon.	Ms V Olivier
16	BURROW HILL	16/01834/FUL	Installation of a pitched roof and erect a rear extension.	Shearstone, Silver Street, East Lambrook.	Mr & Mrs T Nash
17	BURROW HILL	15/05688/FUL	Removal of existing sheds & glasshouses, conversion of barn to dwelling and erection of three houses.	Lower Farm, Lambrook Road, West Lambrook.	Mr R Dyer
18	BURROW HILL	15/05689/LBC	Removal of existing sheds & glasshouses, conversion of barn to dwelling and erection of three houses.	Lower Farm, Lambrook Road, West Lambrook.	Mr R Dyer

19	MARTOCK	16/01012/FUL	Demolition of lean-to and all timber buildings at the rear of the site; erection of two dwellings and formation of driveway, parking and turning.	18 East Street, Martock.	Mr M Robertson
20	CURRY RIVEL	15/04736/FUL	Erection of a dwelling, car port and revised alterations to access and driveway.	The Limes, High Street, Curry Rivel.	Mr & Mrs M Powell
21	CURRY RIVEL	15/04737/LBC	Erection of a dwelling, car port and revised alterations to access and driveway.	The Limes, High Street, Curry Rivel.	Mr & Mrs M Powell

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 14

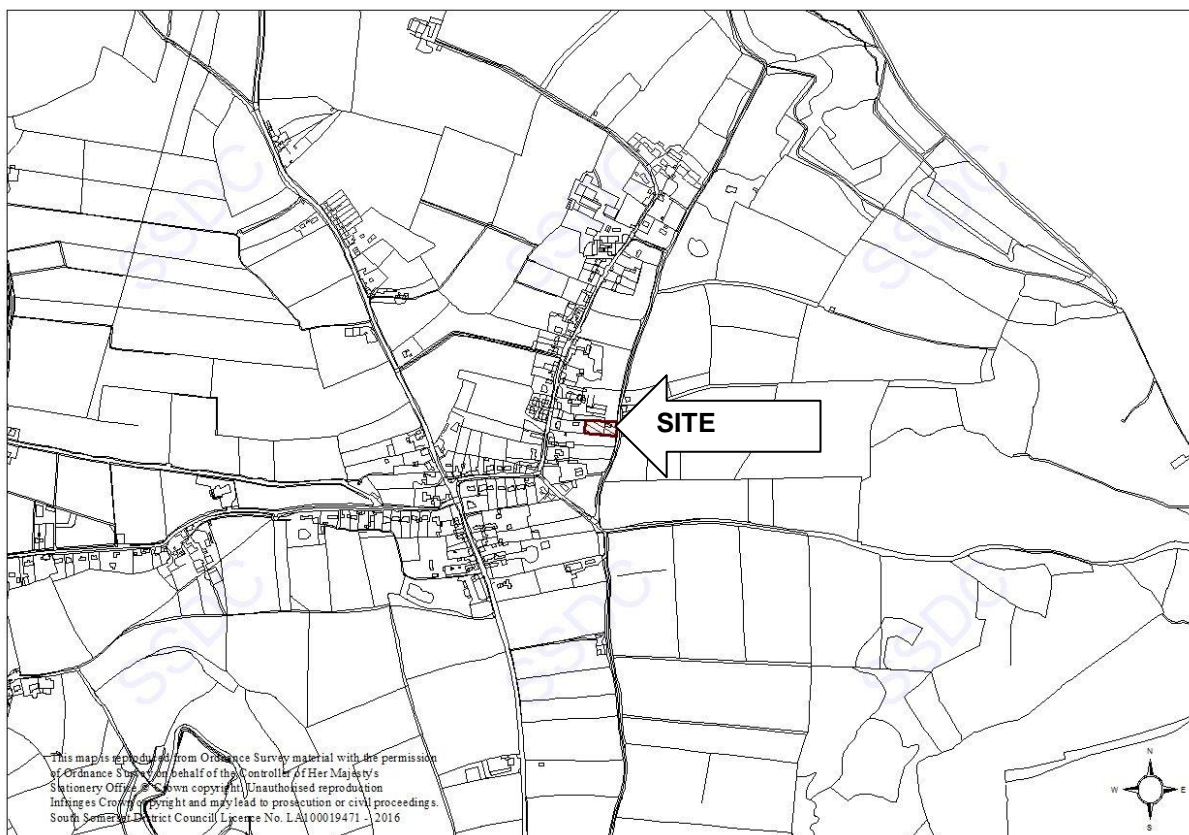
Officer Report On Planning Application: 16/01569/OUT

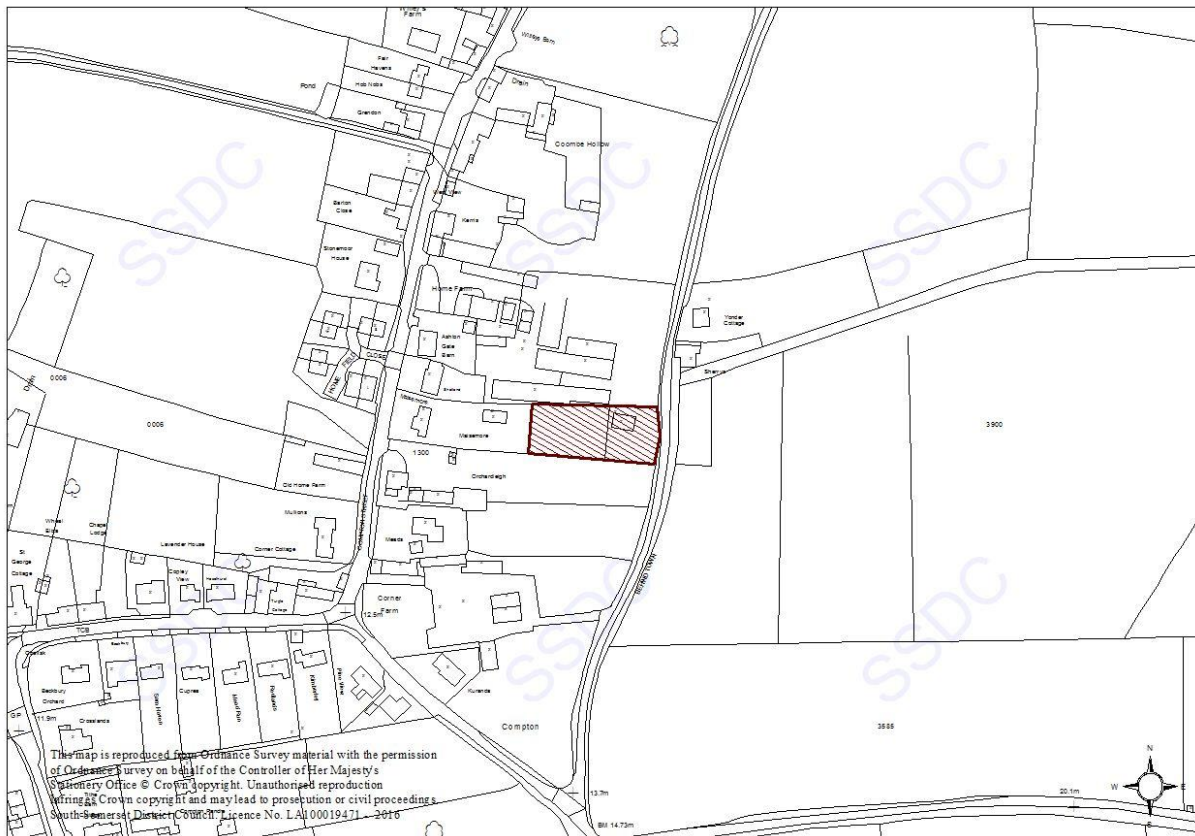
Proposal :	Outline application for the erection of a single dwelling and associated garage with some matters reserved.
Site Address:	Land Rear Of Maismore, Compton Street, Compton Dundon.
Parish:	Compton Dundon
WESSEX Ward (SSDC Members)	Cllr Stephen Page Cllr Dean Ruddle
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	7th June 2016
Applicant :	Mr D Davis
Agent: (no agent if blank)	Joanna Fryer, The Town And Country Planning Practice Ltd, Home Orchard, Littleton, Somerton TA11 6NR
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

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

SITE DESCRIPTION AND PROPOSAL





The site is located to the east of Maismore, a property fronting Compton Street, and comprises part established garden of this property, and part yard with a large building and two shipping containers present. It is stated that this part of the site has been used in connection with the applicant's plumbing and heating business, and for domestic activities. There is also a static caravan sited within the application site, although this is within the garden area of Maismore. The application site has its own existing access directly off Behind Town. There is mainly residential development to the west and a working farm immediately to the north. This is an edge of village location, with open fields to the south and east, and only occasional dwellings along Behind Town itself.

The application is made for outline planning permission, for the erection of a dwelling. The layout of the site and vehicular access arrangements are included for determination at this stage, with appearance, landscaping and scale to be reserved.

HISTORY

99/01051/FUL: Erection of a single storey extension to dwelling and construction of new vehicular access - Permitted with conditions.

870742: The erection of a two storey extension to house - Permitted with conditions.

852119: (Reserved Matters) Erection of a dwelling and garage - Permitted with conditions.

840379: The erection of a dwelling on land adjoining Orchard Leigh, Compton Dundon - Allowed by appeal following initial refusal.

62398/1: Erection of dwelling house and garage and provision of vehicular access - Permitted with conditions.

62398: Erection of dwelling house and garage and provision of vehicular access - Permitted with conditions.

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
SS4 - District Wide Housing Provision
SS5 - Delivering New Housing Growth
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ2 - General Development
EQ3 - Historic Environment
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 10 - Climate Change and Flooding
Chapter 11 - Conserving and Enhancing the Natural Environment
Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Design
Natural Environment
Rural Housing

Policy-related Material Considerations

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

CONSULTATIONS

Parish Council: Recommend approval.

SCC Highway Authority: Standing advice applies.

SSDC Highway Consultant: Consider sustainability issues (transport) taking into account para. 29 of the NPPF. Consider the standard of Behind Town in terms of its width but taking account that the net traffic impact of the development may not be significant given the traffic generation associated with the extant use of the current buildings on site. If vehicle speeds on Behind Town are in the region of 23mph as suggested in the Planning Statement, the existing

visibility splays at the access outlined in the Planning Statement should be acceptable. Ensure the proposed parking provision accords with the SPS standards, and appropriate turning facilities are secured. The first 6.0m of the access should be properly consolidated and surfaced (not loose stone or gravel). Ideally drainage measures should be implemented to ensure on-site surface water does not discharge onto the public highway.

County Archaeology: The site lies within the Compton Dundon Area of High Archaeological Potential. Investigations in 1995 during the construction of the properties on Homefield Close revealed the presence of medieval and post medieval settlement activity. It is possible that similar remains may survive within the application area.

It is therefore recommended that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted:

'No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.'

SSDC Environmental Protection: "Due to the extremely close proximity of the neighbour farm yard and buildings, I would have to recommend refusal of this application on amenity grounds.

It is my opinion that any future occupants of the proposed dwelling would be adversely affected by noise, odour and dust arising from the neighbouring farm. These adverse effects would have most impact on the use and enjoyment of the external private area to the dwelling but have a significant potential to cause loss of amenity to the dwelling itself.

These conflicts cannot be overcome without major constraints upon the existing farming business." Should the application be approved however, a contaminated land condition is requested.

Following further comment from the applicant's agent, in response to this objection, the Environmental Protection Officer has made the following comment:

As you know we have to be consistent on our approach to such applications, recent appeals have provided a degree of support for our stance along with Policy EQ2 of the adopted Local Plan which seeks to ensure the creation of quality places and that site specific considerations are taken into account.

Also the National Planning Policy Framework (the Framework), states at paragraph 17 the core planning principle to 'always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

"I have read and understand where the applicant's agent is coming from, but that does not diminish the chance that future occupiers could well be impacted on amenity wise from the neighbouring farms current activities and future activities which could change without the need for additional planning permission re use of existing barns and building."

REPRESENTATIONS

Nine letters have been received from local residents. Two of these letters raise no objection in principle, however do have some concerns about elements of the scheme, and a further two do raise objections. Five letters have been submitted in support of the proposal, including one from the occupiers of the adjoining farm. The areas of concern cover the following:

- Highway safety
- Impact on local rural character
- Risk of surface water flooding

The letters of support make the following points:

- Access already exists
- The proposal would lead to an improvement in the appearance of the lane
- The site is adequately sized to provide a dwelling and garden
- The applicant is seeking to remain in the village, where he has existing ties
- The adjoining farm is a small family business with no plans to expand or go into intensive farming
- The adjoining farm has little impact on the nearest local residents, with no problems experienced

CONSIDERATIONS

Principle of Development

The site is located on the west side the Behind Town, a short distance from the village core to the west. Policy SS1 (Settlement Strategy) highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements, including Compton Dundon, are 'Rural Settlements', which policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2. Policy SS2 states:

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

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

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

Usually applications in locations such as this would be considered against the settlement strategy contained within Local Plan policies SS1 and SS2, however the Local Planning Authority are currently unable to demonstrate a five year supply of housing sites. As such, several recent appeal decisions have confirmed that in the context of the National Planning Policy Framework these policies should be considered out of date, as they are relevant to the supply of housing. In such circumstances, the main consideration will be whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

As a starting point, Compton Dundon is considered to be a generally sustainable location, where development could be acceptable in principle. Despite policy SS2 being viewed as out of date, the village has several key services referred to in this policy. Furthermore, it is noted that an appeal decision allowing the outline permission for a new dwelling within the village, in 2014, states that "Compton Dundon has a village hall which provides a wide range of community facilities and also accommodates a post office with morning opening hours. There is also a church, a pub and an educational establishment, and I consider that all these facilities and the hourly bus service are in fact within a reasonable walking distance on a relatively safe route rather than 'remote' as the Council claims."

The above quote relates to a site along Ham Lane, a road heading westwards from the village core. In comparing this with the current application, it is noted that the current application site is also only a relatively short distance from the village centre, allowing access into the village, as well as access to public transport. Taking the above into account, the application site is considered to be similarly well located in relation to the village services. As such, it is considered that the development of this site for a dwellinghouse could be acceptable in principle, subject of course to the assessment of other appropriate local and national policy considerations, to determine whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits. The main considerations in this case are impact on visual amenity and local landscape character, highway safety and residential amenity.

Scale and Appearance

The proposal includes approval of layout at this outline stage, with appearance of the proposed dwelling, scale and landscaping reserved. The main issue in considering layout at this stage is the principle of the development and the impact of any development in this location, particularly in respect to landscape character and in respect to local development pattern. In this case, there is minimal development along Behind Town, with the prevailing pattern of development comprising residential properties fronting Compton Street. There are however a few houses along Behind Town, as well as a farm yard immediately to the north of the site. Generally, development of plots off Behind Town would not be considered appropriate as this would fail to accord with the prevailing development pattern to the detriment of local character, however in this case there is existing built form on the site, in the form of the existing building. While the proposed dwelling is likely to be larger, it will also be seen against the context of the large adjoining farm buildings, which it would be well-related too. Overall, it is not considered that the provision of a dwelling on this site would have an adverse impact on local character and appearance.

Highway Safety

The proposal includes the use of the existing access, with improvements made to visibility, which would allow splays of up to 52m to the north and 30m to the south. Objections have been received about the proposed development in respect to highway safety, with concerns about the width of Behind Town, concerns about the speed that vehicles drove along this road and also concerns about visibility.

The Highway Authority have indicated that standing advice should apply, which usually includes providing levels of visibility of 43m in each direction, consideration of width of access, surfacing of access and ensuring positive drainage arrangements to prevent discharge of surface water runoff onto highway land. In this case, the existing access arrangements, which are intended to be retained, meet the necessary requirements, other than that visibility splays of 30m to the south, set back 1m, rather than the usual 43m stated in the standing advice. The applicant has however sought to justify this reduction by advising that the visibility is

appropriate due to lower vehicle speeds at this point. The Council's Highway Consultant has indicated that the visibility should be acceptable if vehicle speeds are in the region of 23mph, however it is also noted that there is an extant use of the current buildings and existing access, in which case, the use of the access may not represent a significant net traffic impact. Taking this into account, and noting that the existing use of the access would no longer continue, it is not considered that the proposal would lead to a severe impact on highway safety so as to recommend refusal on highway grounds. It is noted that the layout of the site is proposed, even though proposed parking is not stated. Notwithstanding this, the position of the proposed dwelling is set far enough into the site to ensure that there would be plenty of space for providing the appropriate amount of parking and turning. Should permission be granted, it would therefore be necessary to impose conditions to ensure the provision of the parking, visibility, hard surfacing and drainage details.

Residential Amenity

The proposed dwelling would be set well away from the nearest dwellings to the west and north east, as such it would have no detrimental impact on the occupiers of these dwellings by way of overlooking or overshadowing. Of concern however is the proximity of the proposed dwelling to adjoining agricultural buildings. If sited as proposed, the dwelling would be within 6m of the nearest building, a long structure running almost the full length of the application site, and within 19m of a large building sited centrally within the adjoining farm.

Local Plan Policy EQ2 includes several criteria aimed at ensuring high quality development, and includes a requirement for *"development proposals should protect the residential amenity of neighbouring properties."* Equally it should be expected that prospective occupiers of new dwellings have their residential amenity protected too by not be sited in inappropriate locations. Likewise, the Core Planning Principles of the NPPF (paragraph 17) states that *"planning should always seek to secure high quality design and a good standard of amenity to all existing and future occupants of land and buildings."*

In this case, the Council's Environmental Protection Officer has objected to the proposal on the basis of the proximity to the neighbouring agricultural buildings, raising concern that the future occupiers of the dwelling would be adversely affected by noise, odour and dust, which would impact on the private amenity space associates with the proposed dwelling, and also have significant potential to cause loss of amenity to the dwelling itself too. The applicant has sought to justify this by highlighting the presence of the buildings in close proximity to several other dwelling and there being no knowledge of complaints, and no evidence of noise, smell and dust arising from farm activities. Furthermore it is advised that the farm is relatively small by modern standards with beef cattle overwintered on site and spending the summer months in the fields.

The Environmental Protection Officer has considered the additional information, however still objects. While it is noted that the farm is run in this manner, this does not change the fact that there is high potential for unacceptable impact on residential amenity due to the very close proximity. Furthermore, there are no restrictions that would prevent this site being used more intensively should the current farmer, or future owner, wish to do so. It should also be noted that while there are other dwellings near the farm buildings, none are as close as that proposed by this application. The next nearest dwelling is 'Shetland', which is to the west of the farm. This property is approximately 25m from the nearest farm building and almost 45m from the central agricultural building. In this case, the dwelling would only be 6m from the nearest building, which is considerably closer. Overall, while the presence of other dwellings nearby is acknowledged, the very close proximity of the proposed dwelling, along with the inability to control the use of the adjoining farm buildings, does give rise to significant potential for harm to the residential amenity of future occupiers of the dwelling. It is therefore considered

appropriate to recommend refusal.

Other Issues

Some concern has been raised by neighbours in respect to flooding of Behind Town, however it is not considered that this dwelling should lead to any worsening of any current situation subject to appropriate surface water drainage provision being put in place. It should be noted that there are buildings and containers already present on site, as well as existing hard surfacing of this yard. Not only is it considered that there would be no risk to flooding associated with this proposal, there is the potential to improve drainage within the site.

Comments received from County Archaeology advise that the site lies within the Compton Dundon Area of High Archaeological Potential and that investigations in 1995, during the construction of the properties on Homefield Close, revealed the presence of medieval and post medieval settlement activity. It is considered that similar remains may survive within the application area. While not considered a constraint to development, it is recommended that the applicant provide archaeological monitoring of the development and a report on any discoveries made. A standard archaeology condition is requested should permission be granted.

Conclusion

Despite the support of the Parish Council, and impact on highway safety and local character being acceptable, the proposal is considered to be unacceptable due to the proposed development being sited so close to the adjoining farm yard. It is therefore proposed to refuse the application solely in respect to adverse impact on the residential amenity of future occupiers of the proposed dwelling.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASON:

01. The proposed dwelling is unacceptable by reason of its siting in close proximity to an adjoining agricultural building. This relationship has the potential to cause unacceptable harm to the residential amenities of the future occupiers of the proposed dwelling by way of noise and odour generation as a result of the possible use of the adjoining building for the accommodation of livestock. As such it is contrary to policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the core planning principles of the National Planning Policy Framework.

Agenda Item 15

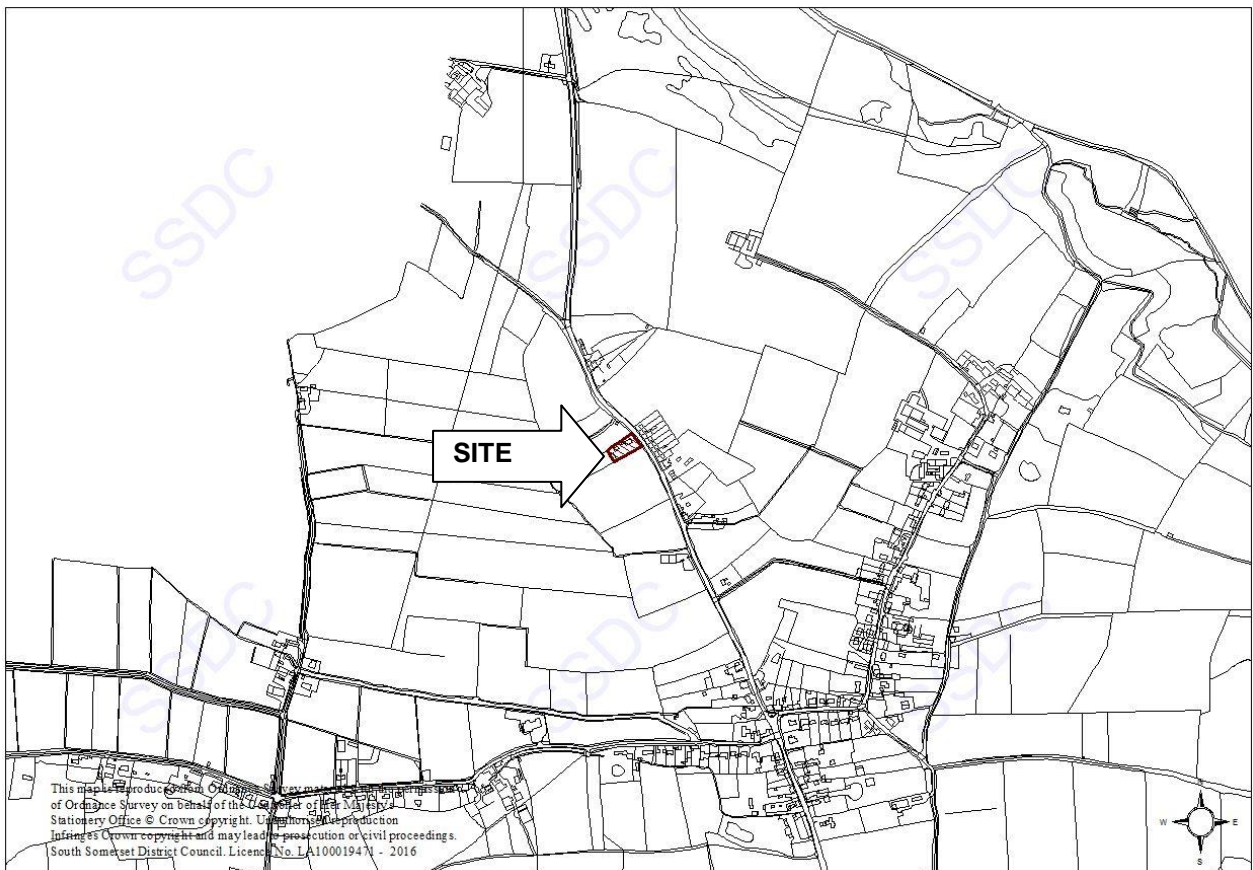
Officer Report On Planning Application: 16/00678/OUT

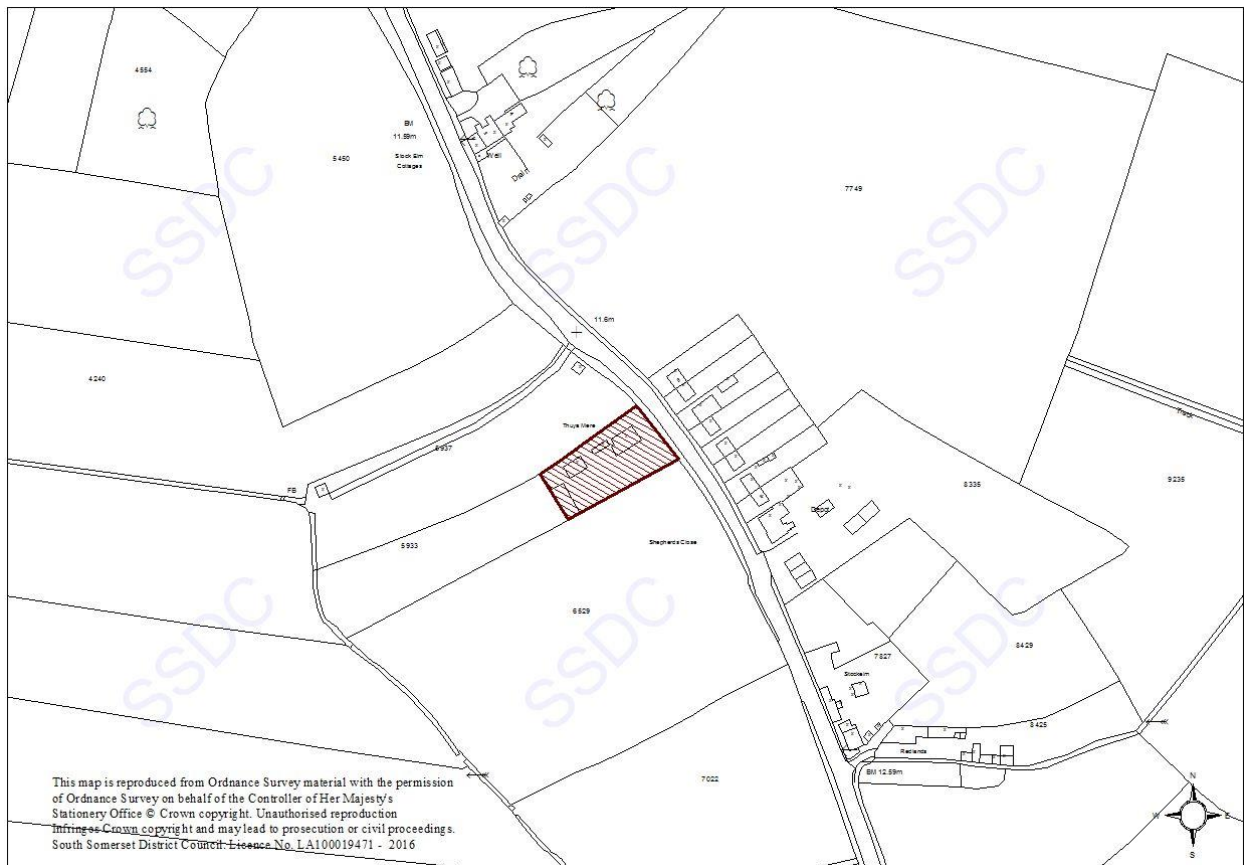
Proposal :	Proposed single dwelling, amended access and extended curtilage to include cottage orchard.
Site Address:	Clarendon House, Street Road, Compton Dundon.
Parish:	Compton Dundon
WESSEX Ward (SSDC Members)	Cllr Stephen Page Cllr Dean Ruddle
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	26th April 2016
Applicant :	Ms Vicki Olivier
Agent: (no agent if blank)	Ms Vicki Olivier, Clarendon House, Compton Dundon, Somerton TA11 6PY
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to committee at the request of Ward Member Cllr Ruddle and with the agreement of the Area Chair to allow the landscape / visual amenity concerns to be discussed further.

SITE DESCRIPTION AND PROPOSAL





This application is seeking outline planning permission and to agree the detailed matter of access (with matters of appearance, landscaping, layout and scale reserved matters). The application originally sought to agree matters of layout and landscaping however the applicant has subsequently asked that these be made reserved matters.

The application site forms part of the rear garden belonging to Clarendon House, a modest detached bungalow, located opposite an existing row of houses and connected to the main built up hub of Compton Dundon by a continuous footpath. The existing access is to the side of the house leads on to the B3151 and is substandard in visibility. The site is flat and level with the existing dwelling and is enclosed by native hedgerows along the side boundaries and open to the field beyond. There is a residential property (Hedgerows) in the adjacent field to the northwest of the site.

RELEVANT HISTORY:

13/02964/FUL: Replacement dwelling and garage. Alterations to exiting highway entrance including a dropped kerb. Extended curtilage to include cottage orchard. Permitted.

POLICY

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

For the purposes of determining current applications the local planning authority considers

that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

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

SD1 - Sustainable Development

SS2 - Development in Rural Settlements

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HG4 - Affordable Housing

EQ2 - General Development

EQ4 - Biodiversity

National Planning Policy Framework

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

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

Part 11 - Conserving and enhancing the natural environment

CONSULTATIONS

Compton Dundon Parish Council: Recommend approval

County Highways: Standing advice applies

Landscape Officer: No objection. I recollect this site from an earlier application, which approved the proposition of a new and larger dwelling than the current bungalow within the plot. My response to that proposal raised no landscape objection. This proposal is a further step in establishing a greater footprint of domestic form within the plot, though at this time, a potential scale of development is not indicated.

I note that two existing buildings will be demolished to enable construction of a further dwelling and garaging, hence the overall increase in footprint is not overt, and scale can be controlled at a later time, should this application be successful. Whilst there is an increase in curtilage, the westward extent appears to go no further than the current limit, hence with likely landscape impact considered to be limited, I have no substantive landscape issues to raise.

REPRESENTATIONS

Written representations have been received from one adjacent neighbour (Hedgerows) raising the following comments / concerns:

- Large vehicles accessing the site during the construction phase and how this will impact on their own entrance. Also additional vehicles using the substandard access as a result of an additional dwelling.
- Concerned about their right to light as a result of the new planting.
- The application does not respond to a need for housing but to the applicant's wish to profit from the development.
- If approved what assurance do we have that permission will not be sought for yet more houses at a later time.

- Across the road a development of 10 houses is not entering its final stage, I do not see that there is a demonstrable need for more housing. The village has few services and the bus service is sparse. Houses are slow to sell / rent in the village. Jobs in the village are few.
- Worried that this end of the village will become a ghost town with an oversupply of houses in a relatively economically depressed rural location with poor amenities.

A further letter, this time in support of the application, has also been received making the following comments:

- The proposal will serve to raise the tenure of the local environs.
- The applicant has constantly shown her willingness to make these improvements and invest not an inconsiderable sum in her property.
- We will overlook this development, it can only be an improvement to our current view.

CONSIDERATIONS

Compton Dundon is a relatively small village that is served by a village hall, post office, church, recreation ground and pub and there is a bus service that stops in the middle of the village by the village cross. On the basis of this range of facilities / services it is accepted that Compton Dundon should be accepted as a Rural Settlement / policy SS2 settlement.

Whilst policy SS2 sets out a need for new residential development to meet a demonstrable local need, at present SSDC is unable to demonstrate a five-year housing land supply. In such circumstances paragraph 49 of the NPPF states that relevant development plan policies for the supply of housing should not be considered up-to-date. Subsequent case law, High Court decision (*Woodcock Holdings Ltd*), concludes that appropriate weight can be attached to 'out-of-date' housing supply policies when considered in the 'planning balance' of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

In this instance Compton Dundon is considered to be an acceptable location for a modest level of growth and this proposed 'in-fill' plot is considered to respect the scale and character of the settlement. The application site is located at the northern edge of Compton Dundon opposite a row of existing houses and next to another residential side located to the northwest. There is a footpath across the site frontage and a footpath on the opposite side of the road that connects this part of the village the short distance to the village centre. It is noted that the proposal has the support of the Parish Council.

For these reasons, the development is considered to constitute a sustainable form of development and to therefore be acceptable in principle.

Pattern of development and visual impact

Under the initial submission the applicant sought to agree layout and landscaping as detailed matters and indicated that they would like a two-storey house. They have since omitted matters of layout and landscaping from this application and confirmed that they would be willing to consider a single or one and a half storey house.

Clarendon House is a modest single storey property that is in a standalone position with fields to either side and a row of properties opposite and is physically separated from the main built up part of Compton Dundon by several fields. Due to this position the context in which the property sits is open countryside and it is considered that the consolidation of built

form in this position is inappropriate and will have an intrusive presence, especially due to its backland position projecting to the rear of the existing bungalow. Furthermore, this backland arrangement is contrary to the primarily linear pattern of development that prevails on the opposite side of the road. The development therefore fails to respect the character of the area and is contrary to local plan policy EQ2.

Residential amenity

Due to the position of the site to the rear of the existing bungalow and some distance from the neighbour to the northwest the proposed development is not considered to cause any undue loss of privacy, light or other amenity concern to neighbouring properties.

The adjoining neighbour has raised a concern about possible loss of light to their property as a result of planting indicated on the submitted plans. Given the distance from the site to this neighbour there is no reason why any significant loss of light issues should arise as a result of the proposed new dwelling and landscaping in any case is now a matter for later consideration.

Highway safety

The application has been amended since it was originally submitted to modify the access arrangements so that the existing dwelling and the proposed dwelling are each served by their own access, with the new dwelling being served by the existing access. Whilst the visibility splays for the proposed new access complies with the highway authority's standing advice (43m in either direction), the existing access is substandard in the southerly direction and cannot be improved as it passes overly third party land. However, on the basis that this access will still only serve one dwelling it is accepted that the level of traffic will remain substantially unchanged to the existing situation and it would be unreasonable to object to the development on this basis.

It is accepted that the indicative layout plan has demonstrated that it will be possible to accommodate an appropriate level on on-site parking and turning (in line with the highway authority's parking strategy) for each dwelling.

The adjoining neighbour has expressed highway safety concerns in respect of the associated construction traffic. It is accepted that the existing access arrangements are constrained where HGVs are concerned however given the modest scale of the development the construction phase will only be for a very short period of time. Should HGV's have to stop briefly in the highway to make deliveries there is no evidence to demonstrate that this will pose a significant highway safety risk. In respect of other smaller construction traffic, the applicant owns the paddock to the rear and there is no reason why this could not be used as a temporary compound for construction parking and storage purposes.

Contributions

Local Plan Policy HG4 sets out a requirements for small scale schemes such this to make a financial contribution towards the provision of affordable housing across the district. In May the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) and determined that Local Authorities should not be seeking contributions from schemes of 10 units or less and less than 1000 square metres in floor area. The proposed development is for a single dwelling and the indicative footprint for the dwelling would result in a floor area of just 200 square metres (for a two storey dwelling) and so falls below the threshold whereby policy HG4 can be applied.

Planning balance

Due to the backland nature of the site and the standalone position of the existing dwelling the development will intrude into open countryside in a manner that is inappropriate and visually

intrusive and at odds with the primarily linear pattern of development that prevails on the opposite side of the road. For these reasons the development fails to respect the rural character of the locality and to be contrary to policy EQ2 of the South Somerset Local Plan.

The modest scale of the development means that although the development will make a positive contribution towards meeting the district's five-year land supply such a contribution will be very small and there is no evidence to demonstrate that it will be meeting a local need. On the other hand, the visual harm identified above is considered to be substantive and to therefore outweigh the limited benefit identified. For this reason the application is considered to be unacceptable and is recommended for refusal.

RECOMMENDATION

Refuse consent for the following reasons:

The proposed development, by reason of its backland position and standalone nature, will have an intrusive presence in what is an open countryside location and be contrary to the established linear pattern of development that prevails in the area and as such to be contrary to the aims and objectives of policies SD1 and EQ2 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

Agenda Item 16

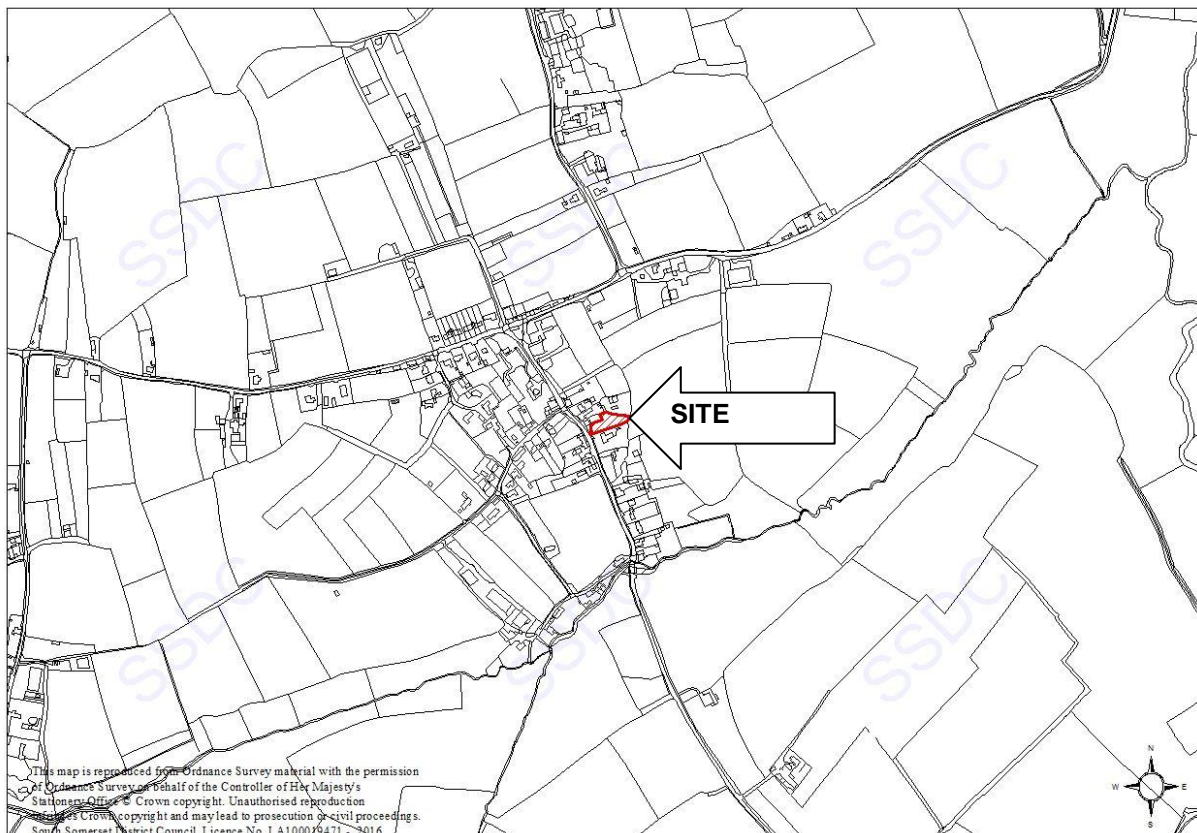
Officer Report On Planning Application: 16/01834/FUL

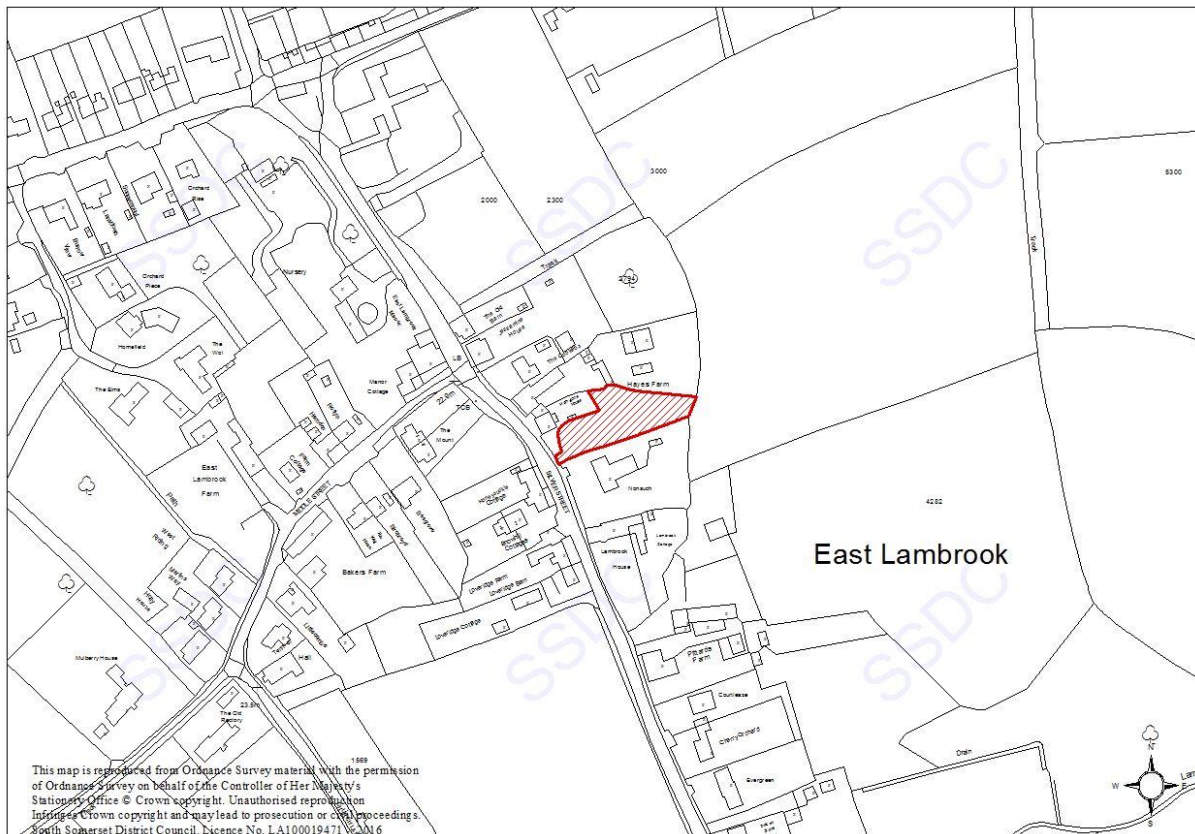
Proposal :	Installation of a pitched roof to replace an existing flat roof and erect a rear extension (amended scheme)
Site Address:	Shearstone, Silver Street, East Lambrook.
Parish:	Kingsbury Episcopi
BURROW HILL Ward (SSDC Member)	Cllr Derek Yeomans
Recommending Case Officer:	Stephen Baimbridge Tel: 01935 462321 Email: stephen.baimbridge@southsomerset.gov.uk
Target date :	21st June 2016
Applicant :	Mr And Mrs T Nash
Agent: (no agent if blank)	Smith Planning & Design Limited, Wayside, Fivehead TA3 6PQ
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

This application was referred to the Area North Committee due to the applicant's position within the District Council.

SITE DESCRIPTION AND PROPOSAL





The property, known as "Shearstone", is a detached bungalow constructed of reconstructed stone. Shearstone is located on Silver Street, within the East Lambrook Conservation Area.

This application seeks permission to install a dual pitch roof to replace an existing flat roof and to erect a rear extension. This is an amended scheme to the application permitted by the Area North Committee of 24 June 2015.

RELEVANT HISTORY

94/00931/FUL: Demolition of shed and the erection of a summerhouse – Approved 12/09/1994

15/01379/FUL: Install a dual pitch roof to replace an existing flat roof and erect a rear extension. Approved 25/06/2015

POLICY

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

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

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

Policy SD1: Sustainable Development

Policy SS1: Settlement Strategy
Policy EQ2: General Development
Policy EQ3: Historic Environments
Policy TA5: Transport Impact of New Development

National Planning Policy Framework

Chapter 7: Requiring Good Design
Chapter 12: Conserving and Enhancing the Historic Environment

CONSULTATIONS

Kingsbury Episcopi Parish Council - No objections

County Highway Authority - No observations

Highways Consultant - No highways issues - no objection.

REPRESENTATIONS

None received

CONSIDERATIONS

The proposal differs to the scheme approved in the following ways: the omission of masonry above the door and window frames and to the end piers and gable; increased size and positioning of windows and doors; the addition of UPVC shiplap cladding to the upper portion of the gable end; and the reduction in the ridge and eaves height by 200mm.

The proposed extension is considered to be of an appropriate design and detailing that would be subservient to the main dwelling and respectful to the character of the property and Conservation Area in terms of scale and design. The materials are stated as being to match the existing property. On this basis it is not considered that it would harm the character of the property or have a detrimental impact on the visual amenity of the area, or historic environment.

It is not considered that the window layout and general bulk of the extension is such that it would give rise to undue overlooking / loss of privacy or an overbearing relationship with neighbouring properties. Therefore the proposal would not harm local residential amenity.

The Highways Authority and Highways Consultant raised no observations to the application. It is not considered that the works would result in harm to highways safety, in accordance with policy TA5.

Accordingly the proposal is considered to comply with policies SD1, SS1, EQ2, EQ3 and TA5 of the South Somerset Local Plan, and the provisions of the NPPF.

RECOMMENDATION

Grant permission subject to conditions.

01. The proposed roof extension and rear extension are of an appropriate design, detailing, and size and would have no adverse impact on visual or residential amenity, the historic environment, or highway safety. As such the proposal complies with policies SD1, SS1, EQ2, EQ3 and TA5 of the South Somerset Local Plan, and the provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below):
Site Plan of drawing number 15/1470/01, received 26 April 2016
Drawing number 15/1470/02A, received 26 April 2016.

Reason: In the interests of proper planning and for the avoidance of doubt.

03. The development hereby permitted shall be constructed in the materials detailed on the application form, received 26 April 2016.

Reason: In the interests of visual amenity and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028).

Agenda Item 17

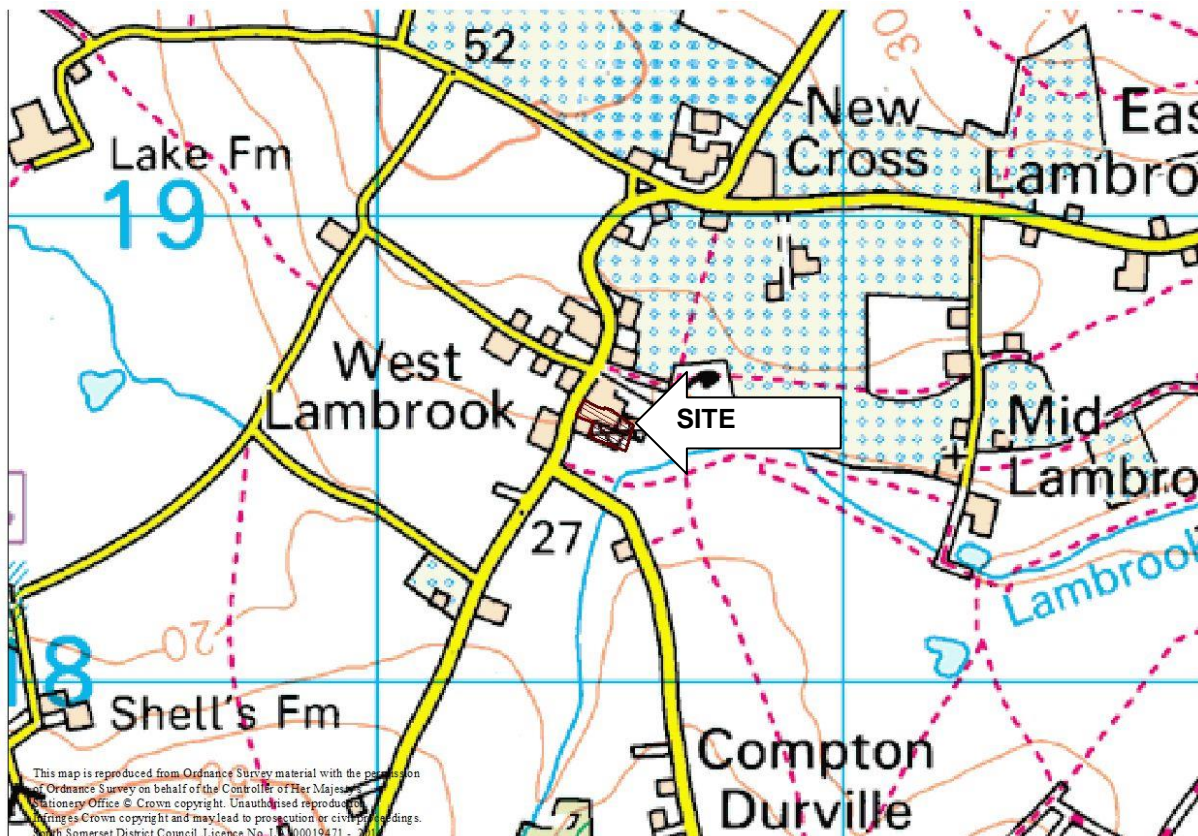
Officer Report On Planning Application: 15/05688/FUL

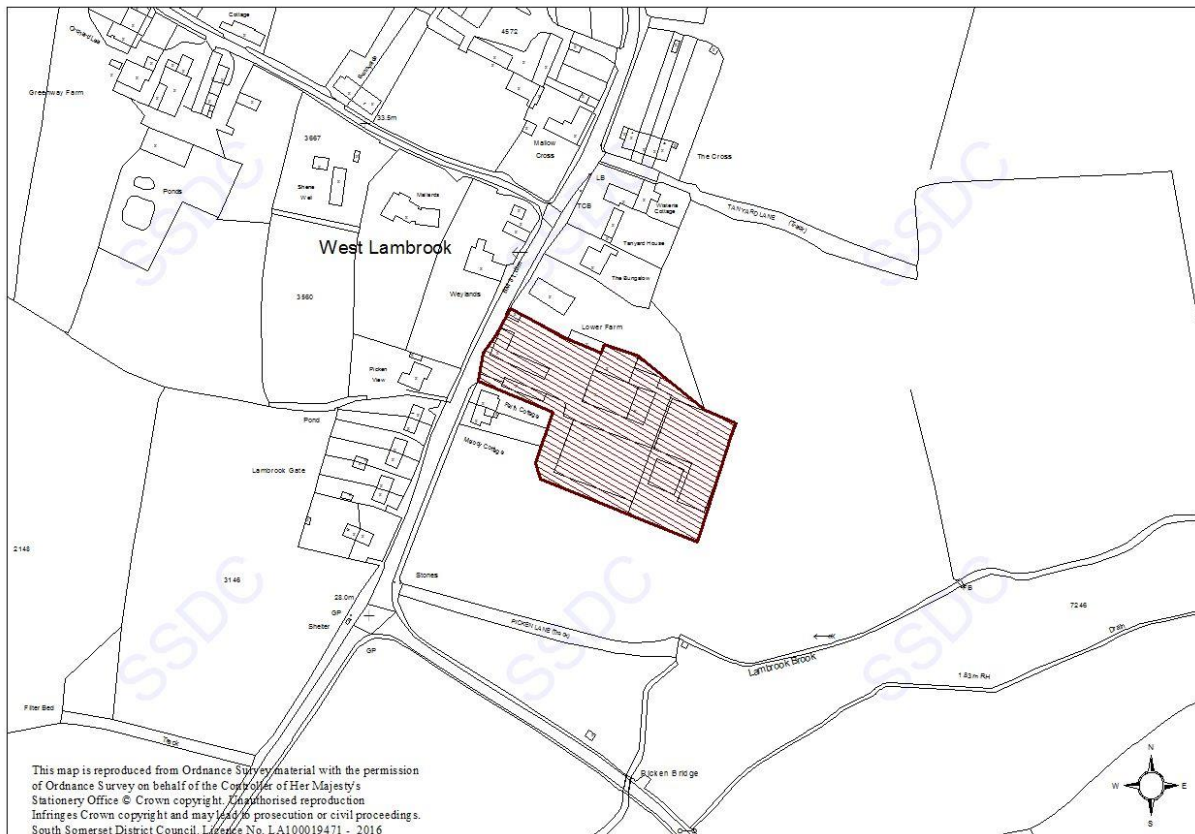
Proposal :	Removal of existing sheds and glasshouses, conversion of a stone barn to dwelling and the erection of three dwellinghouse (GRL341473/118608)
Site Address:	Lower Farm, Lambrook Road, West Lambrook.
Parish:	Kingsbury Episcopi
BURROW HILL Ward (SSDC Member)	Cllr Derek Yeomans
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	3rd March 2016
Applicant :	Mr Reg Dyer
Agent: (no agent if blank)	Mr Nicholas Beddoe Savills (UK) Ltd, York House, Blackbrook Business Park, Taunton TA1 2PX
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 to enable a full discussion of the issues raised by the proposal.

SITE DESCRIPTION AND PROPOSAL





The site is located on the east side of Lambrook Road within the small settlement of West Lambrook. It comprises a farmyard with traditional stone buildings on the road frontage, including an L-shaped structure, constructed from a combination of natural stonework, brickwork and rendered elements, framing the western end of the site. To the north of this building, forming the northern boundary of the site, is the main farmhouse (listed, Grade 2) and its garden; to the east and south-east are other larger, more modern farm buildings, including extensive glass houses. There is an open sided shed (timber poles with mono-pitch roof) immediately to the south of the L-shaped barn, alongside the accessway onto the highway.

The traditional stone/brick building is listed by association with the Grade II listed farmhouse. To the west of the site, across Lambrook Road, is a Grade2* listed building (Weylands).

Permission is sought for the removal of the agricultural sheds and glasshouses, conversion of the L-shaped barn to a dwelling and the erection of three new dwellinghouses and a garage/store building.

HISTORY

13/03285/FUL - Alterations and the change of use of an existing farm shop to a single three bedroom dwelling - refused

13/03286/LBC - Alterations and the change of use of an existing farm shop to a single three bedroom dwelling - refused

13/01798/FUL - Alterations and the change of use of an existing farm shop to a single storey three bedroom dwelling - refused

13/01799/LBC - Alterations and the change of use of existing farm shop to a single three bedroom residential dwelling - refused.

13/00407/FUL - Alterations and the change of use of existing farm shop to a single three

bedroom residential dwelling. Refused.

13/00408/LBC - Alterations and the change of use of existing farm shop to a single three bedroom residential dwelling. Refused.

11/01562/FUL - Alterations and the change of use of existing farm shop to use class B1. Approved 29.06.2011 (OFFICER NOTE: The building remains unconverted).

11/01563/LBC - Alterations and the change of use of existing farm shop to use class B1. Approved 29.06.2011.

08/02026/LBC - Alterations and the change of use of existing farm shop to Use Class B1. Approval 10/06/2008.

08/01299/FUL - Alterations and the change of use of existing farm shop to Use Class B1. Withdrawn on 29/05/2008.

901801 - Erection of dwelling for horticultural worker. Refused on 23/01/1991.

872894 - The erection of four dwellings. Application refused 11/12/1987, Appeal dismissed.

871039 - The erection of an agricultural implement shed. Approval on 19/06/1987.

771183 - Erection of horticultural glasshouse. Approved on 14/09/1977.

761928 - Erection of general purpose agricultural building. Approved on 04/01/1977.

761532 - Erection of glasshouse. Approved on 19/11/1976.

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
SS5	Delivering New Housing Growth
SS6	Infrastructure Delivery
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
EQ3	Historic Environment
EQ4	Biodiversity

National Planning Policy Framework (March 2012):

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

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

Policy-related Material Considerations

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

CONSULTATIONS

Parish Council: No objections.

Highways Authority: Various detailed comments, but the following points are noted:

- proposed access is to utilise an existing agricultural access onto Lambrook Road which is considered suitable for the current proposal. Visibility from the existing access is considered acceptable, however to the left existing shrubbery should be cleared to ensure that suitable visibility can be achieved
- 14 parking bays are required for the new development
- drainage issues are raised
- a licence will be required for works in or near the highway

No objection is raised, subject to conditions.

SSDC Highway Consultant: Refer to County comments. A comment is made about the adequacy of the visibility splay.

SSDC Conservation Officer: The point was originally made that removal of the existing large agricultural barns is not considered a necessity. Enhancement of the setting is therefore not inherently achieved by the erection of three new dwellings. *I do not feel the existing buildings to be harmful to the setting of the listed building such that it is imperative that they be removed.*

In changing the form and details of the proposal from houses to the appearance of a barn conversions, the proposed design, as conditioned, also addresses my concerns over the setting of the listed building. No objection, subject to conditions.

SSDC Landscape Officer: *the landscape effects of the potential re-development of this farmyard site would appear to be;*

- a) the removal of non-traditional agricultural buildings and glass-housing from the site, to reduce the overall building mass and footprint extent, and;*
- b) the introduction of domestic form at the village edge, with its associated lighting, and vehicular activity.*

The site lays to the south of the host farmhouse, which is contained to the south and southeast by built form. An L-shaped barn of traditional form adjacent the roadside is to be retained for conversion, whilst to its east, modern farm buildings and sizeably-scaled glass-housing is intended for removal, with their replacement being three dwellings of traditional design. These dwellings are shown as being located toward the west end of the footprint of the buildings to be removed, enabling a close correspondence with the historical building arrangement, and the dedication of much of the regained space to gardens, buffered by hedgerows and an orchard, to contain the development to the south and east.

The proposal will result in a substantive reduction of building form, and the enhancement of hedgerow and orchard planting, whilst a further area (to the south) appears to be returning to agricultural use. I view these intentions as positive. Whilst the change to residential use will introduce a greater level of vehicular activity and nightlight, I consider the site sufficiently well-related to residential village form to be acceptable. There may be the issue of where the displaced farm buildings might be re-sited, but should new-build be needed, that will be for another day. On balance, I have no landscape objection to the proposal, providing the landscape gains inferred by the application come forward.

SSDC Ecologist: No objection, subject to conditions relating to protected species. It is noted that the application would be subject to appropriate habitats regulations reporting:

An assessment against the three derogation tests of the Habitats Regulations 2010 is a legal requirement 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'.*

In respect of test 3: The survey findings indicate that Building A is a confirmed bat roost used by small numbers of Brown Long-eared and Soprano Pipistrelle bats. Based on the numbers of bats seen emerging and the bat signs found, it is considered most likely that this is a non-maternity day roost. The application states the compensation bat loft is feasible to provide and the development plans don't contradict this. I therefore conclude 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 and compensation by condition.

SSDC Environmental Protection Officer: Should development be permitted, it should be subject to a condition dealing with the possibility of land contamination.

SSDC Strategic Housing Officer: Recommends that the on-site contribution of 35% for affordable housing be met by the provision of 1 dwelling unit. [This is no longer relevant: Change in Government policy on contributions].

Historic England: Raised concerns about the domestic impact of the proposal on the setting of the farmyard and listed buildings: *Whilst the structure that exists to the rear of Lower Farm at present is alien in scale, massing and materials it is overtly associated with the historic farm group that sits beside the road. The removal of this structure will be an enhancement however the proposed scheme would create an overtly domestic character, which would be out of keeping with the setting context of the Lower Farm group and Weylands. The NPPF explains that proposals should be developed relative to significance with a view to minimising or avoiding harm.*

No further comments were offered in response to the amended plans. They advise that the application should now be determined on the basis of the Council's own expert advice.

REPRESENTATIONS

Three representations been received from two local residents.

The first contributors (occupants of Faith Cottage): Objections were initially raised for the following main reasons:

- the new development will increase hours of use of the existing access, causing more amenity harm than the existing business use of the site;
- all infill buildings around existing listed buildings are single storey - this development should reflect that character;
- W Lambrook has no services or facilities other than a post box, telephone box and a workers' bus leaving once a day;
- the barn conversion plus one dwelling should be adequate to finance the removal of the sheds and tidying of the site;
- there would be unacceptable overlooking;
- there are drainage concerns

In later letters, the objectors remain of the view that the form of development is inappropriate. However, the amenity objection to the scheme is withdrawn on the basis of revised plans received on 27 April. This is on the basis that 'Although we have serious reservations on conservation grounds about the proposed 3 new houses, we support the change of use of the curtilage to wholly domestic'.

A second letter (occupants of Weylands) supports the application, making the following main points:

- this is a nice-looking modest development;
- more houses are required in the village;

However, a concern was raised about the safety of the access onto Lambrook Road, given observed speeds of traffic at this point.

A third letter supports the application.

CONSIDERATIONS

Principle of Development

The site falls within a rural settlement with no services and facilities, The proposal seeks to justify the creation of four dwellinghouses on the basis of improvement to the setting and the re-use of an existing building.

Visual and Landscape Impact

A clear assessment of the landscape impact is offered by the Landscape Officer (above). It is agreed that the removal of large structures and limitation of built form to the outer edges of the settlement would ultimately enhance the landscape setting of the site.

The proposal has been amended during the course of the application. The principal concern has been the scale and appearance of the replacement buildings on the east side of the site, which had excessively domestic characteristics, and lengthened front elevation with garages

placed centrally. These have now been re-designed to represent a more simple, less domestic structure, more appropriate to the farmyard setting. The relationship of the buildings to the courtyard to the west of them has also been amended, avoiding domestic enclosures, and is now considered to be acceptable.

The general visual and landscape impact of the amended scheme is considered to be acceptable.

Impact on Heritage Assets

The site falls within the curtilage of the Grade 2 listed farmhouse (Lower Farmhouse). There are also other listed buildings in the vicinity, particularly the Grade 2* listed Weylands, across the road from the farmhouse. The application has been accompanied by a detailed heritage statement. The Conservation Officer has sought numerous amendments to the form of the new-build element of the proposal, which is now supported after initial concern about its appropriateness to the setting.

The point was originally made by the Conservation Officer that removal of the existing large agricultural barns is not considered a necessity. Enhancement of the setting is therefore not inherently achieved by the erection of three new dwellings.

Having said that, the Conservation Officer notes that he raises no objection to the design, as amended.

Conversion of the existing road-side barn would secure the future of this building, and can be achieved without harm either to the building or the greater setting.

It is not considered that there is any significant harm to the designated heritage assets represented by the proposal.

Five-year Land Supply

At present, the Council is unable to demonstrate an adequate supply of housing land as required by the NPPF. Some weight therefore has to be given to the contribution that additional dwellings would make towards the improvement of this situation. Policies seeking to restrict development in the countryside (and rural settlements) are largely 'out-of-date' for this reason, and the NPPF advises that proposals assessed as **sustainable development** should be approved.

Sustainability: Proposed New Dwellings

Whilst the conversion of the roadside stone/brick barn can be supported, in that it makes use of a farm building and conserves a designated heritage asset, the locality raises concerns for the creation of further residential development.

West Lambrook is a small hamlet with no services or public transport. Additional residents in this settlement would be dependent for their day-to-day needs on private vehicular transport. Enhanced sustainability benefits that would accrue from additional dwellings are few, if there are any.

The applicant has sought an additional three dwellinghouses, evidently on a fairly arbitrary basis (there is no detailed justification on the basis, for example, of the evaluated cost of removal of the existing barns versus the costs of the construction). It is not considered that this locality is appropriate for additional dwellinghouses, given its poor access to services and public transport.

The applicant makes reference to Policy SS2 of the Local Plan. There are concerns with this in that:

- the settlement does not qualify as being relevant to this policy (no local services; 'clustering' with nearby settlement not realistic given the distances and poor pedestrian links to Stembridge (approx 2km distant) or Shepton Beauchamp (approx. 1.3km distant))
- the policy can, in any event, be regarded as 'out-of-date'.

The development would locate four new households in this remote locality, where they would be exclusively dependent on private vehicles for day-to-day needs. Although one of these dwellings can be justified on the basis of retention and re-use of a designated heritage asset under guidance set out in Paragraph 55 of the NPPF, the additional three dwellings have not been justified, and would represent unsustainable development.

Impact on Highway Safety

The Highway Officer raises no objections, on the basis of a detailed assessment and a site visit. The Council's Highway consultant points out the submitted visibility splay might be slightly sub-standard, but given the considered view of the Highway Authority and the conditions on site, it is not considered that there is any highway safety reason for refusal.

Ecology

The proposal has been considered against the three Habitats Regulations tests set out above by the Council's Ecologist:

1. The proposal will result in bringing into use this disused site, at the same time as meeting the objectives of the NPPF and the Local Plan in providing housing.
2. There is not considered to be a satisfactory alternative, if the aim is to enhance the setting by removing these large structures.
3. Mitigation measures are possible, and the proposal is not therefore considered to be detrimental to the maintenance of the population of the species concerned.

Conditions and informatives can be included in any permission as advised by the Ecologist.

EIA Regulations

Not relevant.

Conclusion

The proposal would result of the creation of four new dwellinghouses in a location remote from services and facilities, and would foster growth in the need to travel. Whilst one of these dwellings (the barn conversion) could be justified as desirable in the interests of designated heritage assets, and thereby enjoys the support of national and local policy, the additional three dwellings have not been justified other than as general 'enhancement' of the setting, which enhancement is not considered to represent a priority that would outweigh the harm of the identified unsustainability of the proposal. Whilst the new dwellings would contribute towards the Council's five-year supply of housing land, it is not considered that this benefit outweighs the inherent unsustainability of new development in this location, remote from services. The proposal is accordingly recommended for refusal.

S.106 AGREEMENT

Not relevant.

RECOMMENDATION

Refuse.

FOR THE FOLLOWING REASON:

01. The proposal would result of the creation of four new dwellinghouses in a location remote from key services and facilities, which would foster growth in the need to travel by private vehicles to meet the day-to-day needs of future occupants of the development. Whilst some benefits have been identified in relation to heritage assets and the provision of housing land, it is not considered that these outweigh the essential unsustainability of the proposal which is contrary to the aims and objectives of the NPPF and Policy SD1 of the South Somerset Local Plan.

Informatives:

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

In this case, the applicant was advised during pre-application discussion that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these problems - i.e. the issue of sustainability of the location. Notwithstanding this fundamental objection, the Local Authority continued to engage with the applicant during the course of the application to overcome objections to the design of the development.

Agenda Item 18

Officer Report On Planning Application: 15/05689/LBC

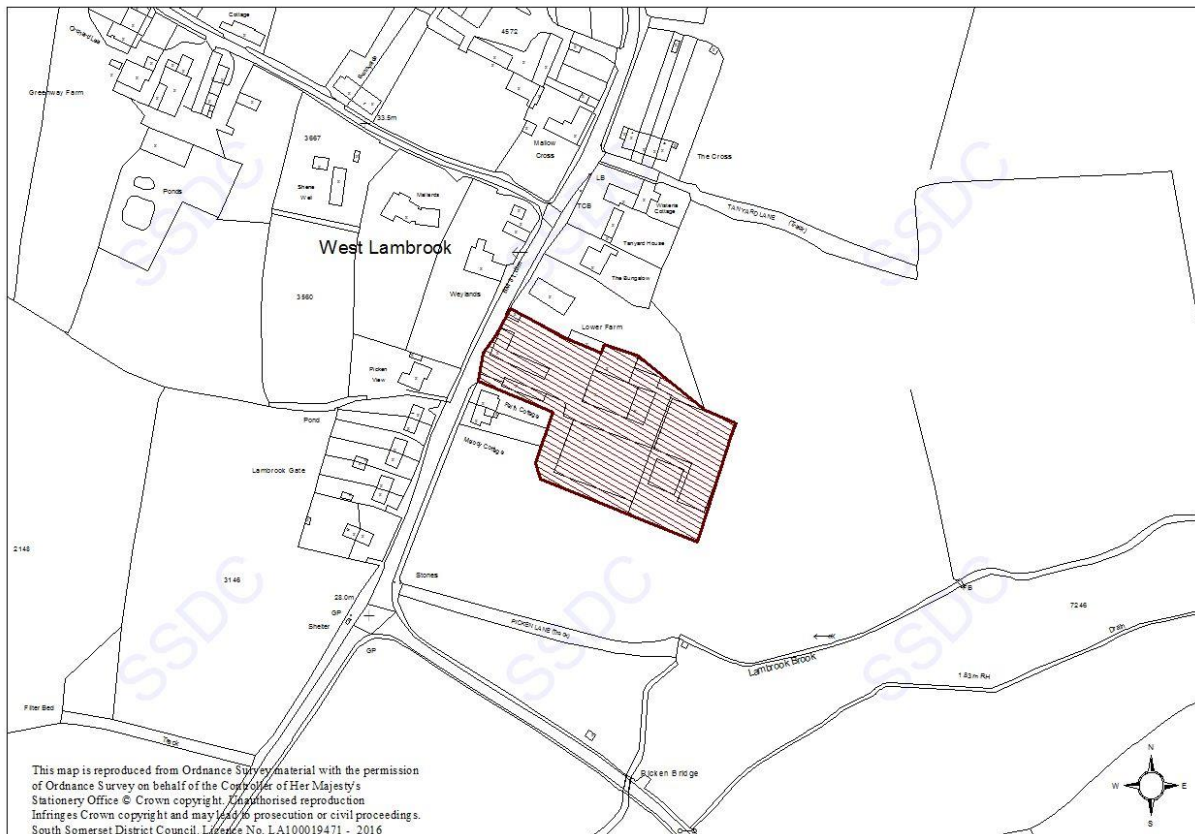
Proposal :	Removal of existing sheds and glasshouses, conversion of a stone barn to dwelling and the erection of three dwellinghouse (GRL341473/118608)
Site Address:	Lower Farm, Lambrook Road, West Lambrook.
Parish:	Kingsbury Episcopi
BURROW HILL Ward (SSDC Member)	Cllr Derek Yeomans
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	3rd March 2016
Applicant :	Mr Reg Dyer
Agent: (no agent if blank)	Mr Nicholas Beddoe Savills (UK) Ltd, York House, Blackbrook Business Park, Taunton TA1 2PX
Application Type :	Other LBC Alteration

REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee at the request of the Ward Member to enable a full discussion of the issues raised.

SITE DESCRIPTION AND PROPOSAL





The site is located on the east side of Lambrook Road within the small settlement of West Lambrook. It comprises a farmyard with traditional stone buildings on the road frontage, including an L-shaped structure, constructed from a combination of natural stonework, brickwork and rendered elements, framing the western end of the site. To the north of this building, forming the northern boundary of the site, is the main farmhouse (listed, Grade 2) and its garden; to the east and south-east are other larger, more modern farm buildings, including extensive glass houses. There is an open sided shed (timber poles with mono-pitch roof) immediately to the south of the L-shaped barn, alongside the accessway onto the highway.

The traditional stone/brick building is listed by association with the Grade II listed farmhouse. To the west of the site, across Lambrook Road, is a Grade2* listed building (Weylands).

Consent is sought for the conversion of the L-shaped barn to a dwelling.

HISTORY

13/03285/FUL - Alterations and the change of use of an existing farm shop to a single three bedroom dwelling - refused

13/03286/LBC - Alterations and the change of use of an existing farm shop to a single three bedroom dwelling - refused

13/01798/FUL - Alterations and the change of use of an existing farm shop to a single storey three bedroom dwelling - refused

13/01799/LBC - Alterations and the change of use of existing farm shop to a single three bedroom residential dwelling - refused.

13/00407/FUL - Alterations and the change of use of existing farm shop to a single three bedroom residential dwelling. Refused.

13/00408/LBC - Alterations and the change of use of existing farm shop to a single three

bedroom residential dwelling. Refused.

11/01562/FUL - Alterations and the change of use of existing farm shop to use class B1. Approved 29.06.2011 (OFFICER NOTE: The building remains unconverted).

11/01563/LBC - Alterations and the change of use of existing farm shop to use class B1. Approved 29.06.2011.

08/02026/LBC - Alterations and the change of use of existing farm shop to Use Class B1. Approval 10/06/2008.

08/01299/FUL - Alterations and the change of use of existing farm shop to Use Class B1. Withdrawn on 29/05/2008.

901801 - Erection of dwelling for horticultural worker. Refused on 23/01/1991.

872894 - The erection of four dwellings. Application refused 11/12/1987, Appeal dismissed.

871039 - The erection of an agricultural implement shed. Approval on 19/06/1987.

771183 - Erection of horticultural glasshouse. Approved on 14/09/1977.

761928 - Erection of general purpose agricultural building. Approved on 04/01/1977.

761532 - Erection of glasshouse. Approved on 19/11/1976.

POLICY

Section 16 of the Listed Building and Conservation Areas Act places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

NPPF: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

Relevant Development Plan Documents:

South Somerset Local Plan (2006 - 2028)
EQ3 - Historic Environment

CONSULTATIONS

SSDC Conservation Officer: No objection.

Parish Council: No objections.

English Heritage: *This application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.*

REPRESENTATIONS

One letter of support has been received.

CONSIDERATIONS

Works to listed buildings are required to respect their special architectural and historical character and appearance. The proposal, as amended, is considered to respect the established character and appearance of the building, and respect the setting. The building lends itself well to a residential layout, with minimal alterations required to the exterior and existing openings. Adequate space is available for private amenity space and parking.

Works to listed buildings are required to be justified. In this instance, the building remains an agricultural building, and would require a change of use in order to be converted. A parallel application, 15/05688/FUL, gives consideration to the change of use within the larger context of a development involving the removal of modern structures and the further addition of three new dwellinghouses. This scheme is recommended for refusal on sustainability grounds.

In the absence of a change of use, it is not considered appropriate to permit extensive works to a listed building to facilitate that use. For this reason, it is recommended that listed building consent not be granted.

RECOMMENDATION

Refuse consent.

FOR THE FOLLOWING REASON:

01. In the absence of approval for a change of use of this agricultural building, it is not considered that the proposed extensive works to the building are justified. The proposal is therefore contrary to the aims of the NPPF and Policy EQ3 of the South Somerset Local Plan.

Agenda Item 19

Officer Report On Planning Application: 16/01012/FUL

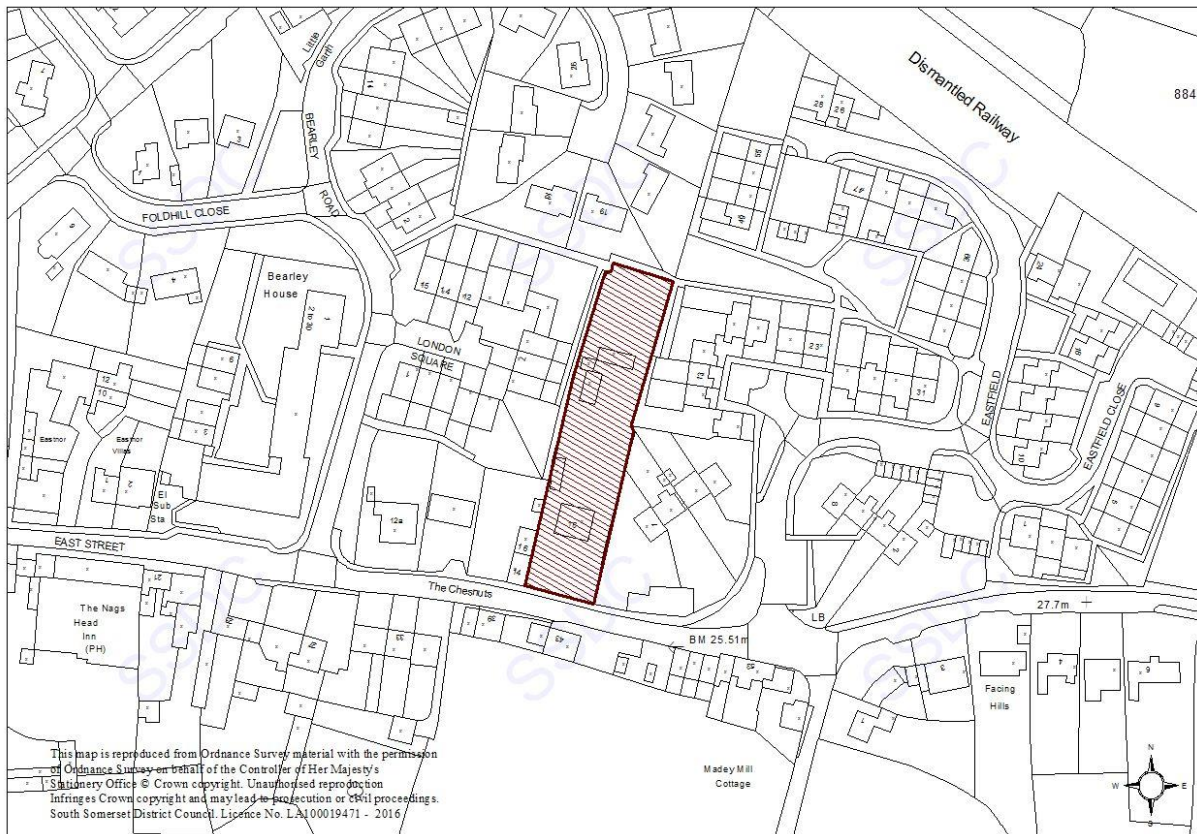
Proposal :	Demolition of attached lean-to on side elevation of dwelling and demolition of all timber buildings at the rear of the site; the erection of two dwellings and the formation of an access driveway, parking and turning.
Site Address:	18 East Street, Martock, Somerset.
Parish:	Martock
MARTOCK Ward (SSDC Members)	Cllr Neil Bloomfield Cllr Graham Middleton
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	4th May 2016
Applicant :	Mr M Robertson
Agent: (no agent if blank)	Mr Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
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 a Ward Member to enable a full discussion of the issues raised by the application.

SITE DESCRIPTION AND PROPOSAL





The site is located towards the east side of the village, on the north side of East Street. It comprises a long strip of land extending 95m northwards from East Street, with a traditional stone cottage and its garden area fronting onto the road, bordered by a stone wall. This part of the site is within the conservation area, as are the stone dwellings adjoining the front garden of the house to the west.

To the rear of the cottage is an area of land previously used for the raising of poultry, accommodating various disused structures. The side and northern boundaries are defined by mature vegetation. To the west of the site are the single-storey dwellings fronting onto London Square; to the east, various two-storey houses taking access off Eastfield. To the north of the site is a public footpath, beyond which are the houses fronting onto Bearley Road. The site rises in height from south to north.

It is proposed to erect two dwellinghouses on the rear portion of the site, using the same existing access as the existing house at the southern end of the site. The works would include the demolition of a lean-to element of the existing house, and the demolition of the sheds on the northern part of the site.

HISTORY

14/01616/FUL - Widening of existing entrance by 1.4 metres. Demolition and reconstruction of the boundary wall forming the entranceway to be reconstructed using existing stone reclaimed and in the same style and manner to match existing - permitted with conditions

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
SS4	District Wide Housing Provision
SS5	Delivering New Housing Growth
TA5	Transport Impact of New Development
TA6	Parking Standards
EQ2	General Development
EQ3	Historic Environment
EQ4	Biodiversity

National Planning Policy Framework (March 2012):

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

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

Policy-related Material Considerations

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

CONSULTATIONS

Parish Council: *It was unanimously AGREED to object to this application on the grounds of: reduction in privacy, difficulties regarding access, overly dense development creating excessive vehicular movement. Any development to include adequate access for emergency vehicles and to retain the hedge.*

In response to amended plans, the Parish responded: *The Council felt that, although the applicant had taken steps to address some of the concerns raised, the suitability of the vehicular access to the site and the dangers presented by additional traffic attempting to join the main highway at this point remained a serious issue with this development. In the light of the accessibility problems the Parish Council feel that this development should be refused on these grounds.*

Highways Authority: Standing Advice applies.

SSDC Conservation Officer: *The front of the site lies within the conservation area, and there are listed buildings across the road from the access. Therefore the statutory duties we have, and the requirements of the NPPF are relevant as is the local plan policy.*

At pre application we commented on the alterations to the access and that they were harmful to the setting of the listed buildings, the conservation area, and the street scene in general.

This application proposes no alterations to the access, and as it stands they have addressed our concerns. I have not seen the Highway Authority comments with what alterations might be required to the access, and I therefore would reserve the right to comment if any alterations are proposed or required. I would be resistant to any changes.

I would like details of the refuse storage area to be conditioned on any consent.

SSDC Ecologist: Slow worms might be present on the site. Permission should be subject to an appropriate condition.

REPRESENTATIONS

9 letters of representation have been received, raising the following main issues:

- the access arrangements, including emergency access, would be harmful to highway safety;
- the proposal will increase traffic and parking problems on the highway;
- there are drainage concerns;
- the proposal is over-development of the site;
- the lean-to section of the cottage should not be demolished;
- the proposal would harm the setting and the setting of the conservation area;
- views will be harmed;
- demolition of the buildings will be hazardous;
- the detail submitted with the application is inaccurate in relation to the previous use of the premises;
- the scheme is poorly designed in relation to local references and detail;
- boundary details cause concern, including the removal of hedges;
- amenity concerns are raised - overlooking; noise; light pollution

CONSIDERATIONS

Principle of Development

The site falls within the defined development area, where the principle of additional dwellinghouses is accepted.

Visual Impact: Impact on Conservation Area

The proposal, as revised, is for two single-storey dwellings of similar scale to those on land towards the west of the site. The dwellings are well separated from the nearest existing houses, and are of a scale and design that respects the existing established character of development. The front portion of the site (i.e. with the existing cottage) is within the conservation area. It is not considered that the massing or placement of the proposed two new dwellings would intrude unreasonably into the visual setting of the conservation area, or harm views into and out of the conservation area in any way that would be incongruous or sufficiently harmful to warrant a refusal. It is considered that the proposed development appropriately respects the established character and appearance of the setting.

Impact on Residential Amenity

The buildings are sited at acceptable distances from existing development to avoid unacceptable overlooking or overshadowing. The design of the dwellings avoids the potential for harmful overlooking of the internal spaces of the new dwellings. The density of the proposal is consistent with development around the site, and the resulting form of development and domestic activity on the site would not be out of keeping with that of surrounding development. It is not considered that the introduction of new residential properties would harmfully impact the residential amenity of occupants of neighbouring development.

Impact on Highway Safety

The proposal makes use of the existing access to give access to the additional two dwellings. The Highway Authority has raised no express concern about the site, referring instead to Standing Advice. Whilst the Standing Advice requirements for visibility splays, etc., cannot be achieved, the applicant has submitted a very detailed professional transport statement setting out the main considerations, which are considered to be broadly pertinent:

- The entrance is located towards the end of East Street which is a cul-de-sac. As a consequence, vehicle speeds in both directions have been observed to be very low and the frequency of traffic movements is light;
- Vehicles exit the site very slowly;
- Regular on-street parking on the north side of East Street to the west of the entrance results in vehicles adopting a driving line away from the carriageway edge;
- Given the minimal volume of traffic that would use the access (post permission), i.e. the existing dwelling and the proposed two dwellings, is unlikely that two vehicles would meet over the initial short 30m distance of the internal access road;
- Most critically in this case is that the use of the access is unlikely to significantly increase, over and above the previous use of the entrance when the site operated as a poultry farm business.

Adequate on-site parking can be provided in accordance with the Somerset Parking Strategy.

The NPPF advises (Paragraph 32) that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. Given that this is not a major through-route carrying fast-moving traffic, it is considered that the increased residential usage of the access would not raise a highway safety concern that amounted to 'severe'. Regular use by local residents (as is seen throughout the District) improves safety at points of access which are generally regarded as 'sub-standard'. It is not considered that this access is so poor that its use for this development would be sufficiently harmful as to recommend a refusal of the

application.

Parish Council Concerns

As discussed above, the highway safety issue is noted, but it is not considered that the impact could be regarded as 'severe', in order to justify a refusal in this case.

The final details of boundaries, etc., can be controlled by condition. The density of development is considered commensurate with the development surrounding the site. Issues of amenity are dealt with above.

Concerns of Local Residents

The detailed concerns of local residents have been carefully considered and the main issues are dealt with in the report above. However, the following additional points can be addressed:

- Drainage of the site is largely a building regulations matter, but the issue of water running onto the highway is a concern, and a condition is proposed requiring full details to be approved prior to commencement.
- The proposal is not considered to be 'garden grabbing' or over-development. The density is commensurate with what exists on either side of the land, which was previously used for agricultural purposes. Although this is therefore a 'greenfield' site, it falls within the development area, and is highly suitable for the provision of additional housing in terms of the local plan and the objectives of the NPPF.
- the section of the cottage to be demolished (lean-to) is not protected by listing or considered to be of any special historical significance. The Conservation Officer raises no objection to its removal, and it is not considered that this would harm the setting.
- Demolition of structures, including the removal of any asbestos, is controlled, for safety purposes, under other legislation, and is not a sustainable reason for refusal of this application.
- Residents' comments about previous use of the land are noted. However, it is clear that it was previously in agricultural use for raising poultry. Regardless of how the site has recently been used, there is no reason why its agricultural use could not be reinstated, and for comparison purposes it is reasonable to consider a worst-case scenario in examining traffic movements for the site.
- The design of the buildings is considered sympathetic to the setting to the rear of the conservation area, where there are various bungalows and modern buildings. The scale, materials and height of the buildings ensure minimal negative impact when viewed from East Street.
- Boundary treatments are proposed to be controlled by condition, bearing in mind the need for appropriate materials, hedging etc., in the context of an infill development within an existing suburban setting.

EIA Regulations

Not relevant.

Conclusion

The proposal makes provision for the creation of two new dwellinghouses within the defined development area of the Rural Centre. The layout is low density, and the form and massing respect the established character and appearance of adjacent development. The site is behind a cottage fronting onto and within the conservation area, and the development has taken this

factor into consideration in the layout and form of development. There is adequate spacing between dwellings to avoid any amenity harm. The scheme would see two dwellinghouses coming forward in the right place at the right time in line with the economic role of sustainable development and the overall aim of increasing the supply of housing. The proposal is recommended for approval.

S.106 AGREEMENT

Not relevant.

RECOMMENDATION

Grant permission.

01. The proposal, by reason of its scale, design and materials, respects the character and appearance of the area and causes no demonstrable harm to residential amenity. The proposed use of the existing access for purposes of the new development is not considered to have a severe impact on highway safety. The proposal is considered to accord with the aims of the NPPF and Policies SD1, SS1, TA5, TA6, EQ2 and EQ3 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans: the drawings ref. 6515 numbers 02A, 03A and 04A.

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

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

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

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

03. The area allocated for parking and turning, including garages, on the submitted plan ref. 6515-02A shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and to accord with the NPPF and Policy TA5 and TA6 of the South Somerset Local Plan.

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

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

05. The area demarcated on the submitted plan ref. 6515-02A as a 'refuse collection area' shall be laid out and established prior to the occupation of the development hereby permitted, and shall be permanently maintained and retained for the purposes of refuse storage thereafter in perpetuity.

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

06. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey to determine presence/absence of slow worms, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection and conservation of priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

Informatives:

01. The Wildlife and Countryside Act 1981 makes it an offence to disturb a nest of any wild bird whilst it is in use or in the process of being built. Clearance of trees, scrub, ivy, bramble or other dense vegetation, and demolition of, or works to buildings, could cause disturbance to nesting birds, and it is advisable to carry out such works outside of the main nesting season of 1st March to 31st August inclusive, unless a prior check by a competent person has confirmed the absence of nesting birds

Agenda Item 20

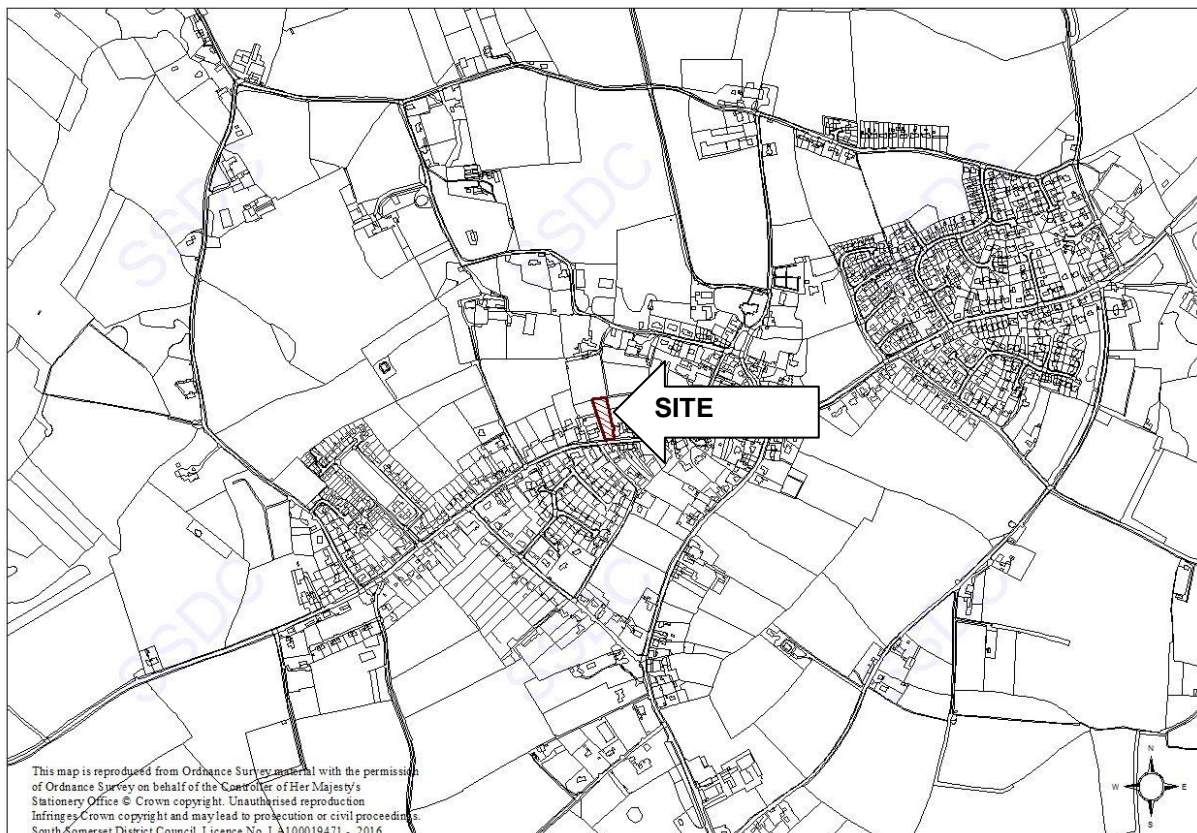
Officer Report On Planning Application: 15/04736/FUL

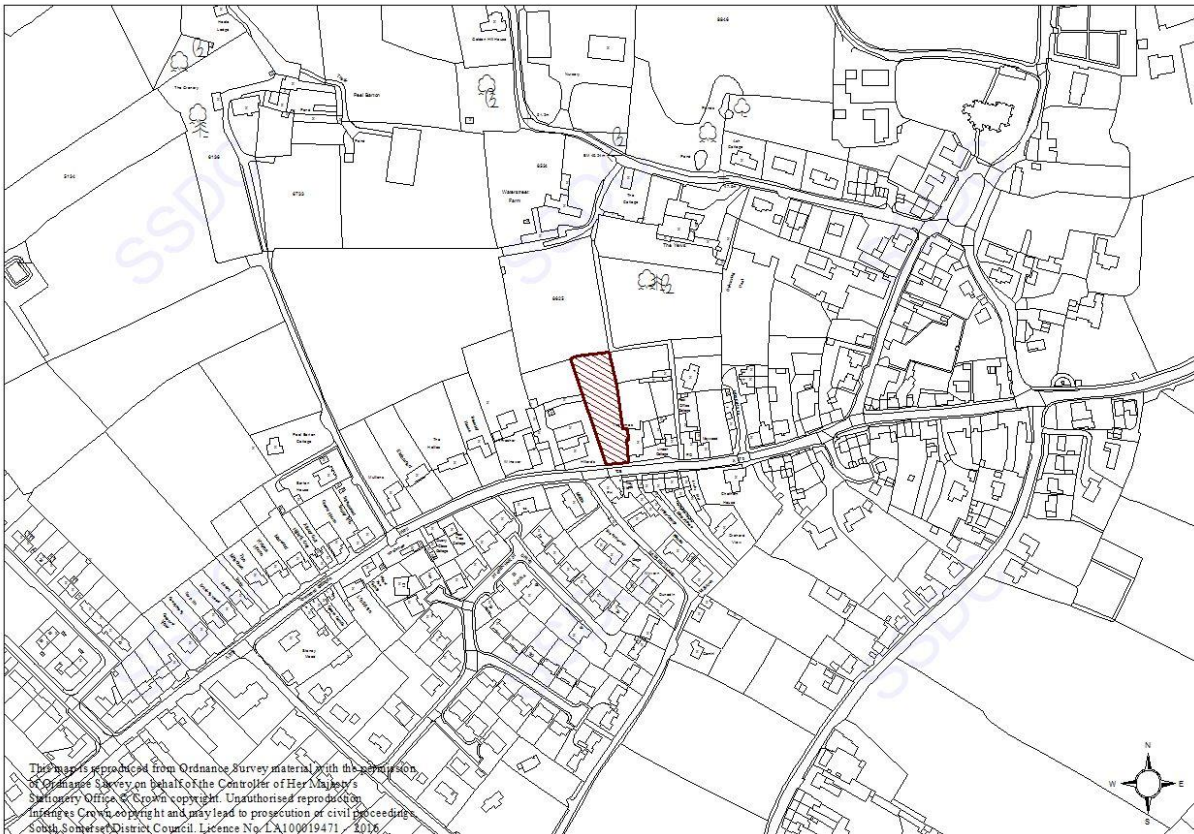
Proposal :	Erection of a dwelling, car port and revised alterations to existing access and driveway (GR:338917/125157).
Site Address:	The Limes, High Street, Curry Rivel.
Parish:	Curry Rivel
CURRY RIVEL Ward (SSDC Member)	Cllr Tiffany Osborne
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	25th December 2015
Applicant :	Mr & Mrs M Powell
Agent: (no agent if blank)	Mr Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The report is referred to the Committee at the request of the Ward Member, in the interests of a full discussion of the issues affecting the site.

SITE DESCRIPTION AND PROPOSAL





The site is located on the north side of the High Street, directly opposite the King William Inn. It is situated within a large garden area stretching back from the highway to the side of a Grade 2 listed dwellinghouse. To the north and west of the site, which is bounded by a high stone wall, is open agricultural land. To the east of the site, there is also agricultural land, and the remainder of the garden area of the main dwellinghouse. The southern end of the site is bordered to the west by the curtilage of a listed dwellinghouse; there are also two listed buildings across High Street to the south. The existing access to the site is at the south-western end of the property, which is bounded along the High Street by a stone wall. A recent permission has allowed for the enlargement and improvement of the access.

Permission is sought for the erection of a single dwellinghouse, a carport, and a revised improvement to the access.

HISTORY

- 14/05075/LBC - Alterations to existing access and driveway and the erection of a car port - permitted with conditions
- 14/05074/FUL - Alterations to existing access and driveway and the erection of a car port - permitted with conditions
- 05/02677/FUL- Erection of a conservatory - permitted with conditions
- 05/02516/LBC - Erection of a conservatory - permitted with conditions

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
SS4	District Wide Housing Provision
SS5	Delivering New Housing Growth
SS6	Infrastructure Delivery
HG4	Provision of Affordable Housing - Sites of 1-5 Dwellings
TA5	Transport Impact of New Development
TA6	Parking Standards
EQ2	General Development
EQ3	Historic Environment

National Planning Policy Framework (March 2012):

4. Promoting sustainable transport
5. Supporting high quality communications infrastructure
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
12. Conserving and enhancing the historic environment

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

Policy-related Material Considerations

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

South Somerset Sustainable Community Strategy (2008-2026)

CONSULTATIONS

Parish Council: No objections.

Highways Authority: Standing Advice applies.

SSDC Highways Consultant: Initial concerns were raised about the access: *A plan needs to be submitted showing the extent of visibility splays (from a 2.4m set-back distance) commensurate with vehicle speeds at the point of access. In addition, pedestrian/vehicular inter-visibility splays should be considered. On-site parking needs to accord with SPS optimum standards. Access needs to be properly consolidated/surfaced (not loose stone/gravel) for first 6.0m along with details of appropriate surface water drainage measures shown on the plan.*

Subsequently, the applicant has provided additional information which has been assessed.
Revised comment:

I note that the applicant is now proposing to relocate the new access from the previous submission (moving it eastwards away from the constraining point at the western-most end of the site frontage) and that the access would be widened to 4.5m which could allow a car to access the site as one is waiting to exit the site. The new position of the access has allowed the applicant to revisit the extent of the visibility splays that could be made available at the entrance. While the LvW Highways submission states that an on-site check of the measurements have been made and that it is not considered necessary for a topographical survey to be undertaken, I found it difficult to check whether or not the sightlines shown on the Figure 3 plan can be provided given the current location of the wall and laurel hedge behind it. However, I am persuaded by the use of a 2.0m X-distance given the wording of the Manual for Streets 2 guidance and from what I did manage to glean from my site visit, I believe it may be possible to achieve visibility splays of 2.0m x 50m to the west and 2.0m x 35m to the east (to the vehicle track line in both cases). A planning condition, securing such splays would provide the necessary assurances to the local planning authority.

Therefore, in acknowledging the substantial improvements to the access arrangements over and above the current layout (albeit that additional traffic would be using the revised entrance), I believe I can now support the planning application, subject to conditions

In a further revision, the depth of the access was reduced by approx 0.5m. This has been assessed, and the following final comment made:

Having assessed the proposed upgraded access arrangement shown on the recently submitted drawing dated 12th May 2016 which has been based on a topographical survey, I can confirm that the proposed visibility splays can be made available. I am therefore in a position to support this planning application.

Subject to the imposition conditions.

SSDC Conservation Officer: *This proposal is for a new dwelling in the garden of a listed building which would also require improvements to the access. The law would include all historic structures within the garden as part of the listed building, including the front wall.*

You will recall that in 2014 modest amendments were made to the existing access to mirror the access further to the east which is most likely the original access to this house. The dimension of this approval are approx. 5m at the pavement edge, 1.3m deep to a approx. 2.5m access.

This proposal for a house has necessitated a number of variations to this approval as required by highways such that the required access would be 5m back from the carriageway edge, at least 13.5m wide, with a 4.5m wide road through the gateway. It extends be in line with the conservatory on the side of the house.

For the approval for the access only the justification for the change was to improve highway safety to the existing dwelling. This resulted in an access, echoing the existing, which was well balanced and proportioned to the setting of the house, and with minimal loss of the existing historic front wall.

This new design is purely driven by highways requirements, resulting in a large and out of proportion access. By comparison a normal access for a housing estate is 5.5m, making the size of access not far short of what is needed for a multi house estate. In my view the access is

too dominant in the street scene and too large and out of scale with the listed building, and is not justified for the creation of the new dwelling.

You will be aware of our statutory duties with regard to listed buildings and their settings and that the Court of Appeal requires that the Council cannot treat this as a mere material consideration to which we can simply attach such weight as we see fit. When there is harm we must give it considerable importance and weight. Finding of harm gives rise to a strong presumption against planning permission being granted. This presumption is a powerful one, but not irrebuttable. It can only be outweighed by material considerations powerful enough to do so.

The NPPF requires that applicants for consent that affects a heritage asset must be able to justify their proposals. When considering the impact of development, great weight should be given to the asset's conservation. Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit, including securing the optimum viable use. The NPPF also states that sustainable development involves seeking positive improvements to the historic environment.

Policy EQ3 requires that new development will be expected to safeguard and where appropriate enhance the setting and local distinctiveness of heritage assets.

The balance is heavily weighted for the conservation of heritage assets and against harm to both the buildings and their settings. All proposals must be fully justified. The justification for the alteration to the access is driven by a proposal to provide a new dwelling in the garden. The size of the access has been governed by highways requirements, not by what is appropriate for the listed building or its setting. This new large access is disproportionately large, with a loss to the front wall and a subsequent impact on the setting of the listed building. Locally the vehicular accesses are not overtly large such as this, and the proposal would impact on the street scene and not be locally distinctive. It fails to safeguard or enhance as required by Local Plan Policy.

REPRESENTATIONS

None received.

CONSIDERATIONS

Principle of Development

The application site is located in a rural settlement with a range of local key services, including pubs, church, school and shop, which can be regarded as a generally sustainable location.

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

Other settlements, such as Curry Rivel, are designated 'Rural Settlements', which policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2). Policy SS2 states makes provision for the approval of small-scale residential development on the basis that it would:

- Provide employment opportunities appropriate to the scale of the settlement; and/or
- Create or enhance community facilities and services to serve the settlement; and/or
- Meet an identified housing need, particularly for affordable housing; and
- Enjoys local support

Five Year Housing Land Supply

Although the Local Plan has only recently been adopted, a review by the authority indicates that an adequate (five-year) supply of housing land, as required by the NPPF, cannot be demonstrated. In such cases, the NPPF advises that policies relevant to the supply of housing should be regarded as out of date. The NPPF notes (paragraph 49): *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.*

Policies SS1 and SS2 have an important (although not exclusive) function of determining the housing supply. Insofar as they perform this function, they should, under government advice, be regarded as out of date. Indeed, in a recent appeal decision (Sandpits Hill, Curry Rivel) the Inspector noted:

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.

The advice of Government is clear under these circumstances: sustainable development should be approved. In the current case, the site is clearly within a sustainable locality, with good access to services and facilities. Subject to assessment of the various impacts, and determination of whether any harm that might be caused by the proposal, it is considered that the presumption in favour of sustainable development applies to the principle of a dwellinghouse in this location.

Visual Impact: Impact on Listed Buildings

The site is well set back from the highway and any public vantage points. Although there are various listed buildings in the vicinity, the spaces between buildings is generous and open. The site itself is a large open area, well contained by existing walls, and well away from the principle listed building. Although the design and materials cannot be regarded as traditional, the approach would provide a building of some architectural integrity set well away from other buildings. It would not intrude visually into the street scene, or present an overbearing or intrusive presence in the general setting. The proposals for carport and boundary walls would be generally in accordance with the style of development found in the area, and again this is not considered inherently harmful to the setting of the listed building(s).

The works to the access provide two curved arms on either side of the gateway, with the centre point of the access moved significantly towards the east to improve visibility. For highway safety reasons, the access has been enlarged and widened during the course of the application. The portion of wall to be demolished and set back is now 12.4m, out of an existing wall length of approximately 39m (i.e.30%). This change will significantly alter the setting of the listed building, and its presence in the street scene. As set out in the detailed discussion by the Conservation Officer above, this intervention is not considered to maintain or enhance the character and appearance of this designated heritage asset. It is also out of character with the established pattern of development along this part of the High Street, and fails to promote and

maintain local distinctiveness, and respect the setting within the village. In these respects, the proposal fails to meet the objectives of Policies EQ2 and EQ3 of the Local Plan.

Impact on Residential Amenity

The proposed dwellinghouse would be located well away from the nearest houses. No potential overlooking would arise. There is not considered to be any amenity harm resulting from the proposal.

Impact on Highway Safety

The current sub-standard access is to be relocated towards the east. After initial concerns, the Highways Consultant is satisfied that the new access would provide a reasonably safe means of access for two dwellings onto this A Road. It is not therefore considered appropriate to recommend refusal on highway safety grounds. The design remains contrary to the Highways Authority Standing Advice, and a positive decision would be required to be made by Committee (i.e. not under delegated authority).

Adequate on-site parking and turning can be provided in accordance with Standing Advice.

EIA Regulations

Not relevant.

Conclusion

The proposal represents the creation of an additional dwelling in a locality that would respect the character and appearance of the setting and the setting of the Listed Building. The location would provide a sustainable development with reasonable access to local services and facilities, and make a positive contribution towards the Councils housing land target as well as a financial contribution towards the provision of affordable housing. Notwithstanding the non-compliance with Highways Standing Advice, the proposed access is not considered harmful to highway safety.

The proposal would result in significant harm to a designated heritage asset (the boundary wall, part of the Grade 2 listing of The Limes). Legislation and current policy requires that great weight be given to the protection of such assets. It is not considered the benefits (in terms of housing supply) of the proposal outweigh the identified significant harm. For this reason, the proposal is recommended for refusal.

S.106 AGREEMENT

Not relevant.

RECOMMENDATION

Refuse.

FOR THE FOLLOWING REASON:

01. The proposal, by reason of the design and layout of the revised access to the highway, fails to respect the character and appearance of a designated heritage asset, and would be harmful to the setting of both the listed building and the character and appearance of the street scene. The positive benefits represented by the creation of an additional dwelling are not considered to outweigh this considerable harm. The proposal is contrary to the aims of the NPPF and Policies EQ2 and EQ3 of the South Somerset Local Plan.

Informative:

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

In this case, there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

Agenda Item 21

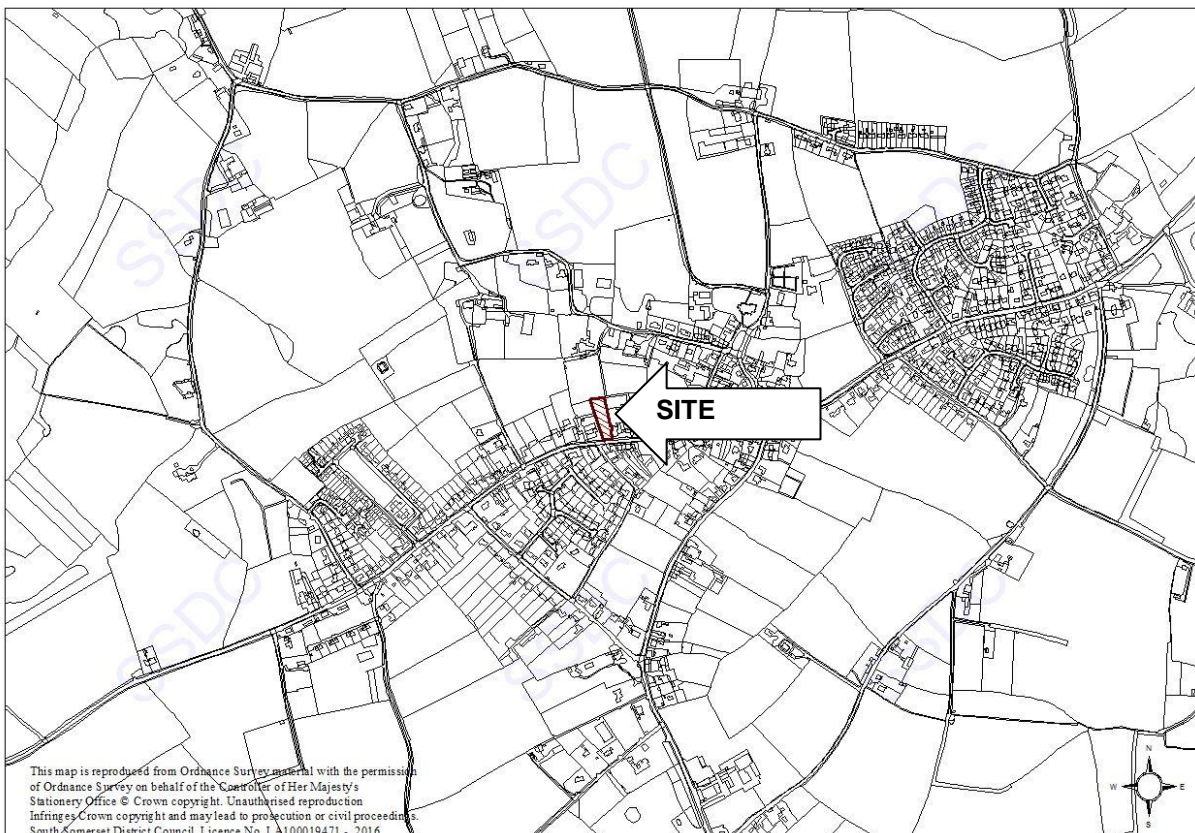
Officer Report On Planning Application: 15/04737/LBC

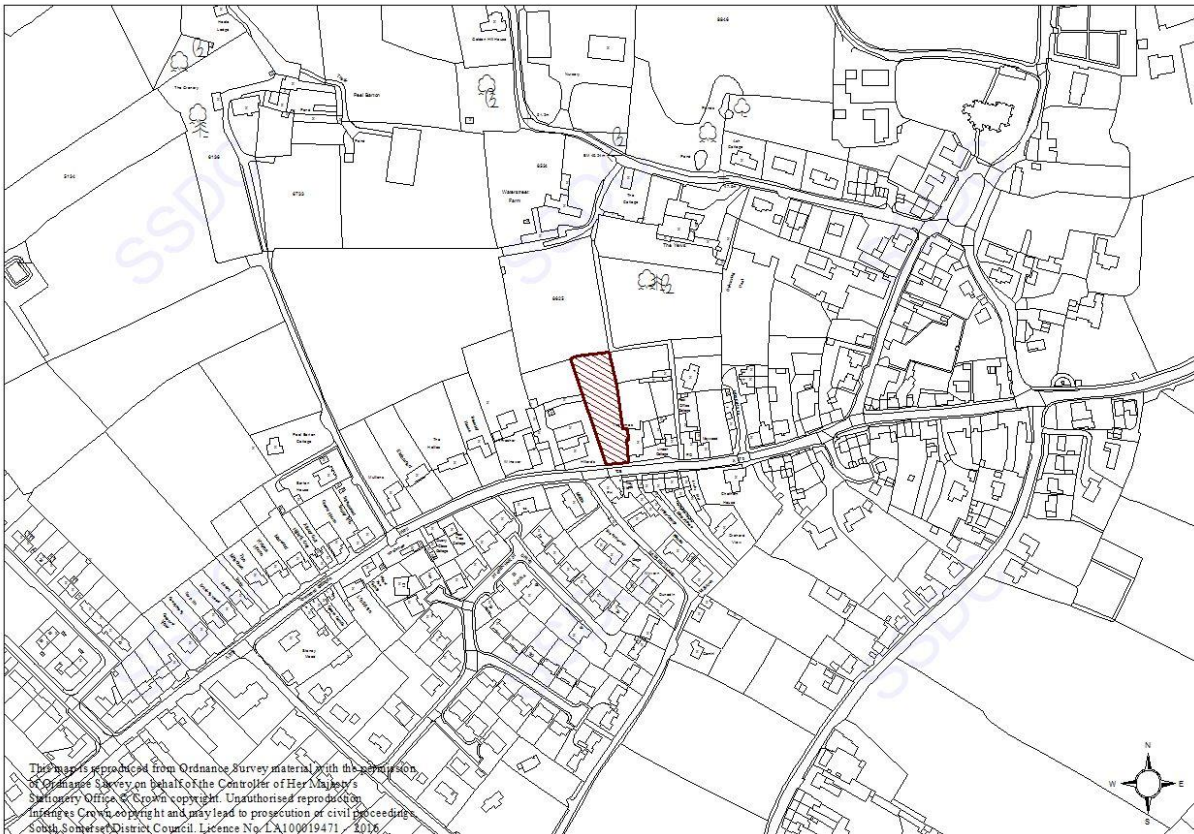
Proposal :	Erection of a dwelling, car port and revised alterations to existing access and driveway (GR:338917/125157).
Site Address:	The Limes, High Street, Curry Rivel.
Parish:	Curry Rivel
CURRY RIVEL Ward (SSDC Member)	Cllr T Osborne
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	25th December 2015
Applicant :	Mr & Mrs M Powell
Agent: (no agent if blank)	Mr Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Other LBC Alteration

REASON FOR REFERRAL TO COMMITTEE

The report is referred to the Committee at the request of the Ward Member, in the interests of a full discussion of the issues affecting the site.

SITE DESCRIPTION AND PROPOSAL





The site is located on the north side of the High Street, directly opposite the King William Inn. It is situated within a large garden area stretching back from the highway to the side of a Grade 2 listed dwellinghouse. To the north and west of the site, which is bounded by a high stone wall, is open agricultural land. To the east of the site, there is also agricultural land, and the remainder of the garden area of the main dwellinghouse. The southern end of the site is bordered to the west by the curtilage of a listed dwellinghouse; there are also two listed buildings across High Street to the south. The existing access to the site is at the south-western end of the property, which is bounded along the High Street by a stone wall. A recent permission has allowed for the enlargement and improvement of the access.

In a parallel planning application, permission is sought for the erection of a single dwellinghouse, a carport, and a revised improvement to the access. Listed building consent is sought for the works to the boundary wall and gateway.

HISTORY

- 14/05075/LBC - Alterations to existing access and driveway and the erection of a car port - permitted with conditions
- 14/05074/FUL - Alterations to existing access and driveway and the erection of a car port - permitted with conditions
- 05/02677/FUL- Erection of a conservatory - permitted with conditions
- 05/02516/LBC - Erection of a conservatory - permitted with conditions

POLICY

Section 16 of the Listed Building and Conservation Areas Act places a statutory requirement

on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

NPPF: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

Relevant Development Plan Documents:

South Somerset Local Plan (2006 - 2028)
EQ3 - Historic Environment

CONSULTATIONS

SSDC Conservation Officer: *This proposal is for a new dwelling in the garden of a listed building which would also require improvements to the access. The law would include all historic structures within the garden as part of the listed building, including the front wall.*

You will recall that in 2014 modest amendments were made to the existing access to mirror the access further to the east which is most likely the original access to this house. The dimension of this approval are approx. 5m at the pavement edge, 1.3m deep to a approx. 2.5m access.

This proposal for a house has necessitated a number of variations to this approval as required by highways such that the required access would be 5m back from the carriageway edge, at least 13.5m wide, with a 4.5m wide road through the gateway. It extends be in line with the conservatory on the side of the house.

For the approval for the access only the justification for the change was to improve highway safety to the existing dwelling. This resulted in an access, echoing the existing, which was well balanced and proportioned to the setting of the house, and with minimal loss of the existing historic front wall.

This new design is purely driven by highways requirements, resulting in a large and out of proportion access. By comparison a normal access for a housing estate is 5.5m, making the size of access not far short of what is needed for a multi house estate. In my view the access is too dominant in the street scene and too large and out of scale with the listed building, and is not justified for the creation of the new dwelling.

You will be aware of our statutory duties with regard to listed buildings and their settings and that the Court of Appeal requires that the Council cannot treat this as a mere material consideration to which we can simply attach such weight as we see fit. When there is harm we must give it considerable importance and weight. Finding of harm gives rise to a strong presumption against planning permission being granted. This presumption is a powerful one, but not irrebuttable. It can only be outweighed by material considerations powerful enough to do so.

The NPPF requires that applicants for consent that affects a heritage asset must be able to justify their proposals. When considering the impact of development, great weight should be given to the asset's conservation. Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit, including securing the optimum viable use. The NPPF also states that sustainable development involves seeking positive improvements to the historic environment.

Policy EQ3 requires that new development will be expected to safeguard and where appropriate enhance the setting and local distinctiveness of heritage assets.

The balance is heavily weighted for the conservation of heritage assets and against harm to both the buildings and their settings. All proposals must be fully justified. The justification for the alteration to the access is driven by a proposal to provide a new dwelling in the garden. The size of the access has been governed by highways requirements, not by what is appropriate for the listed building or its setting. This new large access is disproportionately large, with a loss to the front wall and a subsequent impact on the setting of the listed building. Locally the vehicular accesses are not overtly large such as this, and the proposal would impact on the street scene and not be locally distinctive. It fails to safeguard or enhance as required by Local Plan Policy.

Parish Council: No objection.

REPRESENTATIONS

One letter of objection has been received, raising the following issues:

- poor design;
- access is already a problem with heavy traffic and parked cars.

CONSIDERATIONS

Works to listed buildings are required to respect their special architectural and historical character and appearance. The wall affected by the proposal is listed as part of the designated heritage asset 'The Limes'. The works involve the removal of 12.4m of the length of the existing 39m long boundary wall, and remodelling of the entrance by placing new curved sections back from the highway, leading to an opening to the access driveway. The proposal would place new walling in a similar style, with similar stone along these curved sections. The access would thereby be enhanced to improve highway safety and enable the construction of a new dwellinghouse to the rear.

This change will significantly alter the setting of the listed building, and its presence in the street scene. As set out in the detailed discussion by the Conservation Officer above, this intervention is not considered to maintain or enhance the character and appearance of this designated heritage asset, representing significant harm.

As set out in the NPPF, great weight should be given to the conservation of heritage assets. As advised by the Conservation Officer, the identified benefit of the scheme is not considered to outweigh the degree of harm.

The proposal is recommended for refusal.

RECOMMENDATION

Refuse.

FOR THE FOLLOWING REASON:

01. The proposal, by reason of its scale, design and materials, causes unjustified and unacceptable harm to the character and appearance of listed building, contrary to the aims and objectives of The NPPF and Policy EQ3 of the South Somerset Local Plan.

Informatives:

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

In this case, there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.
