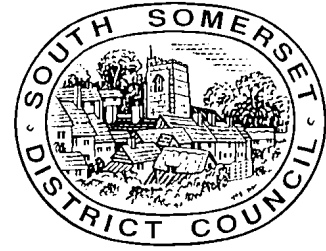


South Somerset District Council

Notice of Meeting



Area East Committee

Making a difference where it counts

Wednesday 13th July 2016

9.00 am

**Council Offices
Churchfield
Wincanton
BA9 9AG**

(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 **10.00am** however the Henstridge Airfield planning application will be considered at **12.30pm**.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Kelly Wheeler 01935 462038**.

This Agenda was issued on Monday 4 July 2016.

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



Area East Committee Membership

Mike Beech
Tony Capozzoli
Nick Colbert
Sarah Dyke-Bracher

Anna Groskop
Henry Hobhouse
Tim Inglefield
Mike Lewis

David Norris
William Wallace
Nick Weeks
Colin Winder

South Somerset District Council – Council 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

Members of the public are requested to note that the Committee will break for refreshments at approximately **9.45am**. Planning applications will not be considered before **10am** in the order shown on the planning applications schedule. The public and representatives of Parish/Town Councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A formal written report from the Area Highways Officer should be on the main agenda in May and November. A representative from the Area Highways Office should attend Area East Committee in February and August from 8.30 am to answer questions and take comments from Members of the Committee. Alternatively, they can be contacted through Somerset County Council on 0300 123 2224.

Members Questions on reports prior to the meeting

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

Information for the Public

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

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

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

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

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

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

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

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

Public Participation at Committees

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

Public Question Time

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

Planning Applications

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

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

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

The order of speaking on planning items will be:

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

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

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

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

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

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

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

Area East Committee

Wednesday 13 July 2016

Agenda

Preliminary Items

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the previous meeting held on Wednesday 8th June 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 David Norris, Sarah Dyke-Bracher, Tony Capozzoli and Nick Weeks.

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

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

4. Public Participation at Committees

- a) Questions/comments from members of the public**
- b) Questions/comments from representatives of parish/town councils**

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

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

6. Date of Next Meeting

Members are asked to note that the next scheduled meeting of the committee will be at the Council Offices, Churchfield, Wincanton on Wednesday 10th August 2016 at 9.00 am.

7. Chairman Announcements

Items for Discussion

- 8. Corporate Support for Community and Public Transport and SSCAT Bus**
(Pages 9 - 16)
- 9. South Somerset Community Accessible Transport - Annual Report 2015/16**
(Pages 17 - 18)
- 10. Briefing on Strategic Regeneration Board** (Page 19)
- 11. Area East Committee Forward Plan** (Pages 20 - 21)
- 12. Planning Appeals (For information only)** (Pages 22 - 48)
- 13. Schedule of Planning Applications to be Determined by Committee** (Pages 49 - 51)
- 14. 16/00666/OUT - Land at The Barn House, Woolston Road, North Cadbury**
(Pages 52 - 58)
- 15. 16/00725/OUT - Haynes Publishing, High Street, Sparkford** (Pages 59 - 71)

16. **16/01259/FUL - Land adjoining Keyham Cottage, Vale Street, Henstridge**
(Pages 72 - 77)
17. **16/00381/S73 - Grove Farm Quarry, Lime Kiln Lane, Pitcombe** (Pages 78 - 82)
18. **15/04069/FUL - Henstridge Airfield, The Marsh, Camp Road, Henstridge**
(Pages 83 - 103)

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>

Ordnance Survey mapping/map data included within this publication is provided by South Somerset District Council under licence from the Ordnance Survey in order to fulfil its public function to undertake its statutory functions on behalf of the district. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey mapping/map data for their own use. South Somerset District Council - LA100019471 – 2016.

Agenda Item 8

Corporate Support for Community and Public Transport and SSCAT Bus

Assistant Director: Martin Woods - Assistant Director (Economy)
Service Manager: Paul Wheatley – Principal Spatial Planner
Lead Officer: Nigel Collins – Transport Strategy Officer
Contact Details: nigel.collins@southsomerset.gov.uk or (01935) 462591

Purpose of the Report

The report follows on from the previous report to the Area East Committee on 8th July 2015 and informs Members of the on-going work being undertaken to develop transport schemes and local solutions to reduce isolation and reflect South Somerset District Council's corporate aims to improve the economy, environment, health and help for communities.

Public Interest

South Somerset District Council (SSDC) recognises the challenges in providing good transport and accessibility in our rural areas. This report sets out how we are continuing to work with Somerset County Council (SCC), Public Transport operators and Community Transport to develop rural transport solutions.

Recommendation(s)

That members note the contents of this report.

Background

As indicated in the report to the Area East Committee on 8th July 2015 "SCC is the transport authority and for the most part has control over the prioritisation, funding and delivery of larger-scale transport schemes in Somerset". The previous report sets out the context of how SSDC, primarily in its role as the local planning authority, continues to influence how transport improvements can be delivered. This report should therefore be read in conjunction with the previous report and provides an update on the progress of the various work streams to date.

Report

Overview

Since the last report SSDC has continued to be engaged on the series of themes, initiatives and interventions previously discussed in addition to other emerging concepts. Those relevant to Area East are set out below.

1. Wincanton Transport & Accessibility Hub

- 1.1. Work has continued on this project originally presented in a report to the Area East Committee on Wednesday 10th September 2014, which outlined the proposal put forward by South Somerset Together (SST) to establish a pilot Transport and Accessibility Hub in Wincanton.
- 1.2. With the first stage of the work, which included the new more easily accessible shelter, and improved information at the Memorial Hall being completed, focus has

now centred on SCC's work arising from their successful Total Transport Fund bid¹. This work, which has included an analysis of the journey patterns from Community Transport & Health Sector transport providers to identify gaps in provision, has largely been completed along with background work on a web portal designed to facilitate journey planning across a range of public transport options². SCC is shortly due to appoint a consultancy on a short term (3 months) basis to undertake stakeholder engagement and produce a report and final specification for the portal.

- 1.3. Nationally there have been significant developments in enabling ticket machines that can read both Smartcards (including the concessionary bus passes) and contactless payments (using debit or credit cards). This will give the public a wider choice of payment types and enable easier interchange between different operators or different types of transport. Simultaneously SCC is working operators to roll out interoperable smart tickets which can be topped up on line and used to pay for travel on bus and a roll out of Real Time information including an app linked to the web portal.
- 1.4. The greater ease and flexibility in how passengers can pay for fares especially when transferring/travelling with different operators would be even more enhanced if the ability to use electronic ticketing were extended to include Community Transport (CT) minibuses. With this in mind SCC are suggesting that in due course "it would be beneficial for Wincanton CAT to have electronic ticket machines which could then facilitate real-time links to public buses and a display board could show next bus at the interchange". This would also offer easier payment options for non-concessionary pass holders wishing to use CT.
- 1.5. An Update Report from SCC regarding this work on Passenger Transport Developments within Somerset is attached as Appendix 1.
- 1.6. Work has been undertaken to explore the possibility of some services (e.g. Job Centre and college courses) being provided more locally. However this has proved challenging as many of these organisations are themselves facing budget constraints and/or rationalisation. However the SCC work referred to above does afford opportunities to improve ease of access to these services. For instance one suggestion currently being considered is the use of Smartcards for job applicants. Obviously further development of such initiatives is dependent on the outcomes from SCC's Total Transport Fund work.

2. Working with Train Operating Companies and Network Rail for Rail Improvements

- 2.1. SDDC continues to urge the Train Operating Companies (TOCs) Network Rail (NR) and the Department for Transport (DfT) for improvements on all three of the train lines that serve Area East. These are:
 - 2.1.1. London (Waterloo) to Exeter, operated by South West Trains (SWT) - Templecombe Station.
 - 2.1.2. London (Paddington) to Taunton, Exeter and the south west, operated by Great Western Railway (GWR) – Castle Cary Station.
 - 2.1.3. Bristol to Weymouth; the Heart of Wessex Line (HoWL), operated by GWR – Bruton and Castle Cary stations.
- 2.2. More specifically for Area East we are continuing to make the case for alterations to the train timetable to enable realistic commute journeys from Castle Cary to Yeovil and Taunton, as well as increased frequency of trains on the HoWL. This lobbying has seen some success this year with the summer only Sunday service from Bristol

¹ SCC successfully bid for £305,000 funding from the Department for Transport's (DfT) Total Transport Pilot Fund (March 2015) as outlined in the 8th July 2015 report

² Includes 'conventional' public buses, taxis DRT and Community Transport as well as currently "back office closed routes" for education health and social care trips.

to Weymouth extended to run from Easter Sunday until 23rd October 2016. From December 2016 this service will run all year and in addition the service from Westbury will be extended back to run from Bristol. Hence there will be two Bristol to Weymouth services allowing full days in all destinations on the route, including Bruton and Castle Cary. However there is still no service arriving at Bath or Bristol until after lunchtime on Sundays and we are continuing to promote the benefits this much needed enhancement would deliver.

- 2.3. SWT implemented timetable improvements on both the London-Exeter and HoWL in December 2015. The passenger take up on these new routes has generally been good. SWT are also offering an additional journey to Weymouth calling at Templecombe on summer Saturdays and Bank Holiday Monday until Sat 3rd September. As indicated in the earlier report it should be noted that significant timetabling improvements on the routes running through South Somerset are dependent on infrastructure improvements coming forward. Some of the measures that could facilitate better connectivity and more frequent services in South Somerset are acknowledged in NR's Wessex³ and Western⁴ Route Studies. However implementation of these measures is not envisaged until the later stages of their programme in 2043 and beyond. Nevertheless, given the planned growth both in South Somerset and regionally, it is important that we continually raise awareness of the economic and social benefits that these improvements would bring.
- 2.4. To this end SSSC has been engaged with West of England Line Route Strategy Group (WoEL SG)⁵ to raise awareness of the potential for improvements on this line both in Control Period 6 (2019 – 2024) and in the future. The West of England [Railway] Line is the route between Worting Junction (west of Basingstoke) and Exeter via Salisbury, Templecombe and Yeovil Junction.
- 2.5. Severe weather incidents in recent years have emphasised the vulnerability of the south west rail network to extreme weather conditions, which are occurring more frequently. It also highlighted the need for greater investment in rail to deliver resilience and connectivity for the region. Infrastructure improvements on the West of England Line (WoEL) could deliver the required resilience to the east of Exeter. The degree of resilience would also be dependent on the ability to improve the section on the Heart of Wessex line between Castle Cary and Yeovil and NR are currently assessing a range of options for consideration by the DfT. There is also potential for these improvements to increase connectivity both locally and regionally.
- 2.6. The Great Western Railway (GWR) recognises that the car park at Castle Cary train station is currently operating at capacity and impeding passenger growth at the station. As indicated in last year's report GWR has submitted a bid to the Heart of the South West Local Enterprise Partnership (LEP) and the project is still being considered within that process. The Scheme has also been identified in the South Somerset Infrastructure Delivery Plan as Priority 2.⁶
- 2.7. GWR is also considering improvements that may be able to come forward from their own Customer & Communities Improvement Fund (CCIF). The CCIF was introduced last year to support projects that are proposed by communities to benefit that community, meet a social need and are not for commercial gain. In Area East

³ Wessex Route Study – Network Rail August 2015

⁴ Western Route Study – Network Rail August 2015

⁵ The WoEL SG consists of representatives from the Local Authorities and Local Enterprise Partnerships (LEPs) whose areas are served by the WoEL between Salisbury and Exeter. (i.e. Dorset County Council, Dorset LEP, Swindon & Wiltshire LEP, Wiltshire Council, and SSSC– plus Somerset County Council and Devon County Council and the Heart of the South West Local Enterprise Partnership as Peninsula Rail Task Force members).

⁶ South Somerset Infrastructure Delivery Plan Update 2015/16 page 25 para 8.3. Priority 2 = infrastructure that is required to support new development proposed in the Local Plan, but the precise timing and phasing is less critical and development can commence ahead of its provision.

potential improvements to a footpath to the southern side of Bruton Station are being considered with a view to submitting a bid to the CCIF next year.

- 2.8. Members should also note that the South Western Franchise (WoEL) is due for renewal in 2017. SSDC responded to the DfT's consultation on the proposed new franchise in February emphasising the need for DfT to recognise the growth in South Somerset to 2028 and similarly that our stations (especially Castle Cary and Yeovil) are key to improving the resilience of the South West rail network as a whole. Our response also reflected the agreed objectives of the West of England Line Strategy Group (WoEL SG). These objectives include:

2.8.1. Two trains an hour west of Salisbury and east of Exeter, with no deterioration in journey times or current service levels throughout the line between Exeter and Salisbury.

2.8.2. Yeovil to London under 2 hours

- 2.9. A number of station adoption groups on the West of England Line have joined together with South West Trains to create the Blackmore Vale Line Community Rail Partnership. The new partnership, which includes members of Friends of Templecombe Station, Friends of Crewkerne and a newly formed group at Gillingham station, launched on 11th March and is supported by a Partnership Officer. The operating model is very similar to the Heart of Wessex Community Rail Partnership.

3. Working with Bus Operators and SCC for Bus Service Improvements

- 3.1. SSDC are in regular and on-going discussions with SCC and the bus operators over bus service provision in the district. The only significant changes to bus services in Area East since the last report are:

3.1.1. Service 33 Wincanton to Frome (Weds only) was identified for withdrawal due to low usage/patronage during SCC's assessment of bus subsidies earlier this year. The subsidy has now been withdrawn and the last day of operation was Wed 18th May 2016.

3.1.2. Webberbus ceased to operate on Thursday 12 May. They had recently introduced (29th March) a new commercially operated service (i.e. without subsidy) offering journeys from Ilchester to Yeovil & Bridgwater. As the 'Buses of Somerset' (First Group) serve Ilchester with both the 54 (Yeovil to Taunton) and the 77 (Yeovil – Street, Glastonbury & Wells) no significant impact is anticipated.

4. Working with SCC and Developers on Travel Plans and Demand Management Solutions Linked to Developments

4.1. The Infrastructure Delivery Plan (IDP) sets out evidence on current and future infrastructure provision in South Somerset. It assesses infrastructure capacity and identifies any necessary improvements required as a result of the planned development in the South Somerset Local Plan (2006 – 2028).

4.2. The South Somerset Infrastructure Delivery Plan Update 2015/16 has now been published and is available to view on : [http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/early-review-of-local-plan-\(2006-2028/evidence-base/](http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/early-review-of-local-plan-(2006-2028/evidence-base/)

4.3. In respect of specific infrastructure related to public transport in Area East, the IDP recognises the need to increase car parking capacity at Castle Cary Station and more generally it supports the need for rail infrastructure improvements on both the West of England and Heart of Wessex Rail lines. These are discussed in more detail in Section 2 (Rail) above.

- 4.4. SSDC continues to work with SCC and developers to secure public transport improvements when possible. However the extent to which funding can be levered in is very much dependent on the scale of the development and overall viability of site.
- 4.5. Since last year's report local residents have distributed the Deansley Way (Kingswell Rise) Travel Packs. To date Taylor Wimpey have had 40 residents claiming the green travel voucher and have paid all 40 claimants. (*amount c£3k? Subject to confirmation by Fiona Farrell.*)The majority of the purchases have been on walking items (rain coats/waterproof trousers/walking shoes etc.) and computer equipment. Unfortunately though no vouchers have been issued in respect of the SSCAT bus to date.

5. Community Transport

- 5.1. Community Transport continues to play a vital role for those who have no access to a car and either no bus service or for whom accessing the bus is just not possible. South Somerset Community Accessible Transport (SSCAT) operates Community Transport in Area East and SSCAT's Operations Manager has produced a separate Information report for this committee, which is attached.
- 5.2. Members may recall an initial proposal by SCC to reduce the 50% contribution for Concessionary Pass Holders (Bus Pass) on Community Transport to 25%. SSDC responded to the consultation robustly challenging this proposal, which was subsequently dropped.
- 5.1. Whilst members will note the healthy reserves built up by SSCAT through the Operations Manager's prudent management there is still the need to secure increases in revenue funding to ensure the scheme's long term survival.

Looking to the Future

The 2015 report to Area East sets out how SSDC continues to lobby for transport improvements. It also recognises the current financial constraints within which Government and SCC operate and the subsequent need for a robust business case for each scheme that comes forward.

The Council continues to welcome positive local input and engagement. Parish and Town councils, as well as communities, have a vital role to play in owning and helping deliver the existing measures that have already been secured, as well as identifying further enhancements.

Financial Implications

No new financial implications resulting from this report.

Corporate Priority Implications

Increasing accessibility for all residents through enhancements to public and community transport reflects the Council Plan aims and priorities to improve the economy, the environment and build healthy communities.

Carbon Emissions & Adapting to Climate Change Implications

Improvements to public transport, including the easier interchange between bus and rail and better access to information, offer the potential to reduce the number of car journeys and thereby reduce CO₂ emissions.

Equality and Diversity Implications

Improvements to public and community transport reduce inequality and improve service accessibility for all.

Background Papers:

Report to Area East Committee - Wednesday 10th September 2014 "Wincanton Transport & Services Hub Update"

Report to Area East Committee – Wed 8th July 2015 "Corporate support for community and public transport and SSCAT bus"



Update Report regarding Passenger Transport Developments within Somerset

Total Transport

A large amount of work has been undertaken mapping passenger transport in Somerset. This includes front facing public transport ie public buses, taxis DRT and Community Transport as well as back office closed routes for education health and social care trips. Alongside this we have been undertaking background work on web portal design to facilitate journey planning across all of the above modes, smart application and ticketing.

We have tendered for a short term (3mth) consultancy project to undertake stakeholder engagement and produce a report and specification for us to then go to the market for the portal. Although it appears to be slow progress it is important we get this right as all links to systems and information and the right technology need to be in place to enable the correct up to date information to be in place otherwise it won't succeed. This due to be awarded next week

Alongside this we have been working with Somerset Intelligence to produce a report with detailed information on geographical population showing areas of low car use, deprivation and high use of health and social care services. The transport information on public and DRT use has also been used to reach some conclusions on social need moving forward alongside any commercial viability.

Smart card Development & real-time information

There are a number of local and National developments of smartcards. Nationally the government Quango ITSO are very close to the implementation of contactless payment and smartcard both being read on one machine o the bus. This will give the travelling public much more choice of payment types.

Development is underway to implement smart application and payment for County ticket (student interoperable ticket) and park & ride services. These should be up and running by Aug/September of this year.

We have also introduced ticket machines on all of our DRT services to allow smart ticketing to be used for older people and students

Further development will commence shortly to work with operators to develop more interoperable smart tickets using the Love the Bus smartcards which can be topped up on line and used to pay for travel on bus. We would propose this maybe a solution for use in the Wincanton interchange to allow for feeder travel using Wincanton CAT and scheduled public buses.

The card will look like this...



As you will be aware we are also working on developing real-time solutions on public transport. The park & ride will be the first service to benefit but we propose to roll this out further into urban areas and also have an app linked to the web portal which individuals will be able to download to a mobile. If Wincanton is to be a transport hub it would be beneficial for Wincanton CAT to have electronic ticket machines which could then facilitate real-time links to public buses and a display board could show next bus at the interchange.

Developments with Health

We continue to work with colleagues in the CCG and medical practices to develop sustainable transport solutions. Car schemes are often a good solution in urban areas where access to services is sporadic using public transport. Medical centres are now being approached to develop these schemes within the practice.

A New PTS provider has been appointed to deliver the non -emergency minibus service. We have already started to work with this provider to improve access and enable individuals to use spare seats to access other services on their routes.

Summary

There are a number of projects in place which are designed to improve transport information and access for the public in the near future. In challenging financial times the amount of development is limited but with better access to information and the joining of services the vision is to provide more capacity through improved usage of existing services.

I am conscious that most of these projects are Countywide rather than relating solely to South Somerset. I would be happy to discuss further any other initiatives we could work together to deliver such as smartcards for job applicants - possibly a pilot in South Somerset?

Jane Newell
Service Commissioning Manger
08/06/2016

Agenda Item 9

South Somerset Community Accessible Transport - Annual Report 2015/16

Lead Officer: Andy Chilton, Manager

Contact Details: sscatringride@yahoo.co.uk or (01963)34594

Purpose of the report

The purpose of this report is to update members on the progress made over the last year. There are no financial implications for the council in this report.

Recommendation

That AEC members note the contents of the report.

Report Detail

The core business of the company is a successful demand-responsive door-to-door 'Ring and Ride' Service; this uses fully accessible minibuses to provide transport for people in the operating area of South Somerset who are unable to use public transport due to mobility difficulties, or because the service provided is inadequate. Local community groups hire minibuses for social outings and trips in a wider geographical area. The company also operates a busy Social Car Scheme using volunteer drivers in their own cars to provide transport for hospital appointments further afield. This is an expanding, highly valued service due to the reduction in provision of hospital transport by the PCT.

It has been another very busy year for the service, with increased demand for both the ring and ride service, and the social car scheme. Although there are few County contracts available in this area, we have been successful recently in winning three, which will be a welcome addition to our funding. The scheme continues to transport people to a day centre at Wincanton Community Hospital once a week. Transport for community groups fluctuates with very high demand during the summer and in the months leading up to Christmas.

The big achievement of the past year has been the replacement of our two oldest minibuses. The first was replaced from our own funds and grants received from local organisations, such as SSDC. The other was from a Government initiative which had provided funds, for which CT groups could bid. We were successful, and the vehicle was supplied last November. We have since submitted another successful bid and a 3rd vehicle will be supplied in September. Our fleet will then consist of virtually all new vehicles which will reduce maintenance costs considerably.

Individual membership of the scheme has continued to grow this year with registered members at over 1,900. Three new community groups have also registered with the scheme over the last year. We have recruited four more volunteer drivers, although three did retire due to ill health and personal circumstances, we still need more.

The 5 year grant from the Big Lottery fund has now ended, which will leave a significant gap in our funding so the challenge of the forthcoming year is to submit another bid, whilst at the same time looking for other areas in which to diversify. We are, with the help of SSDC officers, currently working with local secondary schools to ascertain the transport needs of their students, with aim allowing those students who live some distance from the school to

stay behind for after school activities. Other questions will be asked in the survey to identify other areas where we may be able to help, such as weekends and evenings.

We have healthy reserves which we have built up during our fourteen years of operation. The reserves are primarily for vehicle replacement, but due to recent initiatives in this area, some of the money can now be used as revenue whilst we await the outcome of the next Lottery bid.

From an operational perspective there has been little progress with the South Somerset Together initiative to develop Wincanton as a hub for transport since the installation of the new bus shelter along with more user friendly timetables. It has been difficult to encourage statutory organizations such as the Job Centre or Yeovil College to provide services locally, to which we could transport people. Nevertheless, we understand that the County Council [SCC] has been working behind the scenes following on from their Total Transport bid. This work will hopefully lead to further information improvements and more flexible ticket options, which could ease travel for younger people and those seeking work. Nigel Collins the SSDC Transport Strategy Officer has had more contact with his colleagues in SCC and can update you further on this initiative, in his accompanying report.

Statistics April 2015 – Mar 2016

Total mileage	62,552
Single passenger journeys	17,372
Group journeys	89
Social car single passenger journeys	1,320

Agenda Item 10

Briefing on Strategic Regeneration Board

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

Purpose of the Report

A short briefing on the progress of issues and projects raised at the first meeting of the Strategic Regeneration Board held on 8th June 2016 and attended by the Chairman:

1. The Terms of Reference for this new Board were approved and it was agreed that the Vice-Chairs of Area Committees could substitute for the Area Chairs if required. This is to assist with maintaining a programme of meetings. All Area Board meetings will be organised around the availability of the Area Chair.
2. The Terms of Reference for the Area Boards were also approved with the similar substituting arrangement of the Vice-Chair when required. The Area Development Lead will attend this meeting to accompany the Area Chair, unless it is agreed locally to send the Neighbourhood Development Officer leading on the Economy. In the case of Area East, it is anticipated that Pam Williams will attend these meetings.
3. A brief proposal seeking funding for feasibility work for industrial units at Moor Lane was taken forward from the Area East Regeneration Board. At the same meeting, a template for new infrastructure projects was tabled and Area East have since been invited to complete a template about this project for consideration at the next Strategic Regeneration Board. In addition, a more detailed planning view will be obtained on the Planning Policy issues associated with this project

The next meeting of the Area East Regeneration Board will take place on Tuesday, 26th July 2016.

The next meeting of the Strategic Regeneration Board is on Friday, 5th August 2016.

Agenda Item 11

Area East Forward Plan

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

Purpose of the Report

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

Recommendation

Members are asked to:-

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

Area East Committee Forward Plan

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

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

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

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

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

Background Papers: None

Appendix A

Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
10 August 16	Community Office Update	Update report	Lisa Davies SSDC
10 August 16	AE Community Grant programme 2015/16	To give a summary of community projects and activities from across the area supported with grants during 2015/16	Lisa Davies SSDC
10 August 16	Heart of Wessex Rail Partnership Funding Programme	Update report	Helen Rutter SSDC
14 September 16	Local Neighbourhood Policing for 2015-16	Overview of operational arrangements and policing issues relating to East	Avon and Somerset Constabulary
14 September 16	6 monthly Streetscene update	To provide an update of the service	Chris Cooper SSDC
14 September 16	S106 update	Annual update report	Neil Waddleton SSDC
12 October 16	Workspace Progress Report	Update Report	Pam Williams SSDC
12 October 16	Annual report on the Careline service	To update members	Alice Knight SSDC
12 October 16	Work Hubs	To update members on the latest position regarding work hubs	Pam Williams SSDC
9 November 16	Wincanton Sports Centre Update Report	To update members on the latest position of the Centre	Helen Rutter SSDC
9 November 16	Area Development Update Report	Update report	Helen Rutter SSDC

Agenda Item 12

Planning Appeals

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

Purpose of the Report

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

Recommendation

That the report be noted.

Background

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

Report Detail

Appeals Received

15/03441/REM – Land adjoining Well Farm, Lower Ansford, Castle Cary
Approval of reserved matters for the erection of 40 dwelling houses, details of layout, scale, appearance and landscaping to include levels, external materials, and enhancement of biodiversity of outline planning permission 13/03593/OUT

Appeals Allowed

No appeals have been allowed

Appeals Dismissed

14/03377/OUT – Land at Gainsborough, Milborne Port
Outline application for the development of 54 residential units, care home, allotments and heritage interpretation board(s) together with associated access, parking, landscaping and infrastructure.

15/05436/OUT – Land adjacent to Chessels Lane, Charlton Adam
The erection of a detached dwelling and creation of a new vehicular access onto Chessels Lane.

15/03729/FUL – Land adjoining Corner Farm, Devenish Lane, Bayford, Wincanton
Erection of 2 no. semi-detached dwellings and ancillary works.

The Inspector's decision letters are attached.

Background Papers: None

Appeal Decision

Hearing held on 8 March 2016

Site visit made on 9 March 2016

by John Woolcock BNatRes(Hons) MURP DipLaw MRTPI

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

Decision date: 03 June 2016

Appeal Ref: APP/R3325/W/15/3133660

Land west of Gainsborough, Milborne Port, DT9 5BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Waddeton Park Ltd against the decision of South Somerset District Council.
 - The application No.14/03377/OUT, dated 17 July 2014, was refused by notice dated 24 June 2015.
 - The development proposed is 54 residential units (including 35% affordable housing), care home (Use Class C2), allotments, heritage interpretation board(s), associated access, parking, landscaping and infrastructure.
-

Application for costs

1. At the Hearing an application for costs was made by Waddeton Park Ltd against South Somerset District Council. This application is the subject of a separate Decision.

Decision

2. The appeal is dismissed.

Preliminary matters

3. The appeal application is in outline, but with access and layout to be determined as part of the application. It was clarified at the Hearing that the Council considered a revised scheme from that originally submitted with the application. The revised layout set the proposed housing further back from the A30 and from part of the western boundary of the site, modified the configuration of the open area towards the south-eastern corner of the site, and removed a proposed balancing pond. It is the scheme shown on Drawing No.131201 L 02 01 revision L that I have used in my consideration of the layout and access details. The site boundary is edged red on the Location Plan Drawing No.131201 L 01 01 revision B. I have had regard to any other details concerning scale, appearance and landscaping shown on the submitted drawing as illustrative material not forming part of the application.
4. A planning obligation by unilateral undertaking, dated 7 March 2016, provides for 35% of the dwellings to be affordable housing, along with provision for public open space, education and leisure contributions, off-site highway improvements and a travel plan.¹

¹ HD3.

5. Historic England (HE) was not originally consulted on the application, and subsequently submitted a written representation at the appeal stage, dated 2 February 2016. I requested a statement from HE setting out in more detail its views on the effects of the proposal on heritage assets. I also suggested that it would be helpful if a representative from HE could attend the Hearing. This request was declined, but HE did submit a written statement, dated 26 February 2016, setting out further details about HE's involvement in this case and the advice given. This was copied to the main parties to the appeal and discussed at the Hearing.
6. After the close of the Hearing an email, dated 21 March 2016, from Philip Davis referred to a road traffic accident at the junction of Gainsborough and Crackmore.² The parties were invited to comment on this matter. I have taken into account the response from the appellant.³ The Council did not respond.

Site and surrounds

7. The 3.44 ha site comprises a single field bounded by mature hedgerows, which is used for pasture. The site is located at the junction of the roads called Gainsborough and Crackmore. The latter is part of the A30. The appeal site lies towards the western side of the village of Milborne Port, to the west of Gainsborough and to the north of Crackmore,. The site slopes down to the south-east from a high point of over 100 m AOD in the west, to less than 90 m AOD in the east. A group of trees (G1) near to the southern boundary of the appeal site, adjacent to the A30, and a horse chestnut tree (T1) in the middle of the field some 60 m north of G1, are the subject of a Tree Preservation Order (TPO). The field comprises grade 3a agricultural land.
8. Milborne Port Conservation Area comprises two separate elements. The larger area encompasses the historic core of the village to the south-east of the appeal site. The other part of the conservation area includes the historic part of New Town, a 19th Century planned estate, which lies some 260 m to the north of the appeal site.
9. The appellant's Heritage Assessment states that there are no listed buildings within the appeal site, but it was confirmed at the site visit that this is not correct. The grade II listed former Pump House, which is located at the corner of the A30 and Gainsborough is included within the red line appeal site boundary, but the site does not encompass the historic well to the south-west of the former Pump House. It was clear at my site visit that the former Pump House and the adjoining stone retaining wall are included in the conservation area.
10. The Church of St John the Evangelist, which is located to the east of the appeal site, is a grade I listed building. The former County Primary School, a grade II listed building, lies on the other side of Gainsborough to the appeal site, near to its south-eastern corner. This building has a prominent clock tower. Sherborne House located to the east of Rosemary Street is also a grade II listed building. So too, is the former Vicarage, now Tapp's Hotel, which is sited to the south of Sherborne House. The Pump House, Primary School and Vicarage were all designed by Henry Hall, and this association adds to the

² HD22.

³ HD23.

historical value of these assets. An Area of High Archaeological Potential extends into the extreme eastern part of the appeal site. The grade I Registered Park and Garden at Sherborne Park lies about 300 m to the west of the site. The garden at Ven House, some 450 m to the south-east of the site, is registered grade II.

Proposed development

11. Of the 54 dwellings proposed 19 would be affordable units. The layout provides for allotments in the north-western corner of the appeal site, adjoining existing allotments. The care home, comprising five separate blocks, would be sited in the north-eastern corner of the site. An area of open space would be located along the A30, extending around T1, and continuing along the higher part of the site towards the proposed allotments. The scheme proposes a new access off Gainsborough, with the existing gated access for pedestrian use. The former Pump House would be retained and an interpretation board is proposed.

Main issues

12. The main issues in this appeal are:
 - (a) The effects of the proposed development on the character and appearance of the area.
 - (b) The effects of the proposed development on heritage assets.
 - (c) The effects of the proposed development on highway safety.
 - (d) Whether the loss of best and most versatile agricultural land would be justified, having regard to relevant policy and guidance.

Planning policy

13. The development plan for the area includes the South Somerset Local Plan 2006-2028, which was adopted in March 2015 (LP). Milborne Port is designated in LP Policy SS1 as a Rural Centre, a market town with a local service role, where provision for development will be made that meets local housing need, extends local services and supports economic activity appropriate to the scale of the settlement. The appeal site lies outside the Development Area defined in the LP.
14. LP Policy SD1 has similar provisions to the *National Planning Policy Framework* (hereinafter the *Framework*) regarding sustainable development. LP Policy SS4 sets out the district-wide housing provision, and LP Policy SS5 provides that the distribution would be in line with a total housing requirement of 279 in Milborne Port, of which 77 additional dwellings would be required above existing commitments at April 2012.
15. LP Policy EQ2 provides that development will be designed to achieve a high quality, which promotes local distinctiveness and preserves or enhances the character and appearance of the district. LP Policy EQ3 provides 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. The policy expects new development to, amongst other things, safeguard the significance, character, setting and local distinctiveness of heritage assets.

16. The parties at the Hearing accepted that South Somerset District Council cannot demonstrate a five-year supply of deliverable housing sites.⁴ Paragraph 49 of the *Framework* provides that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Policies SS4 and SS5 are relevant in this regard. So too, are Policies EQ2 and EQ3, because they could in effect constrain supply and so are relevant policies for the supply of housing. Therefore, for decision-taking, paragraph 14 of the *Framework* provides that the presumption in favour of sustainable development means that permission should be granted unless; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the *Framework* taken as a whole (Limb 1), or specific *Framework* policies indicate that the development should be restricted (Limb 2). I return to this later. I have also had regard to the *Planning Practice Guidance* (hereinafter the *Guidance*).
17. I am required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of a listed building. For that part of the appeal site that lies within the conservation area, I have paid special attention to the desirability of preserving or enhancing the character or the appearance of the area. I have also had regard to the provisions of the *Framework* concerning development affecting the setting of a heritage asset.⁵

Reasons

Character and appearance

18. The Council's reason for refusal and evidence to the Hearing refer to the appeal scheme resulting in the loss of the distinctive setting and character of the village by reason of its layout, location and close proximity to heritage assets. This provides the substance of the Council's combined landscape/heritage case against the proposal. However, in determining this appeal I have dealt with character and appearance as a separate issue from the effects on heritage assets, although I acknowledge that there is some overlap here between these considerations with respect to the setting of the village and heritage assets.
19. In terms of landscape character, a change from an open field on the edge of the village to urban development would be of moderate-major significance. But this would be likely to be so for any expansion of the settlement that provided the additional housing considered necessary for Milborne Port. What is particularly significant about the appeal site is that it includes an open field adjoining an important approach to the village. The transition from rural surrounds to village edge is marked sharply here, by the line of mature trees along the A30, with open agricultural land beyond, contrasting sharply with the built form along the northern side of Gainsborough, which is highlighted by the landmark school tower. Houses in the southern part of the proposed development would dilute this effect and diminish the impact of the tower as a landscape feature. This would harm the landscape resource. I deal next with visual effects.

⁴ The undisputed current figure is 4 years 4 months.

⁵ Paragraph 129 of the *Framework*.

20. Views from Gainsborough would initially be adversely affected by the removal of a substantial length of the existing hedgerow to construct the new access to the site.⁶ But in time replacement landscaping would soften the outlook, and buildings along this frontage could be seen as an extension of built form that reflected development along the northern side of Gainsborough. However, the houses in the southern part of the proposed development would be visible from the A30 and adjoining footway, albeit glimpsed between the roadside trees. It was evident at my site visit that these buildings would mark the start of the village in this approach, but they would project forward of the adjoining dwellings, which would be set back an increasing distance from the A30 so as to maintain views of the school tower. This contrived layout would have an adverse effect on views from the A30. Landscaping would not disguise the appearance of these houses in such a prominent location. They would appear as an intrusive and unexpected feature in the countryside setting surrounding the village, which did not relate in any way to the village itself.
21. On the first main issue, I find that the proposal would have a significant adverse effect on the character and appearance of the area, and so would conflict with LP Policy EQ2.

Heritage assets

22. HE's primary concern relates to the impact of the scheme on the character and experience at the gateway to the conservation area, and erosion of the separation between the main conservation area and the New Town sub-area. HE finds that the development would cause some moderate harm to the setting of the conservation area, and that the overall level of harm that would be caused to the conservation area would be minor. HE considers that the proposal would have some minor impact on views towards the grade I listed Church of St John the Evangelist from the periphery of the New Town estate, but concludes that harm to the setting of the church would be negligible. The historic estate of Sherborne Castle lies to the west of the site, but HE considers that this has limited visual interaction with the village.
23. HE also notes that the listed former County Primary School, former Pump House and Vicarage contribute to the character and historic interest of Milborne Port Conservation Area because of their architectural style, age and the gateway that their presence creates when entering the historic village core. HE concluded that the development would impact on the setting of grade II listed heritage assets within close proximity of the site, but that these issues do not fall within the statutory remit of HE, and therefore recommendations were deferred to the local conservation advice from South Somerset District Council.
24. Given the separation distance and intervening development, I concur with HE that the proposal would have a negligible effect on the significance of the grade I listed Church of St John the Evangelist. It was apparent at my site visit that the same would apply to the likely effects on Sherborne House, which relates more to the nearby road, and the former Vicarage, which is located in a secluded position. The proposal would also have a negligible impact on the historic estate of Sherborne Castle because of the distance and local topography. Similar considerations apply to the garden at Ven House. The proposed development would not be within the setting of these gardens. I turn next to consider the grade II listed heritage assets within close proximity of the

⁶ Site Photographs D and E of the appellant's Landscape and Visual Assessment.

- site, which HE thought would be impacted, but did not provide any specific comments.
25. The former Pump House dates from the 19th Century, but incorporates a 17th Century or earlier porch. The Pump House is a small composite structure from historic components, but it is in a prominent position on the edge of the village. It has significant local historical value and its setting at the edge of the village is an important element of its historical context and enhances the appreciation of its value. This is best appreciated from Sherborne Road to the east, but is also apparent from the junction with Gainsborough. The open field rising up behind the former Pump House adds to the significance of the asset because it emphasises its relationship with the settlement. The proposed development would change the setting of the Pump House. From some vantage points its existing background of an open field and T1 would be replaced by houses located in the southern part of the proposed development.⁷ This would detract significantly from the setting of the former Pump House, as it would no longer be seen outside the edge of the settlement.
26. The former County Primary School is an impressive late 19th Century building, which is considered to be very advanced in design for that date. The front elevation facing Sherborne Road has an attractive colonnade, but the rear elevation, which is seen from Gainsborough, includes a tall tower. It is this elevation that is depicted in the photograph in the listing description for the grade II building. The tower was clearly designed to be a feature that marked out the building and its importance in the village. The listing description states that it is "a 5 stage tower; having small quatrefoil in diamond lights to stage 2, single cusped light stage 3, ashlar to stage 4 with clock faces North and South under an apron, a wood open bell turret and steep pitched spirelet with weathervane." It is evident that the tower was intended to dominate its surroundings.
27. It is clear from the photographs and from my site visits that the school tower is an attractive and dominant feature on the edge of the village. The open field opposite to the school provides space for the tower to be properly appreciated as the impressive landmark feature it was designed to be, and so the field makes a positive contribution to the significance of the asset.⁸ The proposed development would change the setting of this listed building. From the A30, the proposed houses on the southern part of the appeal site would be sited so as not to block out altogether views towards the tower. However, by reason of their likely apparent height in the local landscape, resulting from their proximity to the viewer, along with the local topography, these buildings would dominate views towards what is currently a focal point at the start of the village. This would significantly diminish the importance of the clock tower as a prominent way-marker on the approach to the village centre. I disagree with the appellant's view that the clock tower's prominence would not be challenged by the appeal scheme. The proposed layout would adversely affect the setting of the former County Primary School, and this would harm the significance of the heritage asset.
28. The appellant's Heritage Assessment divides Milborne Port Conservation Area into sub-areas. Conservation Area sub-area 8 Western Approach/Sherborne Road is the area nearest to the appeal site. The appeal site forms part of the

⁷ Site Photographs A and B of the appellant's Landscape and Visual Assessment.

⁸ Site Photographs J and K of the appellant's Landscape and Visual Assessment.

agricultural landscape to the west of the settlement fringe. Its role as a gateway into the settlement contributes to its aesthetic value, and the proposed development would, to some extent, have an adverse effect on the setting of this part of the conservation area.

29. New Town is included within sub-area 9. The appeal site forms part of the wider agricultural landscape surrounding sub-area 9, which emphasises its historic context as an isolated planned estate, with considerable historic value. However, the existing development between the appeal site and the New Town part of the conservation area already erodes this effect. This development includes a dwelling, which was formerly a police station, a large area of allotments and a large recreation/play space, along with a doctors' surgery and its car park. The proposed development would not, therefore, unduly affect the relationship between the different parts of the conservation area.
30. The proposed layout shows a footway along the inside of the existing hedgerow along Gainsborough, which appears to indicate a link with the proposed widened footway along the western side of Gainsborough. There is a difference in ground level here and a stone retaining wall, but the details about this link are not before me, and would be for consideration at reserved matter stage.
31. Subject to appropriate scale, appearance and landscaping, which are reserved matters, I consider that there would be a reasonable prospect that a detailed scheme could be devised that would be likely to preserve both the character and the appearance of Milborne Port Conservation Area itself. However, modern development, of the layout proposed, located near to the edge of the village, would to some extent have an adverse effect on the historic setting of the conservation area. I consider that the proposal would have a minor adverse effect on the setting of Milborne Port Conservation Area.
32. The proposal would not have any adverse impact on other heritage assets in the locality. The archaeological survey work undertaken indicates that this is a matter that could be reasonably addressed by the imposition of an appropriate planning condition. The proposal to provide interpretation boards to explain the significance of the local heritage assets would be beneficial.
33. The proposed development would have a minor effect on the setting of Milborne Port Conservation Area, but a significant adverse impact on the setting of the nearby former County Primary School, and the setting of the former Pump House, both of which are listed buildings. The harm to the significance of these assets brings the proposal into conflict with LP Policy EQ3. I find that the proposal would result in 'less than substantial harm' to the significance of designated heritage assets, which in accordance with paragraph 134 of the *Framework* should be weighed against the public benefits of the scheme.

Highway safety

34. The Council's second reason for refusal states that it has not been demonstrated that the local road network can safely accommodate the additional traffic without severe adverse impact on highway safety. At the Hearing the Council did not dispute the appellant's predicted traffic generation from the proposed development, or its distribution, but maintained an objection on highway safety grounds. The objection concerned the operation of the junction of Gainsborough with the A30, taking into account the proximity of

- nearby junctions with Rosemary Street (32 m) and Goathill Road (51 m). However, no convincing evidence was adduced to indicate that junction modelling should include the Goathill Road junction. The Council acknowledged that the PICARDY programme can only model 3 armed junctions, crossroads and staggered 4 armed junctions, but did not at any time indicate what other information it considered would be necessary to demonstrate that the network could safely accommodate the likely additional traffic.
35. With respect to the Rosemary Street junction, the Council did not dispute that the proposed development would only add 7 left turn movements out of Gainsborough in the am peak hour, and 4 in the pm peak hour. No evidence was submitted by the Council in support of its concern that vehicles attempting to leave Rosemary Street would have increased left turn traffic from Gainsborough to negotiate, which would be well within the stopping distance of the vehicle, and that this would have significant safety implications. In particular, no evidence was submitted about the speed of vehicles exiting left from Gainsborough when they had reached the Rosemary Street junction, or of vehicle speeds into and out of Rosemary Street. I observed how this junction operated for a considerable time on my unaccompanied site visit. Given the likely number of vehicles making this movement, and likely vehicle speeds, it seems to me that the additional traffic from the appeal scheme would have a negligible effect on the risk to those negotiating these junctions with the A30.
36. The scheme would add to pedestrian flows in the locality, where some of the footways are currently sub-standard. However, with the imposition of appropriate planning conditions, along with the provisions in the planning obligation, I do not consider that this would pose an insurmountable obstacle to the development proceeding. These measures would include pedestrian improvements in the vicinity of the bus stop on the A30, along with widening of the footway on the western side of Gainsborough to 1.8 m near to its junction with the A30.⁹ This would narrow Gainsborough's carriageway to 5.1 m, but would still permit a car and HGV to pass.¹⁰ It would also make it clearer that two large vehicles attempting to pass would need to reduce their speed, and for one vehicle to give way to the other. I do not consider that this would increase the risk to road users.
37. I have taken into account the accident record, and note that this does not record all collisions. However, recorded injury accidents do not indicate an underlying problem on the local network that would be exacerbated by vehicles from the proposed development. There are few confirmed details about the recent accident on the A30, and nothing to indicate at this stage that it was associated with a highway problem in the vicinity of the appeal site that would be made worse by traffic from the appeal scheme.
38. There is local concern about the adequacy of parking provision, and that the care home might result in on-street parking. However, it seems to me that the proposed layout could provide for adequate parking in accordance with relevant standards, and that this is a matter that could be dealt with in determining the details of reserved matters.
39. On the evidence before me, there are no grounds to dismiss the appeal for highway safety reasons. I find that the proposed development would not

⁹ As shown on Drawing No.14315/T06.

¹⁰ HD17.

conflict with LP Policy TA5 concerning either safe and convenient access on foot, cycle and by public and private transport that addresses the needs of all, or by compromising the safety and/or function of the local or strategic road networks in terms of volume and type of traffic generated, or inadequate parking.

Agricultural land

40. The *Framework* provides that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing soils. It also adds that account should be given to the economic and other benefits of the best and most versatile agricultural land, defined as grades 1, 2 and 3a land, and where significant development of agricultural land is necessary areas of poorer quality land should be preferred to that of a higher quality. This preference is reiterated in the *Guidance*.
41. The proposal would utilise 3.44 ha of grade 3a agricultural land. I was referred to the current organic status of the land. If this is so, it is farmed in this way at the discretion of the current farmer, and its management in the future could be changed. I do not, therefore, consider that any organic status of the land would elevate its significance for the purposes of assessing the use of best and most versatile agricultural land, having regard to relevant planning policy.
42. However, the land surrounding the village is predominantly grade 3a land.¹¹ It is difficult to envisage how the village could expand to provide for the necessary additional dwellings without using some grade 3a land. I do not consider that the loss of 3.44 ha of the best and most versatile agricultural land would, in the circumstances that apply here, weigh significantly against the proposal.

Other matters

43. Local residents question the need for the proposed care home. There is evidence of interest in this proposal.¹² Furthermore, it could gain support from LP Policy HG6. But its completion is not secured or tied to the completion of dwellings on the appeal site. The Council cited two instances where permitted schemes that originally included care homes had proceeded without construction of the care homes. If built, a care home on this site would provide a useful local facility, local employment and a contribution towards the local economy.¹³ However, in the absence of any mechanism to secure its completion, not much weight can be given to the potential for such benefits.
44. The additional allotments included in the appeal scheme would be useful. But there is nothing to indicate a specific need for these allotments, particularly as they would adjoin a substantial area of existing allotments. I have no reason to doubt local reservations about the need for the allotments. Their provision as part of this scheme should, accordingly, be given some, but limited weight as a beneficial element of the proposal in the overall planning balance. However, the open space provision would be beneficial and would accord with LP Policy HW1.

¹¹ HD6.

¹² HD18.

¹³ LP text at paragraph 8.84 notes that more employment opportunities should be provided in Milborne Port, and could potentially reduce the level of out-commuting.

45. There is local concern about the adequacy of local infrastructure and services to provide for the additional demand that would result from the proposed development. However, this is a reasonably accessible location for development of this scale, given the facilities in the village and the availability of public transport. The obligation would provide an appropriate contribution towards improved capacity and facilities at Milborne Port Primary School. I have taken into account all other matters raised in evidence, but have found nothing to outweigh the main considerations that lead to my conclusions.

Planning balance

46. I am required to decide this appeal having regard to the development plan, and to make my determination in accordance with it, unless material considerations indicate otherwise. I have found that the scheme would be contrary to LP Policies EQ2 and EQ3, and would conflict with the development plan as a whole. But given that relevant policies are out-of-date, the *Framework* is a very important material consideration. Relevant development plan policies are out-of-date, but that does not mean that they should be disregarded. The purpose of these policies is a factor to be taken into account, along with the scale of the housing shortfall, in determining what weight should be given to relevant policies that are out-of-date.

47. The purpose of Policy EQ2, insofar as it seeks high quality design and promotion of local distinctiveness, accords with the provisions of the *Framework*. It should be given some, but limited weight given the housing shortfall. But in my view, more weight can be given to Policy EQ3, because its underlying purpose reflects national policy, which provides that in considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the assets conservation, and that significance can be harmed by development within its setting. Furthermore, the aims of Policy EQ3 are similar to those which underlie the statutory requirements for listed buildings and conservation areas. I have, therefore, given Policy EQ3 significant weight, notwithstanding that it is out-of-date for the purposes of applying the *Framework*.

48. The likely harm to the significance of designated heritage assets would be sufficient to bring the proposal into conflict with provisions of the *Framework* that provide for the recognition of heritage assets as an irreplaceable resource, and for their conservation in a manner appropriate to their significance.¹⁴ The level of harm to designated heritage assets that I have identified, and the specific policy conflict, mean that the development should be restricted. As a result, the presumption in favour of sustainable development, which for decision-taking here means granting permission unless Limb 1 or Limb 2 of paragraph 14 of the *Framework* is relevant, is dis-applied in this case.

49. The *Framework* therefore requires an un-weighted balancing exercise of combined harm against overall benefits, having regard to the economic, social and environmental dimensions of sustainable development. This is not the balancing exercise that the appellant applied in the submissions made to the Hearing. I have found that the proposal would result in less than substantial harm to the significance of designated heritage assets, which must be weighed

¹⁴ Paragraph 126 of the *Framework* refers to local plan strategies, but that does not mean that it has no relevance in decision-taking.

directly against the public benefits of the proposal.¹⁵ In doing so, I have given considerable weight and importance to the desirability of preserving the setting of listed buildings. The harm that would result from the appeal scheme to the setting of the former Pump House, and to the former County Primary School, weighs heavily against the proposal. The additional environmental harm to the character and appearance of the area is also significant and tips the balance further against allowing the appeal.

50. The benefits of the scheme include an important contribution to the supply of housing, and provision of 19 affordable units, in an area of need. The proposed open space and allotments could be beneficial to residents other than those occupying the dwellings on the appeal site. Construction would result in employment opportunities, and local spending, both during construction and thereafter by occupiers, would contribute to the local economy. The care home, if completed, would provide local jobs, but for the reasons set out above this potential can only be given limited weight. These socio-economic benefits would be significant, but in my judgement would not be sufficient to outweigh the environmental harm I have identified. I find that the planning balance here falls against allowing the appeal. The proposal would not be sustainable development, and would not accord with the provisions of the *Framework*, or comply with LP Policy SD1.

Conclusions

51. I have found that the planning balance here falls against the proposed development. The proposal would conflict with the development plan, but the *Framework* is of particular significance in determining this appeal. However, I have found that the scheme would not gain support from national policy. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Woolcock
Inspector

¹⁵ Paragraph 134 of the *Framework*.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

David Norris MA MRTPI	Development Manager.
Mark Baker BSc MICE C Eng FCIT FCILT Eur Ing	Mark Baker Consulting Ltd.
Robert Archer DipLA CMLI	Landscape Architect.

FOR THE APPELLANT:

David Corsellis LLB Honours Law	Stephens Scown LLP.
Mark Scoot MRTPI MRICS	Amethyst Planning.
Richard Morton BA(Hons) MCIfA	Cotswold Archaeology.
Chris Britton BSc(Hons) MLA CMLI	Chris Britton Landscape Associates.
Mark Rowe BA(Hons) MCIHT	Hydock Consultants Ltd.
Gerry Keay	Waddeton Park Ltd.

INTERESTED PERSONS:

Baron Rochard	Local resident.
Philip Davis	Local resident.
Claud Leonard	Local resident.
Richard Douglas	Local resident.
Steve Underwood	Local resident.
Cllr Sarah Dyke-Bracher	Ward Member.
Eleanor Wilson	Local resident.
Martin Richie	Local resident.
Sally Phipps	Local resident.
Bob Walden	Local resident.
Howard Bullivant	Local resident.
Andrew Martin	Local resident.
John Edmunds	Local resident.
Patricia Dawson	Local resident.
Rod Johnson	Local resident.
Ian Stewart	Local resident.
Roy Crowe	Local resident.
Wendy House	Local resident.
Mark Gay	Local resident.
John Rioke	Local resident.
Mr Johnston	Local resident.

Other local residents also joined in the discussion and asked questions about suggested planning conditions, but it is not possible to identify all those who spoke from the completed attendance list. The above appearances may not, therefore, include all those who contributed to the discussion at the Hearing.

DOCUMENTS SUBMITTED AT THE HEARING (HD)

Document 1	Appeal Ref:APP/R3325/W/15/3131031 Martock.
Document 2	Appeal Ref:APP/R3325/W/15/3003376 Yeovil.
Document 3	Planning obligation by unilateral undertaking dated 7 March 2016.
Document 4	Appellant's Highways Summary Sheet.
Document 5	Statement of Common Ground.
Document 6	Milborne Port extracts from Strategic Housing Land Availability Assessment. Including Agricultural Land Quality Map.
Document 7	South Somerset District Council's response to application for costs.
Document 8	Application for a full or partial award of costs by appellant.
Document 9 & 10	Statements by Eleanor Wilson.
Document 11	Statement by Claud Leonard, along with email dated 12 February 2016.
Document 12	Traffic count 29 February 2016 by R&J Johnson and S Phipps.
Document 13	Statement by Richard Douglas, along with email dated 11 February 2016.
Document 14	Statement by Philip Davis, along with letter dated 6 February 2016.
Document 15	Email from Rod Johnson dated 12 February 2016.
Document 16	Representation including photographs from JBA Rochard dated 5 February 2016.
Document 17	Annotated Drawing No. 14315/T06B indicating 5.1 m carriageway remaining after proposed footway widening.
Document 18	Letter from Castleoak dated 4 March 2016 concerning interest in care home development.
Document 19	Emails dated 27 May 2015 re education contribution.
Document 20	Supplementary evidence on planning obligations from community, health and leisure.
Document 21	Suggested conditions.

Documents submitted after the close of the Hearing

Document 22	Email dated 21 March 2016 from Philip Davis regarding accident at the junction of Gainsborough and Crackmore.
Document 23	Appellant's email dated 4 April 2016 commenting on the accident.

SCHEDULE OF PLANS

Plan A	Location Plan Drawing No.131201 L 01 01 revision B.
Plan B	Drawing No.131201 L 02 01 revision L.

Costs Decision

Hearing held on 8 March 2016

Site visit made on 9 March 2016

by John Woolcock BNatRes(Hons) MURP DipLaw MRTPI

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

Decision date: 03 June 2016

Costs application in relation to Appeal Ref: APP/R3325/W/15/3133660 Land west of Gainsborough, Milborne Port, DT9 5BA

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Waddeton Park Ltd for a full, and in the alternative, a partial award of costs against South Somerset District Council.
 - The hearing was in connection with an appeal against the refusal of outline planning permission for development of 54 residential units (including 35% affordable housing), care home (Use Class C2), allotments, heritage interpretation board(s), associated access, parking, landscaping and infrastructure.
-

Decision

1. The application for a full award of costs is refused, but the application for a partial award of costs is allowed in the terms set out below.

The submissions for Waddeton Park Ltd

2. The costs application was submitted in writing.¹ The following additional points were made orally. Consultees and the Council's officers were clear about the acceptability of the proposal. The Member's response lacked objective analysis. At the Hearing the Council was unable to indicate the degree of harm likely to heritage assets. The Council's case does not demonstrate any serious residual impact, and strayed beyond the reasons for refusal in referring to the travel plan.

The response by South Somerset District Council

3. The response was made in writing.² In summary Members have a responsibility to take into account the views of consultees, but are entitled to come to a different view. There is a degree of subjectivity in assessing landscape impact and effect on historic assets. The PICARDY model cannot be relied upon for this type of junction and Members used their local experience to come to a view about traffic impact given that the evidence submitted was not comprehensive. No evidence was provided to justify the loss of best and most versatile agricultural land. Members carried out an appropriate planning balance and there is no evidence of unreasonable behaviour or wasted expenses.

¹ HD8.

² HD7.

Reasons

4. The *Planning Practice Guidance* advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
5. The Council's case regarding the effects on the setting of the village and heritage assets did not lack substance. The way the Council dealt with these issues was not unreasonable. The weight given to the effects on agricultural land in the planning balance is a matter of judgement. I have come to a different conclusion to the Council about this. However, I do not consider that it was unreasonable for the Council to exercise its judgement in the way that it did, or to find conflict with national policy on these grounds. There are no grounds to justify a full award of costs. I deal next with the application for a partial award, which concerns the way the Council dealt with highway issues.
6. It was appropriate to discuss the travel plan at the Hearing. This discussion did not introduce a new reason for refusal, because if targets were not met additional traffic might use the A30/Gainsborough junction.
7. The Council's second reason for refusal states that it has not been demonstrated that the local road network can safely accommodate the additional traffic without severe adverse impact on highways safety. At the Hearing the Council did not dispute the appellant's predicted traffic generation from the proposed development, or its distribution, but maintained an objection on highway safety grounds. This concerned the operation of the junction of Gainsborough with the A30, taking into account the proximity of the junctions with Rosemary Street and Goathill Road. However, the Council did not at any time indicate what other information it required to demonstrate that the network could safely accommodate the likely additional traffic.
8. With respect to the Rosemary Street junction, the Council did not dispute the predicted left turn movements out of Gainsborough in the peak hours attributable to the proposed development. Furthermore, no evidence was adduced by the Council in support of its concern that vehicles attempting to leave Rosemary Street would have increased left turn traffic from Gainsborough to negotiate which would be well within the stopping distance of the vehicle, and that this would have significant safety implications. No evidence about vehicle speeds was submitted in support of this assertion. I consider that the mainstay of the Council's concerns about highway safety lacks substance. As a detailed and technical matter this is not something that could reasonably be determined solely by judgement. Members did not take any alternative technical advice in forming their stance contrary to their officers' professional advice. I find that the Council's approach to highway safety was unreasonable.
9. Local residents also raised concerns about the highway impact of the proposal, and it would have been likely that the appellant would have taken measures to address these concerns at the Hearing, irrespective of the Council's case. However, it seems to me, in the absence of a highway objection from the Council, that this might have been a matter that the appellant believed could have been adequately addressed by its planning expert, without the need for a highways expert to appear. The Council's stance probably denied the appellant this choice. I find, therefore, that the Council's unreasonable behaviour was

likely to have resulted in the appellant engaging a highways expert to appear at the Hearing, which might otherwise not have been necessary.

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the *Guidance*, has been demonstrated, and that the application for a partial award of costs should be allowed.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that South Somerset District Council shall pay to Waddeton Park Ltd, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in the appearance of a highways expert at the Hearing.
12. The applicant is now invited to submit to South Somerset District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

John Woolcock
Inspector

Appeal Decision

Site visit made on 24 May 2016

by Robert Gully MEng CEng MICE

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

Decision date: 15 June 2016

Appeal Ref: APP/R3325/W/16/3145191

Land adjacent to Chessels Lane, Chessels Lane, Charlton Adam, Somerton, Somerset TA11 7BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
 - The appeal is made by Mr P Soundy against the decision of South Somerset District Council.
 - The application Ref 15/05436/OUT, dated 3 December 2015, was refused by notice dated 28 January 2016.
 - The development proposed is erection of a detached dwelling and creation of a new vehicular access onto Chessels Lane.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal relates to an outline application for which all matters were reserved except access.

Main Issue

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

Reasons

4. The appeal proposal would lie along Chessels Lane where it runs between the existing property of Craigmere immediately to the north, and Fields End Farm which lies a significant distance further south beyond the intervening agricultural land. Along this length Chessels Lane is narrow and bounded by consistent established hedgerows on both sides. The quarry to the east is not readily visible or evident and hence the lane here has a strong rural character with a clear absence of development.
5. The bulk of dwellings within the village on Chessels Lane, including the property Chessels, are two-storey. However, Craigmere and Little Chessels, the latter of which lies behind the garden to Chessels, are single storey dwellings such that they are not as readily visible as other properties. Furthermore, on the approach to the village along the lane from the south, the hedgerow to the lane continues part way along the roadside boundary of Craigmere. This further diminishes the prominence of that property and means

that the roofs and chimneys of the two storey properties beyond it are the first strong signal of the developed village core on that side of the road. Overall, whilst the garden wall and layby to the front of Chessels diminish the rural character of the lane there, the dwelling at Chessels remains the first readily visible indicator of reaching the edge of the village.

6. The proposed entrance would sit on the narrow rural stretch of the lane, beyond the dwelling at Chessels and the layby to its frontage. Furthermore, the visibility splay would extend some distance further south. The tapering setback of the hedgerow would significantly alter the consistent narrow undeveloped feel of the lane. Even with replacement planting at the back of the visibility splay, which would establish over time, the widening of the road would be in contrast to the existing character. The entrance to the appeal site would afford direct views of residential development, in stark contrast to the existing constrained lane, from which glimpses are currently obtained into a clearly agricultural setting beyond the village edge.
7. The overall effect would be to significantly alter the existing character and appearance of the lane and field behind to one of a more urbanised nature. Although the harm would be localised, the consistent appearance of the lane maintains an important rural character which separates the edge of the village and Fields End Farm, which would be eroded along a significant length by the proposal. The introduction of the proposal would cause unacceptable harm in this respect.
8. I note the appellant's submissions regarding the context provided by proximity to Craigmere. For the reasons stated above, Craigmere is not readily visible on arriving in the village and therefore the proposal would be seen to significantly extend development and alter the character on the west side from the property Five Farthings southwards. Notwithstanding this, the argument of a shared boundary with existing residential development on one side only is not a compelling one. Whilst it does provide some context for onward development, it is an argument that could be easily repeated to continuously extend development outwards on most roads, causing cumulative harm to the countryside. I have considered this case on its merits and I do not give proximity to Craigmere significant weight, particularly given the limited prominence of the dwelling in the view from the lane outside the village, its expansive garden which lies on the opposite side of the property to the village, and the access track which further separates it from the appeal site.
9. There is no evidence to suggest that the fallback position identified by the appellant relating to hedgerow removal to an agricultural field would be implemented for any other reason than to facilitate the appeal proposal. Therefore, to my mind, the removal of the hedgerow remains a direct consequence of the appeal proposal, and as a result the issue of fallback should be given limited weight in this case.
10. The appellant has made extensive submissions in relation to the effect on landscape character. Whilst I acknowledge that the effect outlined above would be localised, I note that the documents referenced by the appellant support the importance of hedgerows in the area. For example, the Natural England document¹ refers to key characteristics being '*Winding rural lanes, bounded by verges and hedgerows, connecting villages and hamlets...*', which

¹ National Character Area profile: 140. Yeovil Scarplands, Natural England

to my mind is a good description of Chessels Lane to the south of the appeal site. Furthermore, the appellant's submission references a 1993 South Somerset District Council document 'The Landscape of South Somerset' and states that *'it is the hedge which is most notable in this relatively tree-less landscape'*. I accept that the value of the short length of hedge in the wider undesignated landscape is limited, such that its loss would not cause significant harm to landscape character. However, the above observations reinforce my earlier findings that the proposal would cause unacceptable harm to local character and appearance on the lane, which is representative of the prevailing character of the area.

11. Policy EQ2 of the South Somerset Local Plan (2006 – 2028), adopted 2015, the 'Local Plan', is a general policy applicable to all development. It requires high quality development, which promotes local distinctiveness and preserves or enhances the character and appearance of the district. It does not relate to housing supply and therefore does not fall to be considered against the latter part of paragraph 49 of the National Planning Policy Framework (the Framework). On this basis I find no reason to reduce its weight as an up-to-date development plan policy.
12. For the reasons set out above, I have found that the appeal proposal would fail to reinforce local distinctiveness and respect the local context in which it sits, which would be contrary to criteria in Policy EQ2. Whilst it would accord with other criteria in the policy, including one relating to landscape character, the harm caused to local character and appearance would be sufficient to conflict with the policy as a whole.

Other Matters

13. I note that the appellant, the Council and some interested parties have made submissions which reference Policies SS1 and SS2 of the Local Plan. South Somerset District Council acknowledge that, despite the recent adoption of the Local Plan, they cannot demonstrate a 5 year supply of deliverable housing sites. Policies SS1 and SS2 of the Local Plan are not referenced in the Council's reasons for refusal. Notwithstanding this, the officer's report identifies that these policies *'have an important (although not exclusive) function of determining the housing supply'*. Therefore, the policies clearly fall within the remit of paragraph 49 of the Framework and should be considered out-of-date in this case. I therefore afford them limited weight.
14. The range of services set out by the appellant in the local vicinity is supported by the Council's decision² at the former stables at Cedar Lodge in the same village. Having observed the relationship between the two villages of Charlton Adam and Charlton Mackrell and the location of facilities to meet basic daily needs, I see no substantive reason to conclude that the location of the appeal site would be significantly less sustainable than the aforementioned application.
15. The appellant has submitted a signed Section 106 agreement relating to an affordable housing contribution, required by Policy HG4 of the Local Plan. However, a recent Court of Appeal judgement³ has reinstated the Written Ministerial Statement (WMS) of 28 November 2014 as national planning policy

² Application reference 14/02726/OUT (included in the appellant's Appendix 8 to their appeal statement)

³ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council C1/2015/2559; [2016] EWCA Civ 441.

in respect of affordable housing contributions for small scale developments. This change is reflected in updated paragraphs in Planning Practice Guidance (including paragraph ID 23b-031-20160519), which states that '*affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.*' As a single dwelling the appeal proposal would be captured by the exclusion in the WMS and the guidance. Both the appellant and the Council have had an opportunity to consider this matter in subsequent submissions.

16. In the supporting text to Policies HG3 and HG4, the Local Plan acknowledges that the threshold for contributions to affordable housing was understood to be at risk of change pending legal proceedings. In particular it notes that '*Policy HG3 and Policy HG4...remain part of the local plan until it is shown conclusively that the policy is replaced by the Government's approach*'. Whilst formal alteration of the Local Plan has not occurred in this respect, it is clear that the Council intended to abide by the Government's confirmed position following legal proceedings.
17. Although I accept the appellant's assertion that there would likely be an on-going need for affordable housing in South Somerset, the WMS is clear that contributions should not be sought in this case. My interpretation of the WMS and the Local Plan is that the obligation would no longer be necessary to make the development acceptable in planning terms, as the relevant Local Plan policy is not aligned with current national policy, nor is the obligation any longer directly related to the development by means of the same policy. In this respect the planning obligation fails to meet two of the tests set out in the Framework (paragraph 204) and I therefore give it limited weight in the planning balance.
18. Although a third party raised matters relating to the ecological value of the hedgerow, insufficient evidence was included for me to conclude that a risk of significant harm would be likely.

Conclusion

19. I have found that the proposal would not protect or enhance the natural environment in respect of its effect on character and appearance. On this basis, it would conflict with the environmental aspect of sustainable development identified in the Framework. Whilst there would be economic and social benefits from the provision of a new dwelling and its contribution to the shortfall in housing supply these would be modest and would be significantly and demonstrably outweighed by the harm caused.
20. I therefore dismiss the appeal.

R Gully

INSPECTOR

Appeal Decision

Site visit made on 15 March 2016

by Karen Radford BA (Hons), Dip Arch, Dip Arch Cons, IHBC

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

Decision date: 29 June 2016

Appeal Ref: APP/R3325/W/15/3140061

Land adjacent to Corner Farm, Devenish Lane, Bayford, Wincanton, Somerset BA9 9NQ

- 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 Hopkins Developments Ltd. against the decision of South Somerset District Council.
 - The application Ref 15/03729/FUL, dated 2 August 2015, was refused by notice dated 5 October 2015.
 - The development proposed is the erection of two semi-detached dwellings and ancillary works.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have noted that the refusal decision notice makes reference to a proposed garage and its proximity to the public footpath. However a revised site layout drawing (no. 140-A4-151204) was submitted with the appeal which shows that the garage would be omitted. This amended layout would be a minor change to the overall scheme, and I do not consider anyone would be prejudiced by me considering this alternative site layout. Therefore I have determined the appeal on the basis of there not being a garage.
3. I have also noted that this site plan drawing shows a total of five car parking spaces on the site, these being indicated as two spaces for each dwelling with one extra unallocated space. The Council Officer's report states that there are three spaces per dwelling, but this number is not shown on the drawing and I have determined this appeal on the basis of a total of five spaces.
4. The Council's statement says that the public right of way is proposed to be closely bound, however from my site visit I saw that the site boundary to the public right of way has already been demarcated with a close boarded fence, and I have considered the appeal on this basis.

Main Issues

5. The main issues are the effect of the development on :-
 - The character and appearance of the area,

- The living conditions of the future residents with particular regard to private external amenity garden space,
- The public right of way,

And, whether the development would provide sufficient parking provision for future occupiers.

Reasons

Character and appearance

6. The appeal site, a small vacant area of land is located in Devenish Lane, which is a very narrow dead-end road. It is in a prominent position within the surrounding area because it is positioned on a bend in the Lane.
7. The site relates both visually and due to its proximity, physically to the residential development which is on either side of this section of the Lane. This area has retained an attractive semi-rural quality.
8. Whilst these properties are varied in their appearance, the area does have a degree of unity, with dwellings having a strong relationship to the Lane. They tend to have a wide front elevation which is parallel to the highway, a prominently positioned front entrance door and a generous front garden. Although the front building line is not completely uniform, all the immediately adjacent dwellings are set back from the Lane by approximately 5 -6 metres. However the garage at the adjacent property Corner Farm House, which is closer to the Lane, is the exception.
9. Immediately adjacent to the south boundary of the appeal site is a public footpath and public right of way, which has been separated from the site by a high close boarded fence. Beyond the footpath there is a large new residential housing estate. These modern houses form part of a larger estate known as Deansley Way, which has its vehicular traffic access from elsewhere.
10. Although the rear of some these new houses can be seen from Devenish Lane, and this new estate is connected by a pedestrian link to the Lane at a junction very close to the appeal site, to my mind the appeal site has its principal relationship with the older houses in Devenish Lane and not this new estate.
11. The proposed development would be for two semi-detached two storey houses, each having three bedrooms and two parking spaces. There would be a vehicular access to the site approximately 5 metres wide, which would be shared by both dwellings, with another parking space located on the access driveway. The principal entrances to the houses would be from this access driveway. The rear elevations of both houses would face onto and be close to Devenish Lane, with the north-west corner of Plot 1 being one metre from the Lane.
12. Despite the appeal land having a visual connection with the properties in Devenish Lane, the proposed dwellings would turn their back on the Lane and these properties. Instead their front and principal elevations would be focused on the new access drive which given its width would look very suburban in this semi-rural area. The rear of new houses and the rear gardens would be close to the Lane which would be an untypical and uncharacteristic arrangement for the area.

13. In addition the front elevations of the proposed houses would face the rear of the recently built houses which would not reflect the general pattern of residential development in the area.
14. I have considered the Council's comments and evidence regarding the plot sizes on either side of Devenish Lane on entering the "S" bend, being similar to each other including the recent permissions for three dwellings (ref: 14/00479/FUL) on the south side of Devenish Lane. I agree with these comments and evidence and I consider that plot size is one of the determining factors in the character of an area.
15. Whilst I acknowledge that the appellant has prepared an analysis of a number of properties in the area with their plot coverage and density and compared the outcomes to the size and density of the appeal site, this analysis has mainly focused on the adjacent new housing plots. However I consider the appeal site to have a limited relationship to the new housing plots, and so I give little weight to this analysis.
16. My attention has been drawn to the appellant's argument concerning the architectural appearance of the building being appropriate, however this aspect of the proposals is not in dispute and consequently I have given limited weight to this point.
17. For the reasons outlined above I find that the proposed houses would have an adverse impact on the character and appearance of the area.
18. Therefore, the development would not be in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028, which aims among other things to ensure that development reinforces, respects local distinctiveness, context and character. In addition, the development would not be in accordance with paragraph 17 of the National Planning Policy Framework (the Framework) which seeks to ensure that development takes account of the different roles and character of different area.

Living conditions of future residents

19. I have noted that Plot One would have an external amenity/garden area of approximately 110 sq. metres with Plot Two having approximately 156sq metres. These areas would exclude parking spaces, front driveway and public footpath.
20. The proposed houses would be three bedroom dwellings and therefore be family accommodation, with each garden needing to provide such things as a space for a shed, refuse storage and private amenity space.
21. Both gardens would be located adjacent to Devenish Lane and this close proximity would compromise their privacy. Furthermore the garden to the rear of Plot Two would be north facing, remaining in shade for a significant period of the day.
22. I have considered the proposed gardens sizes, in conjunction with the proposed family use, their orientation and the proximity of Devenish Lane, and for the reasons outlined above I find that the proposed gardens and external amenity space would harm the living conditions of the future residents.

23. However I acknowledge the appellant's comment that there is not a policy or guidance with specific reference to size of amenity space. Nonetheless for the reasons given above I consider that the proposed gardens would be inadequate.
24. For the reasons outlined above, I find that the proposed development harm the living conditions of the future residents.
25. Therefore, the development would not be in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028, which aims among other things, to ensure that new development creates quality places. In addition, the development would not be in accordance with paragraph 17 of the Framework which seeks to ensure that development always secures high quality design and a good standard of amenity for all future occupants of land and buildings.

Public footpath and public right of way

26. The appellant contends that the close boarded fence has been erected in accordance with the provisions of the Town and Country Planning (General Permitted Development) Order 2015 and it is not for me, in this appeal, to make any determination in respect of it. However I noted on my visit that it did appear uninviting and given the height of the fence I question whether the new houses would provide passive surveillance over the footpath as asserted by the appellant or that a vehicle parked in the adjacent parking space would have any impact on the footpath. I have insufficient information about the width of the footpath prior to the erection of the fence to determine whether it has been narrowed by its erection or not. But the boundary treatment along the footpath of any approved development could be regulated by the imposition of a condition and in those circumstances I consider that there would be little or no harm arising from the development and that there would be no conflict with Policy EQ2 of the South Somerset Local Plan 2006-2028.
27. I acknowledge and accept that the new houses would provide some passive surveillance over the footpath. Although the effectiveness of this surveillance is questionable, given the height of the close boarded fence.
28. The Council state that the public right of way would be narrowed however I have no evidence before me to confirm this, or to confirm how wide the right of way should be if it has been narrowed by the erection of the fence. Consequently I have given limited weight to this statement.
29. As the garage is no longer part of the proposals, and the fence has been erected under the General Permitted Development Order (2015), on balance I do consider that the change to the public footpath and right of way is in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028 and with paragraph 17 of the Framework.

Parking provision for future occupiers

30. The parking provision proposed would be two spaces per dwelling with an extra space on the access driveway, making a total of five parking spaces for the development.
31. Policy TA6 of the South Somerset Local Plan 2006-2028, requires parking to be in accordance with the parking standards in the Somerset County Council

Parking Strategy. In this document the required number of parking spaces for a three bed house varies according to its location.

32. I have noted that the Council consider the site to be in the Parish of Stoke Trister, which under the County Council's Parking Strategy for a three bed house would require three parking spaces per dwelling plus visitors' parking. Whilst the appellant considers the site to be in Wincanton, which would require two and half parking spaces for a three bed dwelling, plus visitors' parking space. Because the parish boundary runs approximately through the middle of the site, both parties are partially correct in their assessment of the parking requirements.
33. However whilst notwithstanding the issue of the Parish boundary, I have noted that accepting the site to be in Wincanton the required total number of spaces would be five plus visitors' parking, and the proposed total of parking spaces would only be five with no allowance for visitors' parking.
34. Therefore for the reasons outlined above I find that the proposals would result in insufficient parking provision for the future occupiers of the properties.
35. The development would not be in accordance with Policy TA6 of the South Somerset Local Plan 2006-2028.

Overall Planning Balance

36. My attention has been brought to the Council's lack of five year housing land supply. The Council relies in part on Policy EQ2 which requires that development makes efficient use of land whilst having regard to housing demand and need. It controls the location of development including housing so it is a "relevant policy for the supply of housing". However in the absence of a five year supply that policy is out-of-date.
37. However although paragraph 14 of the Framework provides a presumption in favour of sustainable development, it also requires the balancing of adverse impacts of development against the benefits.
38. Therefore whilst I acknowledge that the development would be situated in an accessible location, I have found that the proposed development would be detrimental to the character and appearance of the surrounding area and the living conditions of the future occupiers, and insufficient parking for future residents. Consequently there would be conflict with the Framework and these factors all weigh heavily against allowing the proposed development.
39. The Framework makes clear however that there are three elements to sustainability, these being environmental, economic and social. The proposed development would provide some economic benefit to the wider area during the construction process and two additional units of housing would have a positive influence in terms of the social benefits. However these benefits would be very minor.
40. However, to my mind the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. The proposals cannot therefore be considered to be sustainable development.

Other matters

41. I have also considered the information submitted by the appellant in relation to flood risk and damage, ecology and access. However none of these matters have led me to reach a different conclusion.

Conclusion

42. For the reasons given above and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Karen Radford

INSPECTOR

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 East Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 10am.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 9.45am.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
14	CARY	16/00666/OUT	Outline application for the erection of a detached dwelling with all matters to be considered at this stage	Land at The Barn House, Woolston Road, North Cadbury	Mr & Mrs P Randall
15	CAMELOT	16/00725/OUT	Outline planning application seeking permission for mixed use redevelopment (residential/commercial) together with associated works and access ways	Haynes Publishing, High Street, Sparkford	HPG Ltd and Haynes Developments
16	BLACKMOOR VALE	16/01259/FUL	Erection of a new dwelling	Land adjoining Keyham Cottage, Vale Street, Henstridge	Mr & Mrs R Kearley
17	TOWER	16/00381/S73	Removal of condition 1 (occupancy) attached to 13/03252/S73A	Grove Farm Quarry, Lime Kiln Lane, Pitcombe	Mr R Comer & D York

Agenda item 18 – The planning application for Henstridge Airfield will be considered no earlier than 12.30pm.

Members of the public who wish to speak about the planning application for Henstridge Airfield are recommended to arrive for 12.15pm.

18	BLACKMOOR VALE	15/04069/FUL	The continued use of Henstridge Airfield, for both recreational and business use subject to conditions and a 106 Agreement to cover that which cannot be lawfully conditioned against	Henstridge Airfield, The Marsh, Camp Road, Henstridge	Mr G Jarvis, Losan Ltd
----	-------------------	--------------	---	--	---------------------------

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

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

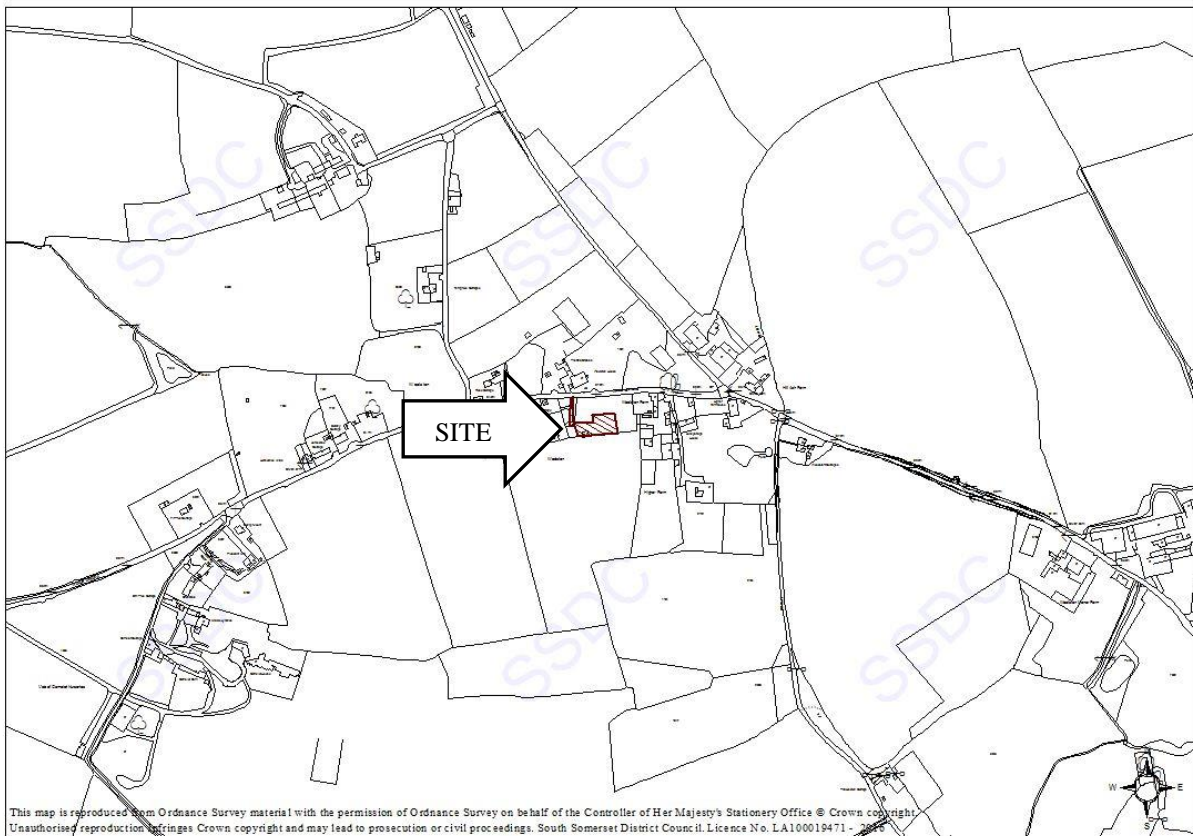
Agenda Item 14

Officer Report On Planning Application: 16/00666/OUT

Proposal :	Outline application for the erection of a detached dwelling with all matters to be considered at this stage.
Site Address:	Land At The Barn House Woolston Road North Cadbury
Parish:	North Cadbury
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	12th April 2016
Applicant :	Mr & Mrs P Randall
Agent: (no agent if blank)	Mr Matt Williams Wessex House High Street Gillingham Dorset SP84AG
Application Type :	Minor Dwellings 1-9 site less than 1ha

The application was considered at Area East Committee on 11th May 2016 at the request of the ward members, and with the agreement of the area vice-chair, in order to allow local support for the scheme to be publicly debated. The committee resolved to defer the application to seek additional information regarding appearance, landscaping, scale, and layout. Such information has now been received and consulted on. The following report has been updated to reflect the new nature of the application and the results of the new consultation.

SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for the erection of a single storey dwelling, however no matters are now reserved for future consideration. The site consists of a field laid to grass, containing a small, open-fronted, agricultural building. The site is located outside of the development area as defined by the local plan. The site is close to various residential properties and open countryside.

It is proposed to derive access from an existing driveway that currently serves two dwellings.

The proposed dwelling will be of two storey construction, designed as a chalet-bungalow, with a single storey detached garage/workshop to replace the existing building on site. The proposed buildings will be finished in natural stone under slate roofs.

No landscaping is proposed other than the maintenance of the existing roadside hedge.

HISTORY

None relevant

POLICY

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

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

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

- Policy SD1 - Sustainable Development
- Policy SS1 - Settlement Strategy
- Policy SS2 - Development in Rural Settlements

Policy EQ2 - General Development
Policy EQ3 - Historic Environment
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards
Policy HG4 - Provision of Affordable Housing: Sites of 1-5 Dwellings

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design

CONSULTATIONS

North Cadbury and Yarlington Parish Council - Initially they noted that there would be need for further consideration at the detailed planning stage, and recommended approval of the outline application. On the receipt of the additional information requested by committee, they agreed to maintain their recommendation of approval.

County Highway Authority - Standing advice applies

SSDC Highways Consultant - Initially raised concern that improvements to the existing access are likely to be required but that no details of any such improvements had been provided. On the receipt of details of possible highway improvements from the applicant he confirmed (verbally) that without the improvements the scheme is unacceptable, and even with the possible improvements the available visibility is still substandard. On the receipt of the additional information requested by committee, he maintained his objection to the scheme on the grounds that the proposal represents an increase in use of a substandard access.

SSDC Conservation Officer - He initially made the following comments:

"Woolston is a small hamlet with a scattering of historic farmsteads and larger houses. It has seen little change during the C20th. The architectural and historic interest of the area is recognised through the designation of a conservation area. The field identified for development has some value as an open space within this context - in fact many of the gaps between the buildings in an area of scattered built form such as this are important to the character of the area. It appears to have historically been used as an orchard and is likely to have been easily viewed from the road without the current evergreen hedge. The open intervening fields relate to the former agricultural use of the surrounding buildings. Opposite the site is a fine detached C19th property, which although not listed is of great value as a component of the conservation area. This property was most likely orientated to enjoy an open view to the south across the fields.

I am afraid I consider the principle of introducing a new dwelling into this context to cause harm to the character of the conservation area. In accordance with paragraph 134 of the NPPF it is difficult to see what public benefit the building could offer, so I suggest that the application should be refused."

On the receipt of the additional information requested by committee, he made the following additional comments:

"We are now in a position where the design and siting of the building has also been submitted. The building proposed is a large five bedroom bungalow. It is of a building type and scale that is wholly at odds with the established character of the area and has been positioned right in the middle of what is currently an open field, of value to the character of the conservation area. It would appear that no effort has been made to design something that responds appropriately to the character and distinctiveness of the area.

I feel we are now in a stronger position to refuse the application on the basis of the harm the proposal will cause to the character of the conservation area, as a designated heritage asset."

SSDC Landscape Architect - Agrees the comments of the conservation officer.

REPRESENTATIONS

When the application was considered in May the following was true:

Letters of objection were received from the occupiers of 2 neighbouring properties. Objections were raised on the following grounds:

- *Concerns over highway safety dues to an existing substandard access*
- *Concerns over the impact on the character of the conservation area, and potential for setting an undesirable precedent.*
- *Concerns that additional hedge planting will have an adverse impact on the open aspect of the neighbourhood.*

One letter was received from the occupier of a neighbouring property raising no objections to the principle of development but raising concerns that the proposal should be in keeping with the surrounding houses.

Letters of support from the occupier of 4 neighbouring properties were provided by the applicant. Support was expressed for the following reasons:

- *General support.*
- *The building will have no adverse impact on the character of the area, as it would be well screened from the road.*
- *The building will be well away from neighbouring properties.*

On the receipt of the additional information requested by the committee seven letters of objection were received from the occupiers of neighbouring properties. Objections were raised in the following areas:

- *Concerns over the impact on the character of the conservation area, and potential for setting an undesirable precedent.*
- *Concerns over highway safety dues to an existing substandard access*
- *Concerns that the proposal does not reflect the original outline description being two storey rather than single storey.*
- *Concern that the proposal will have an adverse impact on neighbouring amenity by way of loss of light and outlook.*

One letter was received from the occupier of a neighbouring property raising no objections to the principle of development but highlighting the narrowness of the highway.

CONSIDERATIONS

Principle of Development

The additional information received does not change the issues regarding the principle of development. As such, the discussion below remains the same as when the application was considered in May.

The site is located outside of the development area as defined by the local plan, where development is usually strictly controlled. Policy SS2 of the local plan allows for some scale development in rural settlements with basic facilities, such as North Cadbury. However, whilst the site is in the parish of North Cadbury, the hamlet of Woolston is some distance from the main settlement of North Cadbury (with the site being some 1.3km from the main built up area of North Cadbury), along a road with no pavements or street lights. As such, the future occupiers of any dwellings on this site are likely to be dependent on the private motor vehicle for their day to day needs. The site is not considered to be within the rural settlement of Woolston and, consequently, the exceptions to restrictive rural development policies set out by policy SS2 are not considered to apply.

In any case, the applicant has argued that, in the absence of five year supply of housing land, policy SS2 should be set aside and the development considered against the sustainability criteria set out in the NPPF. They argue that the development would fulfil an economic role by providing employment within

the construction sector, by increased demands for local goods and services, as well as the financial benefit of the New Homes Bonus and subsequent taxation. They state that the social role would be fulfilled by contributing to local housing supply and by providing a specific type of dwelling that will meet the needs of an ageing population. They also argue that the dwelling will help to maintain the vitality of the rural community and will provide a contribution towards the provision of affordable housing. They argue that, in terms of the environmental role, that the development would not have a detrimental impact on the local landscape, that it will be located where there are opportunities for sustainable travel which can reduce carbon emissions, that it will not add to flood risk, that there are opportunities to provide net gains in biodiversity, that there will be no adverse impact on heritage assets, and that a the dwelling could be designed to ensure a safe and comfortable living environment is provided for the occupants of the property.

It is accepted that the development will offer a small economic benefit in providing employment within the construction sector, and that there will be a social benefit in providing a contribution towards the supply of housing within the district, and a possible social benefit if the occupation of the dwelling was restricted to people of retirement age, as suggested by the applicant. However, there will, notwithstanding the arguments of the applicant, clearly be an adverse impact on the environment in terms of the likely reliance of future occupiers on the private motor vehicle for all of their daily needs. The applicant has argued that North Cadbury, and the services it offers, are within walking distance of the site. However, it is considered that, in the absence of street lights and pavements, it is unlikely that anybody would attempt this walk for any of their daily needs. It is not considered that the benefit of providing a single dwelling towards the housing supply in South Somerset, even when combined with the other small benefits of the development identified above, is significant enough to outweigh the harm to the environment that would be created by the provision of a dwelling in this location outside of any significant settlements and remote from services, facilities, and employment opportunities. Furthermore, the scheme does not meet any of the criteria laid out in paragraph 55 of the NPPF for diverging from restrictive countryside development policies.

As such, the principle of a single dwelling in this location is not considered to be acceptable, and does not accord with the policies of the local plan and the aims and objectives of the NPPF.

Highways

The additional information received does not change the issues regarding highways. As such, the discussion below remains the same as when the application was considered in May.

It is considered that there is sufficient space on site to achieve an appropriate level of parking and turning in accordance with the Somerset Parking Strategy. This could be secured through appropriate conditions on any permission issued.

Local concerns have been raised as to the impact of the scheme on highway safety, in relation to the substandard vehicular access. The highway authority was consulted as to the impact of the scheme. They referred to their standing advice. The SSDC Highways Consultant was consulted and raised an objection to the scheme on the grounds of highway safety. The existing access is clearly substandard in terms of the visibility offered, and the proposal represents a fifty percent increase in its use. The applicant has offered to make improvements to the access but, even with such improvements, has not been able to demonstrate that the required level of visibility can be achieved. For some reason they have shown a visibility splay to the east to the offside carriageway edge, rather to than the nearside edge as it should be measured. If measured to the nearside edge, as it should be, the amount of visibility on land within the applicant's control is approximately 16.5 metres. If the visibility is measured to the centre of the carriageway, as it could be argued is appropriate when considering traffic approaching from the left, the available visibility is approximately 30 metres. Whilst the applicant has suggested that actual vehicle speeds are likely to be significantly lower than the 60mph speed limit, they have not demonstrated that vehicle speeds are as low as 20-25mph, which would be the maximum appropriate for the available visibility to the east, if the visibility is measured to the centre of the carriageway (as based on the figures in Manual for Streets). If the visibility is measured to the nearside carriageway, as set out in the highway authority standing advice, the visibility is only sufficient for vehicle speeds of 15mph.

As such, it is considered that it has not been demonstrated that a safe and efficient means of access to the site can be achieved, contrary to policy TA5 of the South Somerset Local Plan.

Visual Amenity

The site is located in a rural area and with a conservation area. As such, the SSDC Landscape Architect and the SSDC Conservation Officer were consulted as to the impact of the development on the visual amenity of the area. The conservation officer considers that the open spaces within the conservation area contribute significantly to its character, and the specific open space in question is important to the setting of a fine detached C19th property, which although not listed is of great value as a component of the conservation area. He contends that this property was most likely orientated to enjoy an open view to the south across the fields. He therefore considers the principle of introducing a new dwelling into this context to cause harm to the character of the conservation area. The SSDC Landscape Architect concurs with this view. Whilst the harm to the heritage asset is arguably less than substantial, there are no clear and convincing public benefits arising from the development to outweigh such harm. The additional information received from the applicant has in no way alleviated the concerns of the conservation officer and the landscape architect in relation to the principle of development, and the valuable contribution of the open space to the character of the conservation area. Furthermore, they now argue that the proposed building is of a type and scale that is wholly at odds with the established character of the area and has been positioned right in the middle of what is currently an open field, of value to the character of the conservation area. They state that it would appear that no effort has been made to design something that responds appropriately to the character and distinctiveness of the area.

As such, in accordance with local concerns, it is considered that the proposed development does not preserve or enhance the character of the conservation area contrary to policies EQ2 and EQ3 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Residential Amenity

Due to the size of the plot, the size, position and orientation of the proposed dwelling, and the position of adjoining dwellings, it is considered that the proposed dwelling would cause no demonstrable harm to the residential amenity of adjoining occupiers.

Therefore, notwithstanding the concerns of neighbouring occupiers in regard to loss of light and outlook, the proposal is considered to have no adverse impact on residential amenity in compliance with policy EQ2 of the South Somerset Local Plan.

Contributions

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district.

In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less.

It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore we are not seeking an affordable housing obligation from this development.

We will also not be seeking any contributions towards Sports, Arts and Leisure (Policy SS6) as the same principle applies.

Other Matters

A concern has been raised locally that additional hedge planting will have an adverse impact on the open aspect of the neighbourhood. However, hedge planting is not development and therefore cannot be restricted through the planning system.

A neighbour has raised a concern that the proposal does not reflect the original outline description, being two storey rather than single storey. Whilst this is indeed true, the fact that it does not reflect the original description of development is not, in itself, a reason for the development to be constrained. Proper consultation has taken place that allows the scheme to be properly considered at this time.

Conclusion

Whilst the impacts of the development are considered to be acceptable in relation to residential amenity, the principle of development, notwithstanding local support, is not considered to be acceptable. The benefit of a single dwelling towards the supply of housing in the district is not considered to outweigh the harm of allowing a dwelling in this open countryside location. Furthermore, it is considered that the proposal would have an adverse impact on the character of the conservation area, and it has not been demonstrated that a safe and efficient means of access to the site can be achieved. The additional information supplied by the applicant has done nothing to address these concerns.

RECOMMENDATION

Refuse for the following reasons:

SUBJECT TO THE FOLLOWING:

01. The proposal would represent new residential development in open countryside, for which an overriding essential need has not been justified. The application site is remote from local services and as such will increase the need for journeys to be made by private vehicles. This identified harm is not outweighed by the contribution of the proposal towards the supply of housing in the district or by any other benefit arising from the scheme. The proposed development therefore constitutes unsustainable development that is contrary to policies SD1, SS1 and SS2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.
02. It has not been adequately demonstrated that a safe and efficient means of access to the site can be achieved, contrary to policy TA5 of the South Somerset Local Plan.
03. The proposed development, by reason of its siting in an open area important to the character of the conservation area and its design that wholly fails to respond to existing local character, will fail to preserve or enhance the character of the conservation area contrary to policies EQ2 and EQ3 of the South Somerset Local Plan and the aims and objectives of the NPPF.

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.

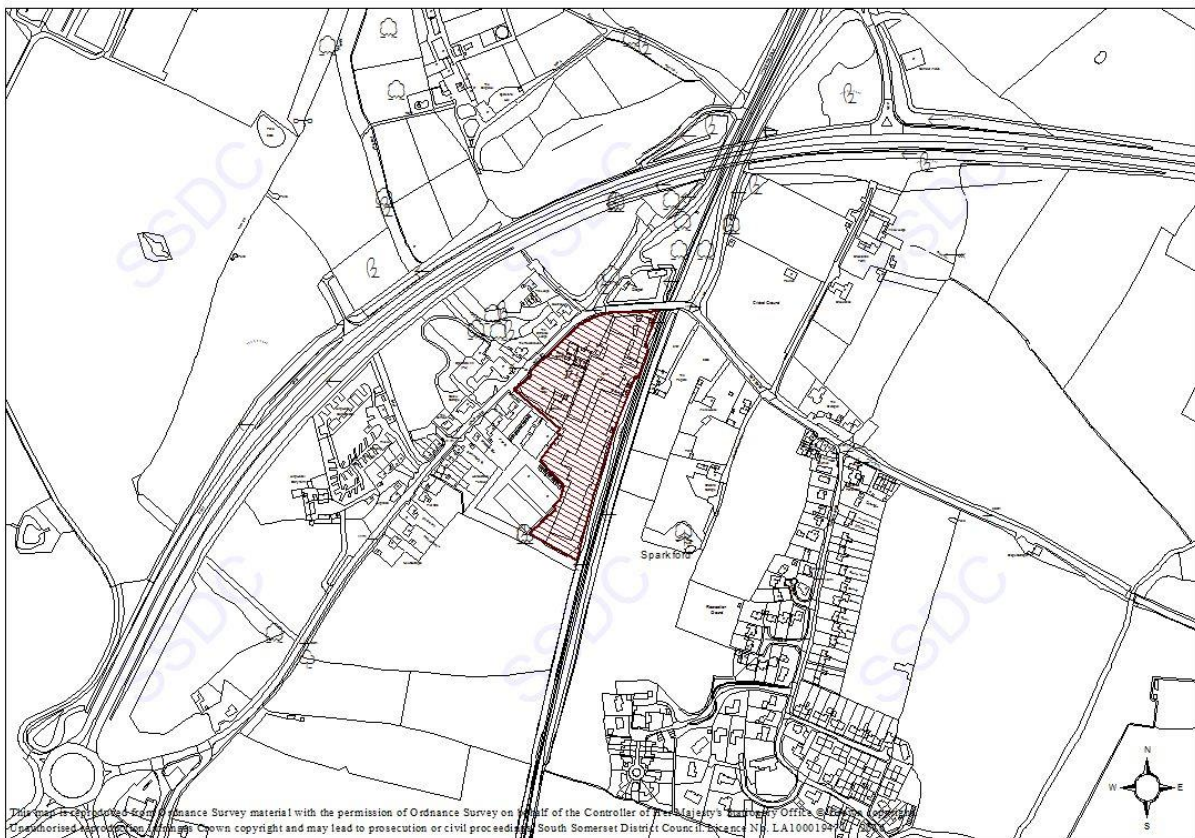
Agenda Item 15

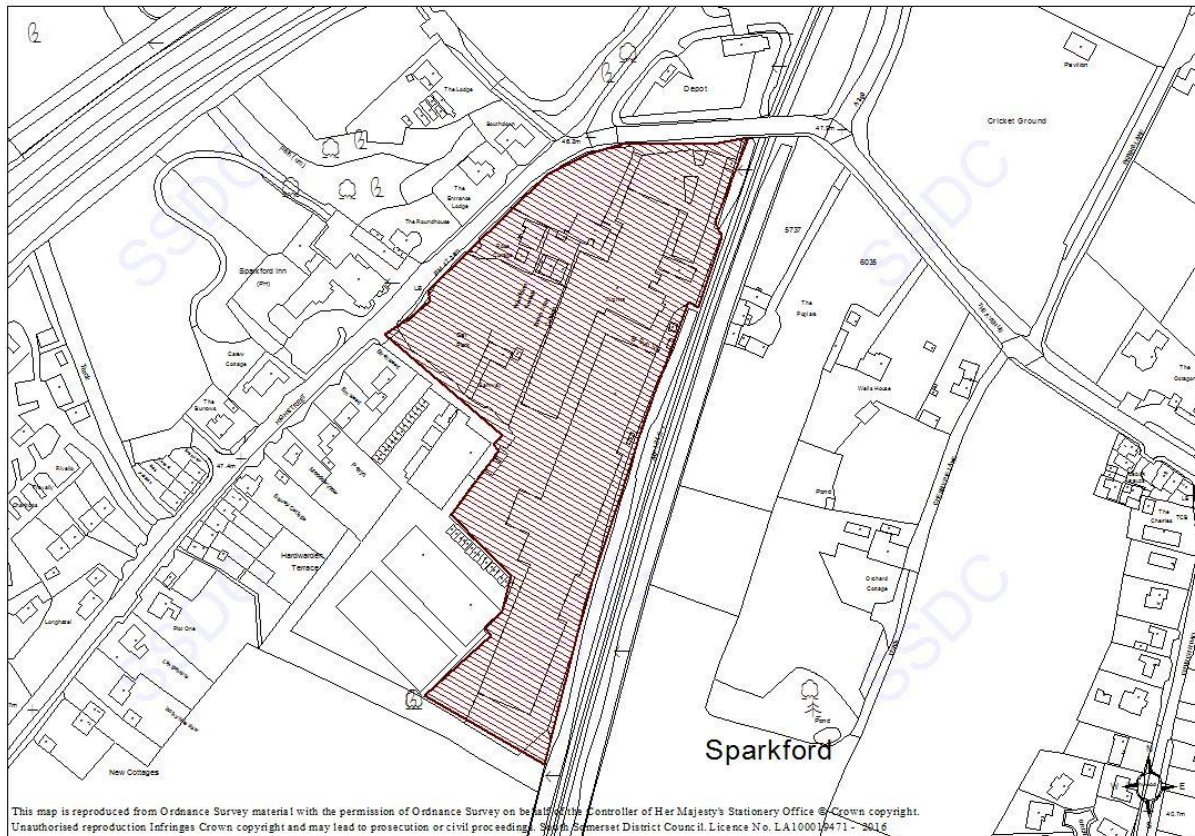
Officer Report On Planning Application: 16/00725/OUT

Proposal :	Outline planning Application seeking permission for mixed use redevelopment (residential/commercial) together with associated works and access ways.
Site Address:	Haynes Publishing High Street Sparkford
Parish:	Sparkford
CAMELOT Ward (SSDC Member)	Cllr Mike. Lewis
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	24th May 2016
Applicant :	
Agent: (no agent if blank)	Shaun Travers Boon Brown Architects Motivo Alvington Yeovil Somerset BA20 2FG
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

The application is before the committee at the request of the area chair to allow local concerns to be debated. The ward member has declared an interest.

SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for mixed use (residential/commercial) development of the site together with associated works and access alterations. Appearance and landscape are matters left for future consideration. Access, layout and scale are to be considered at this stage. The site consists of a large industrial site, including a variety of industrial, office and warehouse buildings, as well as two dwellings in the same ownership. The site is not within a development area as defined by the local plan. The site is close to various residential properties, a public house, and commercial properties. The site is bounded by a railway to the east. The site is close to various grade II listed buildings. It also contains a grade II listed building, originally a dwelling, most recently in use as an office, but with extant planning permission to change the use back to a dwelling.

Plans show the retention of the two existing dwellings and the listed building as dwellings, along with the erection of an additional 45 dwellings and a B1/B2 building of 2,260 square metres of floor area. It is proposed to retain the existing access to serve the B1/B2 building, which would be situated in the southern corner of the site, retaining and extending the road to skirt the south-western boundary of the site. It is proposed to form a new vehicular access from High Street to serve the existing and proposed residential units, which cover the majority of the site. A public garden/memorial is proposed at the north-western edge of the site, and additional public garden further southwest along High Street. It is proposed that the majority of dwellings will be two storey, with a section of two and half storey dwellings along the eastern boundary of the site. The proposed commercial building will be 3 storeys with a flat roof.

HISTORY

None relevant

POLICY

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

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

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in Rural Settlements

Policy SS5 - Delivering New Housing Growth

Policy SS6 - Infrastructure Delivery

Policy SS7 - Phasing of Previously Developed Land

Policy EQ2 - General Development

Policy EQ3 - Historic Environment

Policy EQ4 - Biodiversity

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy HG2 - The Use of Previously Developed Land (PDL) for New Housing Development

Policy HG3 - Provision of Affordable Housing

Policy HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

Policy EP3 - Safeguarding Employment Land

National Planning Policy Framework

Chapter 3 - Supporting a Prosperous Rural Economy

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and Enhancing the Historic Environment

CONSULTATIONS

Sparkford Parish Council - Recommends refusal on the grounds that Wessex Water has not given adequate assurance that the foul drainage system could cope with the proposed additional houses. They state that they have reported drainage problems to Wessex Water, but work due to be carried out by Wessex Water has not been completed. They also raised concerns with the number of access points to the High Street creating safety issues and that no turning has been provided on site for Sparkford Storage who shares the site access. They note that the retention of Rose Cottage and Woodbine Cottage is welcome.

County Highway Authority - Notes that the proposal will only see a small net impact in terms of trip generation and as a consequence the highway authority would not be able to object on traffic impact grounds. They note that the submitted travel plan is deficient in many respects and note that a revised document will need to be submitted to the highway authority. They suggest this can be secured via a section 106 agreement. They note that the application is outline but provide detailed guidance for the applicant as the internal layout and design of the proposed streets. They provide comments as to the proposed drainage strategy but raise no objections in this regard. They conclude that the Highway Authority raises no objection to the scheme and, if permission is granted, require conditions to secure the following:

- The prevention of debris being dragged onto the highway.
- The submission and implementation of a construction management plan.
- Details of the estate roads.
- The construction of roads and footpaths to an acceptable level prior to occupation of the dwellings.
- The construction of the service road prior to the development being brought into use.
- An appropriate gradient of driveway.
- The construction of a network of footpaths and cycleways prior to the occupation of any dwellings.
- Details and implementation of an surface water drainage scheme.

SSDC Landscape Architect - Notes earlier pre-application discussions and confirms that he is fairly relaxed about the potential to redevelop the site, given the visual improvement that will follow the removal of large employment buildings, and the introduction of housing, open space and landscape treatment. He notes there is potential within the proposal plan for meaningful retention and protection of the better tree species within and bounding the site. As such he has no specific issues to raise at this outline stage.

SSDC Ecology - He states that he is satisfied with the submitted ecological appraisal that now includes results of emergence bat surveys. He notes that apart from the farm house which is being retained, the bat survey results were negative. He notes that the NPPF expects development to deliver biodiversity enhancements, and recommends the use of a condition to that effect. He also recommends the use of an informative endorsing recommendations in section 4 of the ecological appraisal.

SSDC Conservation Officer - Notes that Rose Cottage and Woodbine cottage form part of the setting of Home Farm, which is grade II listed building, and as such should be considered as undesignated heritage assets. He suggests that the demolition of these two buildings should be justified, and consideration given to retaining Rose Cottage. Setting this aside he is happy with the proposed layout. He suggests that the garage building attached to Home Farm is detached, and perhaps turned 90 degrees so that it sits alongside the garage at the rear of plot 28.

SSDC Economic Development - Confirms she is satisfied that the site has been adequately marketed by a commercial agent, and that it has been demonstrated the premises are not suitable for continued use solely for employment purposes. She states that a mixed use plan for the site is agreeable and she would not object to the application. She requests that a condition is imposed on any permission to ensure the proposed commercial buildings are brought forwards prior to the occupation of any of the residential properties.

SCC Archaeology - No objections

Wessex Water - Notes the contents of the applicant's flood risk assessment. They confirm that there is sufficient capacity in the local sewer network for predicted foul flows from the development. They state that a proposed sewer diversion is not acceptable and suggests a condition to secure the agreement and implementation of a foul water drainage strategy.

They note that some customers in Sparkford have experienced sewer flooding. They suggest that these were caused by blockages, and the sewers have since been jetted. They state that they are continuing to monitor the situation.

They state that there must be no surface water connections to the foul sewer network and any historic connections must be abandoned.

They advise that there is sufficient capacity within the existing water supply network to serve the proposal, but that buildings above two storeys will require on-site boosted storage.

SCC Sustainable Drainage Officer - No objection to the proposal subject to a condition to secure the agreement and implementation of a sustainable surface water drainage scheme. She confirmed that she is happy for detailed design layouts and calculations to be included in the information provided to discharge her suggested condition.

SSDC Strategic Housing - Notes that 35% of the housing should be affordable and states that this equates to 17 of the 47 units proposed and suggests that of these 11 should be for social rent with the other 6 as intermediate affordable housing solutions. She states the property mix can be agreed with her department at a later date. She states that the minimum space standards should be adhered to and that the rented units should be available to anyone registered on Homefinder Somerset. She then provides a list of approved housing association partners for delivery of affordable units.

SSDC Policy Planner - Notes that development proposals should be decided in accordance with the development plan (consisting of the South Somerset Local Plan) unless material considerations indicate otherwise. He notes that the NPPF is an important material consideration. He notes that Sparkford itself

has a limited range of services and facilities (e.g. pub and village hall), and recognises that there are accessible services nearby e.g. the convenience store at the A303 roundabout within walking distance and the shop/post office, primary school, and doctor's surgery at Queen Camel are just over a mile away. He also notes employment opportunities at Cadbury Business Park, are around one mile away,

He notes that policy SS2 of the local plan indicates how proposal at 'Rural Settlements' such as Sparkford should be strictly controlled and limited. He states that in light of the current lack of a five-year housing land supply, the proposal would meet an identified housing need, including through the provision of 17 affordable dwellings consistent with policy HG3. He states that the proposed provision of employment land is also a benefit and in accordance with policy SS2.

After discussions with the applicant he agreed that, including the current proposal, dwellings built since 2011, and dwellings with planning permission but not yet built, Sparkford could grow by 117 dwellings since 2011, a 42% increase over the pre-existing housing stock of 276 dwellings. He states that this level of housing growth is more than would be expected through the local plan for a settlement at this tier in the hierarchy. He states that although no numeric guide is given in the policies of the plan, housing growth in 'Rural Settlements' should be consistent with the settlement strategy outlined in policy SS1, and commensurate with the scale and character of the settlement.

He notes that community engagement carried out by the applicant indicates general support for the principle of development, consistent with policy SS2.

He notes the substantial loss of employment land that the proposal represents, in conflict with policy EP3 of the local plan. He states that marketing information supplied with the application is limited and advises consultation with the SSDC Economic Development team. He suggests that under paragraph 51 of the NPPF the change of use from commercial buildings to residential can be justified provided there is an identified need for additional housing, and there are not strong economic reasons why such development would be inappropriate. He states that the lack of a five year housing land supply suggests an identified need for housing whilst complying with policy EP3 would address the economic reasons.

He notes that the proposed would be on previously developed land, as supported by policies SS7 and HG2 of the local plan.

He notes that the Council cannot demonstrate a five-year housing land supply and consequently the proposal should be considered in the context of the presumption in favour of sustainable development - granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicated that development should be restricted.

He concludes that *"...the changing production and distribution requirements with regards to the publishing business are acknowledged, as are the benefits of locating housing on previously developed land. The proposal is broadly consistent with policy SS2 subject to considering the impact upon the scale and character of Sparkford, but appears to lack information on marketing to justify such a large loss of employment land (policy EP3). As a key material consideration, paragraph 14 of the NPPF should be considered in making an overall judgement on the application."*

SSDC Community Health and Leisure Service - Requests contributions of £156,610 towards the provision of local facilities, £14,518 towards strategic facilities, £28,945 in commuted sums towards the maintenance of local facilities, and £2,001 as an administration fee. This equates to overall contribution of £4,299 per dwelling.

SSDC Climate Change Officer - Notes that planning statement makes no mention of policy EQ1, or detailed mention of orientation, renewable energy, or sustainable construction. He states that developments should maximise uncluttered roof space facing between SSW and SSE. He states that several of the proposed dwellings are not ideal from this standpoint. He states that it is evident that orientation has not been a determining factor in the design of this development and he therefore objects to the proposal as currently described.

SSDC Environmental protection Unit - Recommends the use of conditions to secure remedial measures for contaminated land, to ensure that all glazing for the proposed housing meets the

specifications of the submitted noise assessment, and to ensure an appropriate acoustic barrier is erected along the boundary of the site with the railway.

SSDC Tree Officer - Notes his involvement at an early stage in the process and concludes that the proposed layout appears to reflect his input very well. He states his only concern is the proposal for low stone walls with the root protection areas of Trees T5, T9, T10 and T11, which could be rather damaging. He suggests that this should be amended. He notes that there are generous indications of new tree plantings. He suggests the use of conditions to secure tree protection measures and a detailed planting scheme.

Natural England - No comments

Highways England - No objections

Police Crime Prevention Design Advisor - Initially raised concerns with the proposed layout. On the receipt of amended plans he confirmed that he is happy to remove his objection. He stated that he would review the fencing of the parking courts and any fenestration offered at gable ends, at the reserved matters stage of the process.

Environment Agency - Raises no objection to the scheme. They note the potential for contaminated land and advise consulting with SSDC Environmental Protection Unit department. They provide informative advice to the applicant in relation to waste management, sustainable construction and pollution prevention.

REPRESENTATIONS

Letters of objection were received from the occupiers of one neighbouring residential property and from one neighbouring business. Objections were received on the following grounds:

- A turning space should be provided for lorries using the objector's storage business, which shares an access with the site.
- The road for industrial and residential should be separate.
- There should be a buffer zone between residential and industrial areas as the objector's business involves early morning vehicle movements and disturbance.
- Adverse impact on the setting of nearby listed buildings.
- The scheme would exacerbate existing highway safety issues.
- The existing street lights on the high street are unattractive and should be replaced.
- The proposal could exacerbate existing drainage issues in the village.

CONSIDERATIONS

History and Principle of Development

The site is located outside of any development areas or directions of growth as defined by the local plan. As such, policy SS2 of the South Somerset Local Plan is of most relevance. However, as highlighted by the SSDC Planning Policy officer, elements of policy SS2 must be considered out of date, as SSDC cannot currently demonstrate a five year supply of housing land. It is noted that Sparkford is a broadly sustainable location, with basic facilities contained within the settlement. It has reasonably good transport links and is close to variety of other services and employment opportunities. The principle of some residential development within the village must therefore be considered acceptable, subject, of course, to full consideration of site specific impacts.

The current proposal is for a net gain of 45 dwellings, which is a significant expansion for a settlement the size of Sparkford and, taken with other recently approved or built development, is a significantly higher level of growth than was envisioned in the settlement hierarchy of the local plan.

The proposal also represents a significant reduction in employment land on site, which could be considered as an adverse impact. Policy EP3 of the local plan seeks to safeguard employment land such as the application site. The SSDC Economic Development Officer was consulted who confirmed

that she is satisfied that the site has been adequately marketed by a commercial agent, and that it has been demonstrated the premises are not suitable for continued use solely for employment purposes. She stated that a mixed use plan for the site is agreeable and she would not object to the application. As such it is considered that the loss of a significant portion of the existing employment land available on site is agreeable and accords with policy EP3 of the local plan. The Economic Development officer requests that a condition is imposed on any permission to ensure the proposed commercial buildings are brought forwards prior to the occupation of any of the residential properties. It is considered that to ensure that at least some employment land is retained a condition along these lines is reasonable.

The proposal does represent the re-use of brownfield land, which must be taken as a positive of the scheme in accordance with policies SS7 and HG2 of the South Somerset Local Plan.

Accordingly, it is considered that the principle of the proposed development is acceptable in accordance with the aims and objectives of the NPPF and policies SD1, SS1, SS2, SS5, SS7, EP3 and HG2 of the South Somerset Local Plan.

Highways

Local concern has been raised in regard to the proposed access arrangements, and the lack of turning on site being provided for a nearby business. However, the highway authority have been consulted and considered the scheme in detail. They have raised no objections subject to the imposition of various conditions on any permission issued. Highways England has also been consulted and raised no objections. As such, it would be unreasonable to raise an objection on highway safety grounds.

Visual Amenity

The site contains a grade II listed building, and is close to a variety of other listed buildings. As such, the SSDC conservation officer was consulted as to the impact of the scheme on visual amenity. He suggested that two existing dwellings should be retained and a small adjustment made to the garage to the existing listed building. Otherwise he raised no objections to the principle of development or the proposed layout. The applicant has amended the plans to retain the two dwellings and to adjust the garage in line with the conservation officer's comments. The SSDC landscape architect was also consulted as to the impacts of the scheme on the wider landscape, and raised no objections. As such, notwithstanding local concerns, the impact of the scheme on the character of the area and the setting of the listed buildings is considered to be acceptable. Subject to further details at the reserved matters stage, it is considered that the proposal would have no adverse impact on visual amenity in compliance with policies EQ2 and EQ3 of the local plan.

Residential Amenity

It is considered that the proposed scheme is unlikely to have any significant impact on the residential amenity of adjoining occupiers by way of overlooking, overshadowing, or overbearing.

The site is located close to a railway line and a number of commercial uses, as well as retaining part of the site itself in commercial use. A neighbour has raised a concern that there should be a buffer between residential and commercial uses. As such, the SSDC Environmental Protection Unit was consulted as to the likely living conditions of any future occupiers. They raised no objections in this regard subject to conditions to ensure that all glazing for the proposed housing meets the specifications of the submitted noise assessment, and to ensure an appropriate acoustic barrier is erected along the boundary of the site with the railway.

Therefore the proposal is considered to have no significant adverse impact on residential amenity, and to secure an appropriate standard of amenity for future occupiers of the development in compliance with policy EQ2 of the local plan and the aims and provisions of the NPPF.

Flood Risk and Drainage

The parish council and a local occupier have raised objections to the scheme on the grounds that the proposal could exacerbate existing surface water and foul drainage issues in Sparkford. Wessex Water,

the Environment Agency, and the SCC Sustainable Drainage Officer were consulted in this regard. None of these consultees raised objections to the scheme in regard to drainage matters, all being content that the scheme could achieve an appropriate drainage scheme subject to conditions on any permission granted. Whilst the scheme may not improve the drainage system for existing residents of Sparkford, it has been adequately demonstrated that it will make the situation no worse. As such, it would be unreasonable to refuse the application in relation to drainage matters.

Ecology

The SSDC Ecologist was consulted as to the impact of the scheme on protected species. He stated that he is satisfied with the submitted ecological appraisal that now includes results of emergence bat surveys. He noted that apart from the farm house which is being retained, the bat survey results were negative. He noted that the NPPF expects development to deliver biodiversity enhancements, and recommends the use of a condition to that effect. He also recommends the use of an informative endorsing the recommendations in section 4 of the ecological appraisal.

Contributions

Policy HG3 of the local plan requires that 35% of the housing provided on site. However, the applicant has referred to the guidance on 'vacant building credit' contained within the national Planning Practice Guidance (PPG). The guidance indicates that a credit, against potential affordable housing contributions, should be given for all vacant floor area to be brought back into use, or demolished and replaced by a new building. In this case, the amount of vacant floor area to be demolished is significantly greater than the area of new build residential. As such, according to the methodology indicated in the PPG, the credit offered should be 100% of the normal affordable housing contribution. As such, no affordable housing contribution can be sought in this case.

The SSDC Community Health and Leisure Service has requests contributions of £156,610 towards the provision of local facilities, £14,518 towards strategic facilities, £28,945 in commuted sums towards the maintenance of local facilities, and £2,001 as an administration fee. This equates to overall contribution of £4,299 per dwelling. The applicant has indicated that they would be willing to enter into a s.106 agreement with the council to secure such a contribution.

Other Matters

The SSDC Climate Change officer raised an objection to the proposal as the scheme has not been designed with solar orientation in mind. Whilst this may be true, there are several other conflicting constraints on the layout of the scheme, which must be taken into account. The lack of priority given to solar orientation is not considered to outweigh the other constraints on design, in particular the setting of listed buildings.

The SSDC Tree Officer was consulted. He noted his involvement at an early stage in the process and concludes that the proposed layout appears to reflect his input very well. He did raise a concern with proposal for low stone walls within the root protection areas of Trees T5, T9, T10 and T11, which he considered could be rather damaging. It is considered that this small matter could be satisfactorily addressed at the reserved matters stage. He notes that there are generous indications of new tree plantings, and suggested the use of conditions to secure tree protection measures and a detailed planting scheme. Such conditions are considered to be reasonable.

The SSDC Environmental Protection Unit has suggested the use of a condition to secure remedial measures in relation to possible contaminated land. Given the former industrial use of the site, the imposition of such a condition is considered to be reasonable.

The police initially raised concerns with the proposed layout of the site in relation to security issues. However, on the receipt of amended plans they confirmed that they are happy to remove their objection. They stated that they would review the fencing of the parking courts and any fenestration offered at gable ends, at the reserved matters stage of the process.

A local concern was raised that the existing street lights on the High Street are unattractive and should

be replaced. Whilst this may be true, it is not a matter that should constrain the currently proposed development.

Conclusion

Accordingly the proposal is considered to be acceptable in this location, and to cause no significant adverse impact on the character of the area, the setting of the nearby listed building, highway safety, drainage and flood risk, protected species, or residential amenity.

RECOMMENDATION

That application reference 16/00725/OUT be approved subject to:-

- a) The prior completion of a section 106 agreement or unilateral undertaking (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-
 - 1) Secure a contribution of £4,299 per dwelling towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing).
 - 2) Secure the submission and implementation of an appropriate travel plan to the satisfaction of the County Highway Authority.
- b) The following conditions:

Justification

01. The principle of residential development is considered acceptable, as the benefits of the proposal are considered to outweigh the adverse impacts on the settlement hierarchy of the local plan and the loss of employment land. The proposed development of the site would respect the character of the area, with no demonstrable harm to the setting of the nearby listed building, highway safety, flood risk and drainage, protected species, or residential amenity. As such the proposal complies with local plan policies SD1, SS1, SS2, SS5, SS7, TA5, TA6, HG2, HG3, EQ2, EQ3, EQ4, HW1 and EP3, and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans: 3411/150E, 3411/151B, and 3411/152A received 14 April 2016.

Reason: For the avoidance of doubt and in the interests of proper planning.
02. Details of the appearance and landscaping (herein after called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.
03. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.
04. Prior to the commencement of development, details of measures for the benefit of wildlife (e.g. bat and bird boxes, wildflower sowing and management) shall be submitted to and approved in

writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF and Local Plan Policy EQ4.

05. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

A. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites - Code of Practice.

B. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.

C. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any on going monitoring should also be outlined.

D. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.

E. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Local Planning Policy.

06. Prior to the occupation of the dwellings hereby approved, glazing for the residential units that meets the specifications stated in the Noise Assessment dated 29th Jan 2016 shall be installed and thereafter retained.

Reason: To protect the amenity of future residents in accordance with the aims and provisions of the NPPF.

07. Prior to the occupation of the dwellings hereby approved, a 2m high solid acoustic barrier shall be constructed along the railway boundary of the site as recommended in the Noise Assessment dated 29th Jan 2016. Once erected the barrier shall thereafter be retained and maintained in perpetuity.

Reason: To protect the amenity of future residents in accordance with the aims and provisions of the NPPF.

08. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post

development is attenuated on site and discharged at a rate no greater than greenfield runoff rates. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 30% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

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

Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

10. Prior to commencement of this planning permission, site vegetation clearance, demolition of existing structures, ground-works, heavy-machinery entering site or the on-site storage of materials, an Arboricultural Method Statement and a Tree Protection Plan shall be prepared in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and these details shall be submitted to the Council. On approval of the tree protection details by the Council in-writing, a site-meeting between the appointed building/groundwork contractors, the appointed supervising Arboricultural Consultant and the Council's Tree Officer (Phil Poulton: 01935 462670 or 07968 428026) shall be arranged at a mutually convenient time. The locations and suitability of the tree protection measures (specifically the fencing & signage) shall be inspected by the Council's Tree Officer and confirmed in-writing by the Council to be satisfactory prior to commencement of the development. The approved tree protection requirements shall be implemented in their entirety for the duration of the construction of the development and the protective fencing may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the following policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

11. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of landscaping.
Such a scheme shall include individual species, size at the time of planting, whether container-grown, cell-grown, root-balled or bare-rooted and the approximate date of planting. The installation details regarding the construction of tree pits, staking, tying, strimmer-guarding and mulching shall also be included in the scheme.

All planting comprised in the approved details of landscaping shall be carried out in the next planting and season following the commencement of any aspect of the development hereby approved; and any trees or plants which within a period of ten years from the completion of the development die, are removed or become in the opinion of the Council, seriously damaged or diseased, they shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To secure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

12. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Method of ensuring construction vehicles leaving the site do not emit dust or deposit mud, slurry or other debris on the highway.
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

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

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

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

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

15. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

16. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

17. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

18. Prior to the commencement of the development hereby approved, a scheme of phasing for the development shall be submitted to an approved in writing with the local planning authority. Once agreed, the development shall be carried out strictly in accordance with the agreed scheme of phasing.

Reason: To ensure a balanced mix use of the site and that an appropriate level of employment land is retained in accordance with policies EP3 and SD1 of the South Somerset Local Plan.

Informatives:

01. The applicant should be aware of the SSDC Ecologist's endorsement of the recommendations in section 4 of the submitted ecology report.
02. The applicant should be aware of the Environment Agency's comments in relation contaminated land, waste management, sustainable construction, and pollution prevention, dated 17 March 2016, and available to view on the South Somerset District Council website.
03. In relation to condition 18 the applicant should be aware that an appropriate scheme of phasing will ensure that the commercial development hereby approved is built and made available for commercial use prior to the completion of the significant majority of approved residential units.

Agenda Item 16

Officer Report On Planning Application: 16/01259/FUL

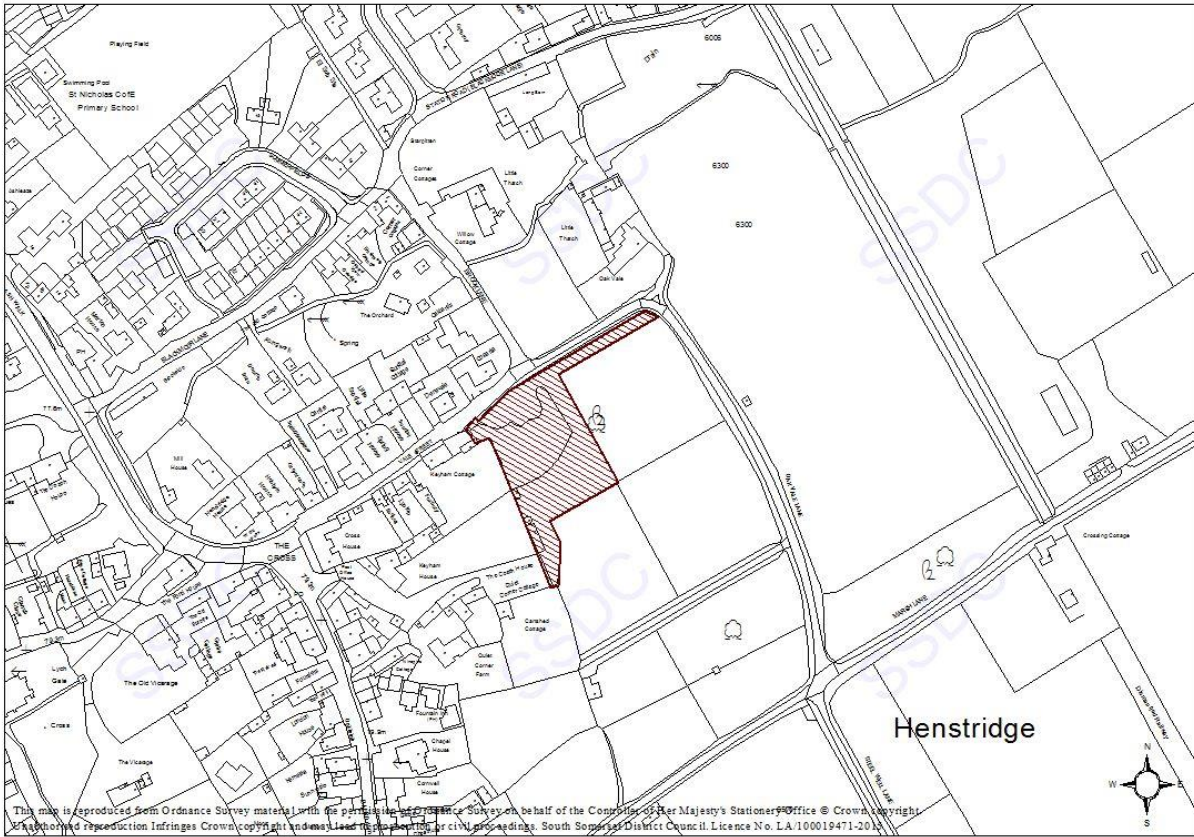
Proposal :	Erection of a new dwelling (Revised Scheme) (GR 372566/119897)
Site Address:	Land Adjoining Keyham Cottage Vale Street Henstridge
Parish:	Henstridge
BLACKMOOR VALE Ward (SSDC Member)	Cllr Tim Inglefield Cllr William Wallace
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	9th May 2016
Applicant :	Mr & Mrs R Kearley
Agent: (no agent if blank)	
Application Type :	Minor Dwellings 1-9 site less than 1ha

REFERRAL FOR REFERRAL TO COMMITTEE

The application has been referred to committee at the request of the Ward Members and agreement of the Area Chair in order that the issues raised by the adjoining neighbours can be discussed further.

SITE DESCRIPTION AND PROPOSAL





The application site is located at the eastern edge of Henstridge's built form that forms the setting of the Conservation Area and the setting of a listed building (grade 2).

The proposal seeks the erection of a two storey detached dwelling with rooms in the roof, having a principal elevation with a ridge height of 8.9m and eaves 5m above ground level, with a subservient flank wing comprising dormers and stepped down ridge and eave heights of 7.2m and 3.5m respectively. Natural stone elevations are shown.

The application is supported by a Design and Access Statement, and Tree Survey. An amended drawing is received that reduces the area of the red outline. The Devon bank is removed from the proposal and the use of natural stone confirmed rather than the originally proposed brick elevations.

RELEVANT HISTORY

16/00273/FUL - Erection of a new dwelling, Withdrawn to enable the applicant to consider the consultation responses received resulting in the current application.

POLICY

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

Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

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

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

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General development

EQ3 - Historic Environment

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 4 - Promoting sustainable transport

Chapter 7 - Requiring Good Design

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Policy Guidance

Other Relevant Documents

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

Somerset Highways Standing Advice - June 2015.

Henstridge Village Design Statement 2001

Henstridge, Yenston and Bowden Parish Plan 2015

CONSULTATIONS

Henstridge Parish Council - supports this application but does not favour the use of a Devon bank along the boundary with Vale Street as this would impact negatively on neighbouring properties. Instead, the Parish Council feels that any existing trees that are in poor condition should be removed and replaced with indigenous species.

The Parish Council further requests that a S106 agreement should be put in place to protect the area of undisturbed woodland to the east of the site to ensure it is maintained into the long-term future.

Finally, as the site backs onto the Conservation Area, the Parish Council asks that the Village Design Statement is taken into account in terms of the exterior of the dwelling and that the majority of the exterior is constructed of stone rather than brick.

County Highway Authority - Standing advice applies to consider visibility, parking and turning and secure by condition properly consolidation and surfacing (not loose stone/gravel) of the first 6.0m of access, and the implementation of suitable surface water drainage measures.

County Archaeologist - No objections

SSDC Landscape Architect - the application site lays at the east edge of Henstridge, adjacent residential form to north and west, and has about it a degree of residential character where it abuts residential land to the west. Conversely, it lays to the east of a distinct village edge, demarcated on site by a stone wall, and is part of a matrix of small pastures/copses that buffer the village edge from the wider countryside, and this edge is part of the character of the setting of the conservation area, which lays to the west. Consequently, the landscape position is finely balanced, though given the undeveloped character of the plot, and the part that this open land plays in providing a setting to both the CA, and the wider countryside, then I consider there is a case for refusal, and am unable to offer landscape support.

SSDC Conservation Officer - I have no objection to this scheme. If you are minded to grant permission then I suggest conditions covering external material and details.

SSDC Tree Officer - The better quality trees on-site are proposed to be retained and an indicative scheme of tree protection fencing has been included upon the site layout plan. The area of woodland to the East has some particularly high quality mature Beech trees present, but their distance away from the proposal, along with some simple tree protection measures for the duration of the construction phase of the development ought to be sufficient to protect their health. If consent is to be granted, I would be very grateful if you would consider imposing a simple scheme of tree protection measures.

REPRESENTATIONS

Following neighbour notification there have been 10 neighbour notification letters received. Of these 9 are objections and there are 4 letters of support.

The letters objecting are concerned that:

- This house would be built outside the existing boundary of the village which is naturally marked by the stone wall at the bottom of Keyham House,
- This may set a precedent for further building opening up the possibility of a developer building on land at Quiet Corner Farm and potentially further south beyond Marsh Lane.
- Too much new housing built in Henstridge in the last few years
- Brick is not an appropriate material given the style of the other houses in the area,
- Each additional house reduces the tranquillity of the area.
- The route of a quiet country walk enjoyed by a very large number of the residents of Henstridge, many of whom walk their dogs along Vale Street, Oak Vale Lane and Marsh Lane daily.
- Narrow street
- The proposed house stands too high in relation to other houses in the area, to be too dominant when looking back at Henstridge from the East and South-East. Its proposed height also appears to be at variance with the Henstridge Council's design statement of 2001 and its parish plan of 2015.
- Out of context with the surroundings
- 'Woodland', really just overgrown brambles with few mature trees
- Light pollution

The letters in support welcome the proposal that

- tidies the plot
- one dwelling would have negligible impact on traffic and access
- the house is carefully designed and located to fit well on the plot.

CONSIDERATIONS

Principle of Development

Policy SS2 of the local plan does not act as a constraint to housing development given the current situation with the Council's lack of a demonstrable 5 year housing land supply (para.49 of the NPPF). However, in accordance with para.14 of the NPPF there continues to be an issue where any adverse impacts that arise would significantly or demonstrably outweigh the benefits of providing the house. The site location lays adjacent to the development area for Henstridge, a settlement with access to a range of services and facilities considered a sustainable location, and on this basis there is support in principle. Accordingly the main considerations include character and appearance, the setting of historic assets, highway safety and neighbour amenity.

Character and Appearance

While the Landscape Architect offers a guarded response, considering the landscape position finely balanced, having implications for the setting of both the Conservation Area and the wider countryside, their response does not seek refusal and the support of the Parish Council is noted. This isolated dwelling set back from the highway finished in natural stone is considered acceptable without any significantly detrimental impact in terms of character and appearance.

Setting of historic assets

The Conservation Officer does not raise any objections and proposes the use of conditions that would be applied to any permission. Natural stone finishes are envisaged and supported by the applicant.

Highway Safety

Access is off a quiet road at the edge of the historic built form. It is considered that the proposal accords generally with the standing advice. Conditions are proposed to require consolidated surfaces and for surface water not to enter into the highway.

Neighbour Amenity

The proposal is not considered to have any detrimental impact for adjacent occupants.

Other Matters

The neighbour responses are noted and generally are considered as part of the officer considerations. There is arguably a natural break with the stone wall aligned with the application's western boundary that is breached and this is in part taken up by the Landscape Officer's response, but whether a precedent is created is another matter, with each planning application considered on its individual merit. The landscaping condition seeks to secure valuable enhancement in establishing a wooded presence, reinforcing the character of the immediate locality.

The Parish Council refers to the use of a legal agreement to secure the woodland identified within the blue outline. The proposed landscape condition seeks to agree a detailed planting scheme that would reflect works to the boundary (previously referred to as the Devon Bank that will not be pursued), as well as the area within the blue outline. Following implementation of the landscape planting a level of interest would be invested in the land. The landscape condition offers a similar level of long term control to that of a S106 that otherwise offers a 'belts and braces' approach that Inspectors have considered excessive when a planning condition will suffice.

RECOMMENDATION

Approve

01. The proposal, by reason of its location, represents appropriate residential development associated with a recognised sustainable settlement and does not foster growth in the need to travel and is therefore sustainable development in accordance with the aims and objectives of the South Somerset Local Plan 2006- 2028, and 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: LOC 01 Rev D and LOC 02 Rev D received 12 May 2016, 02B, 03B, 04B, 05B, 06B, 07B, and 10 RevA received 14 March 2016.

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

03. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Elevations shall be constructed in natural stone, details of which shall be agreed as part of this condition.

Reason: In the interests of character and appearance and the setting of heritage assets further to Policy EQ2 and EQ3 of the South Somerset Local Plan 2006- 2028.

04. No development shall commence, before details of the proposed finished ground floor level of the dwelling hereby permitted, in relation to the natural and finished ground levels of the site, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with any details as may be agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain adequate control over proposed floor levels, in the interests of neighbour amenity, further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

05. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping to cover both red and blue outline areas, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding. All works shall be carried out in the first planting and seeding season following commencement of the development. Any trees which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of character and appearance further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

06. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway,

Reason: In the interests of highway safety to accord with policy TA5 and EQ2 of the South Somerset Local Plan 2006- 2028.

07. Prior to first occupation of the dwelling hereby permitted a properly consolidation and surfaced (not loose stone/gravel) access over the first 6.0m, measured from the highway edge shall be provided and thereafter retained.

Reason: In the interests of highway safety further to Policy TA5 and EQ2 of the South Somerset Local Plan 2006- 2028.

08. Prior to commencement of this planning permission, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree protection measures, including tree protection fencing and signage; shall be prepared, installed and made ready for inspection. A site meeting between the the appointed building/groundwork contractors and the Council's Tree Officer (Mr Phillip Poulton - 01935 462670) shall then be arranged at a mutually convenient time. The locations and suitability of the tree protection measures shall be inspected by the Tree Officer and confirmed in-writing by the Council to be satisfactory prior to commencement of the development. The approved tree protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

Agenda Item 17

Officer Report On Planning Application: 16/00381/S73

Proposal :	Removal of condition 1 (occupancy) attached to 13/03252/S73A (GR:365434/131408)
Site Address:	Grove Farm Quarry Lime Kiln Lane Pitcombe
Parish:	Pitcombe
TOWER Ward (SSDC Member)	Cllr Mike Beech
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	24th March 2016
Applicant :	Mr R Comer And D York
Agent: (no agent if blank)	
Application Type :	Minor Dwellings 1-9 site less than 1ha

This application was considered in May by Area East Committee at which time Members determined to defer the application to seek additional information regarding the applicant's business case and the financing of business plans. May's committee report is attached as an appendix to this report, for information.

The applicant has submitted a business case that generally repeats much of what was said by them at the last committee meeting that had impressed Members to defer the item. The document states that the applicant operates the two quarries, at Hadspen and Keinton Mandeville. The business's financial history shows sales between 2013 and 2015 to have doubled, and projected sales to have doubled again in 2017.

It is anticipated that 5 new staff would be needed in the next two years while the extra equipment for the increased production is realised by the additional borrowing raised by their home not having an unrestricted occupancy. Their figures indicate a minimum of £110,000 that could be accessed, facilitating expansion of the business in the immediate future.

Having considered the additional information, it is recognised that the quarry occupancy condition would eventually cease to have a purpose with no reason to retain its presence. While the Officer's report (below) was concerned that the potential sale of the family home, separating it from the workings, could give rise to amenity concerns in-turn bringing about pressures on the quarry operations: in effect the applicant has a greater urgency to access investment than to sell off the family home. Importantly in removing the occupancy condition that is associated with this quarry use the action is considered would have few repercussions for other occupancy condition related sites.

On the basis of the additional information the Officer recommendation is now to approve removal of condition 1 attached to 13/03252/S73A. The Decision Notice would be issued re-attaching the following condition:

- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to this building, and no outbuildings or other structures erected within the residential curtilage without the prior express grant of planning permission.

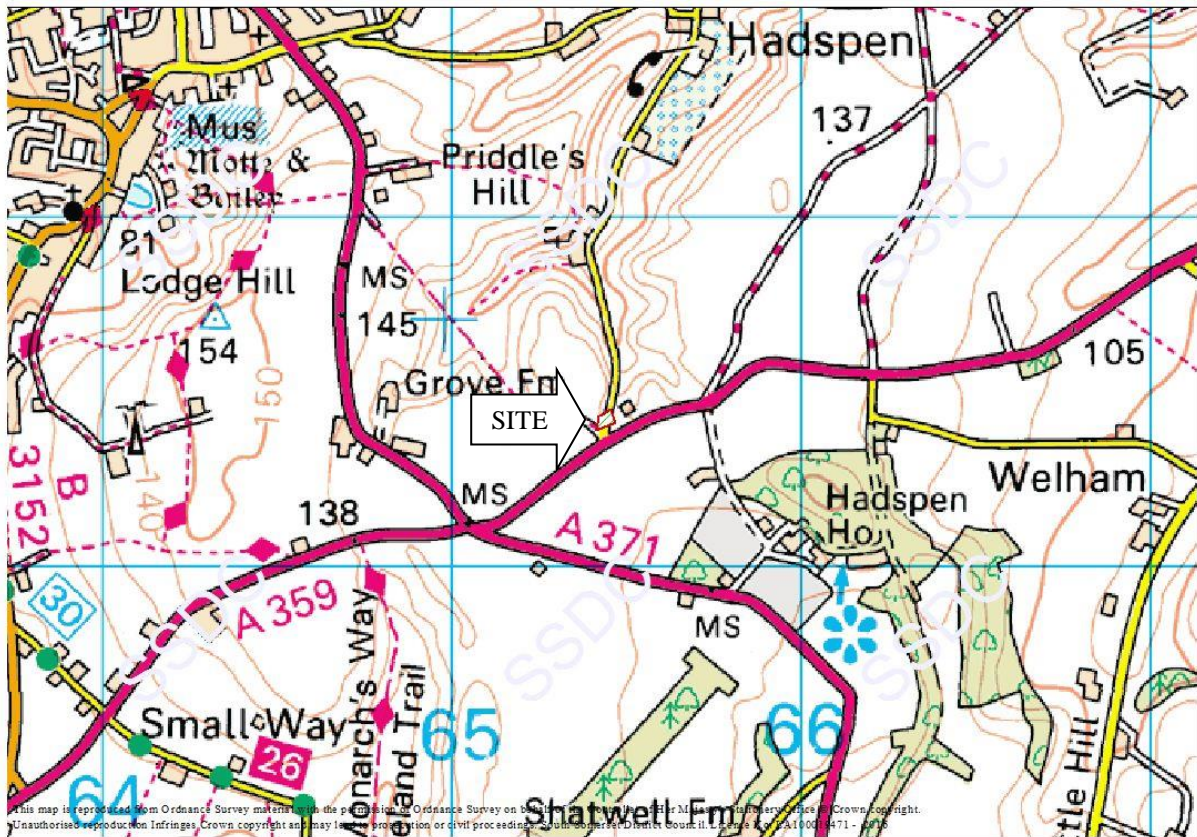
Reason: To safeguard the character and appearance of the building to accord with Policy EQ2 of the South Somerset Local Plan.

APPENDIX: A

REASON FOR REFERRAL

This application is referred to the committee at the request of the Ward Member with the agreement of the Area Chairman to enable local concerns to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The application site is located adjacent to the A359 near Hadspen. The site is located outside of the development area and has a lawful use as a quarry. The front section of the site contains the worked out quarry in which stands the dwelling house originally approved under application 07/04546/FUL. A later permission ref: 13/03252/S73A permitted variation of the occupancy condition (2) attached to the 2007 permission re-issuing condition 2 as condition 1 of 13/03252/S73A that is now proposed to be removed.

Condition 1 reads:

'The occupation of the dwelling hereby approved shall be limited to a person, or persons, solely/mainly working or last working in the adjacent quarry and to any resident dependants or relatives.

Reason: The Local Planning Authority would not have been prepared to grant planning permission but for this special need to accord with policy ST3 of the South Somerset Local Plan.'

HISTORY

13/03248/FUL - Conversion of sub-floor void area into annexe, Approved.

13/03252/S73A - Vary condition 2 (occupancy condition) of planning permission 07/04546/FUL to allow habitation of dwelling to those other than dependents, Approved. OFFICER Note: This is the condition quoted above and the additional wording was: 'and to any resident dependants or relatives'.

12/02562/NMA - Application for a non-material amendment to planning permission 07/04546/FUL for the removal of dormers and change of roofing materials (Retrospective), approved.

11/03337/NMA - Application for a non-material amendment to planning permission 07/04546/FUL for alterations to porch, doors and windows – Approved.

07/04546/FUL - Erection of quarry managers workplace/ home and change of use of land from agricultural to domestic curtilage, Approved.

07/001705/FUL - Erection of dwelling house for Quarry Manager, formation of new vehicular access and change of use of land from agricultural to domestic curtilage, Approved.

07/01623/CPO (Consultation with County Planning) - Proposed 0.3 hectare extension to allow further building stone extraction and new access road, Approved.

04/03514/CPO (Consultation with County Planning) - Extension of quarry into adjoining land and retention of existing quarry infrastructure to service the extension, Approved.

96/02208/CPO (Consultation with County Planning) - The continued use of quarry for the extraction of building stone, Approved.

POLICY

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

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

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

HG10 - Removal of Agricultural and other Occupancy Conditions, reads:

'Planning permission for the removal of a restrictive occupancy condition for an agricultural, forestry or other similar worker on a dwelling will only be given where it can be evidently shown:

- That there is no longer a continued need for the property on the holding or for the business,
- There is no long term need for a dwelling with restricted occupancy to serve local need in the locality,
- The property has been marketed locally for an appropriate period (minimum 18 months) at an appropriate price and evidence of marketing is demonstrated.'

EQ2 - General development

Regard shall also be had to:

National Planning Policy Framework - March 2012

Paragraph 123

National Planning Policy Guidance

Other Relevant Documents

Somerset Highways Standing Advice - June 2015.

CONSULTATIONS

Pitcombe Parish Council had no objections or observations to make on it.

County Highway Authority - No objection

REPRESENTATIONS

None

CONSIDERATIONS

Principle of Development:

The applicant's Planning Statement is noted however their case simply reiterates the purpose for why there is planning support for occupancy conditions, to quote: 'It is generally accepted that property and land values with occupancy conditions are somewhat in the region of at least a third less than they would have been without the restriction'. Isn't this the purpose for the imposition of an occupancy condition; the approach, as already stated, that is criticised by the applicant, is considered the basis for an occupancy condition that is fully supported in planning terms. There can be no weight given to the applicant's argument for removal of the occupancy condition.

Policy HG10 is the applicable policy approach that offers a clear policy context in considering the removal of occupancy conditions. The application fails to address the policy requirement. The planning statement is also clear that there is no intention of marketing the property on the basis that they want to continue to occupy the dwelling.

The occupancy condition was originally attached by Area Committee. Members at the time considered that a case had been made to support a dwelling in that there was a proven need and that the application satisfied the criteria for an occupational dwelling for a quarry worker. With this established and that we are dealing with a planning permission that dates from 2007, but more importantly there is continuing quarrying activities, it is considered that in this instance there is no reason not to adhere to the local plan policy framework. There are no other material circumstances brought forward or engaged by the current application to relax the approach taken by Policy HG10 that requires the submission of a marketing appraisal. On the basis that the application fails to provide any marketing appraisal evidence there can be no 'in principle' support.

Other Matters:

Removal of the occupancy condition is considered would not have any negative impact on character and appearance, or highway safety, however there would be a potential residential amenity concern in the event the dwelling was separated from the on-going quarrying activity.

RECOMMENDATION

Refuse to remove condition

Reasons for Refusal:

01. The applicant has failed to demonstrate that the restricted occupancy dwelling is not needed to meet the needs of the quarrying business. No marketing for a reasonable period of time has been undertaken or submitted contrary to policy HG10 of the South Somerset Local Plan 2006- 2028.
02. Loss of the occupancy condition would result in a dwelling whose potential occupancy was unconnected to the adjacent quarrying activity that introduces residential amenity concerns that would be to the detriment of the long term quarrying business contrary to Policy EQ2 of the South Somerset Local Plan 2008- 2028 and paragraph 123 of the National Planning Policy Framework.

Informatives:

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

In this case, the applicant/agent did not take the opportunity to enter into pre-application discussions.

Agenda Item 18

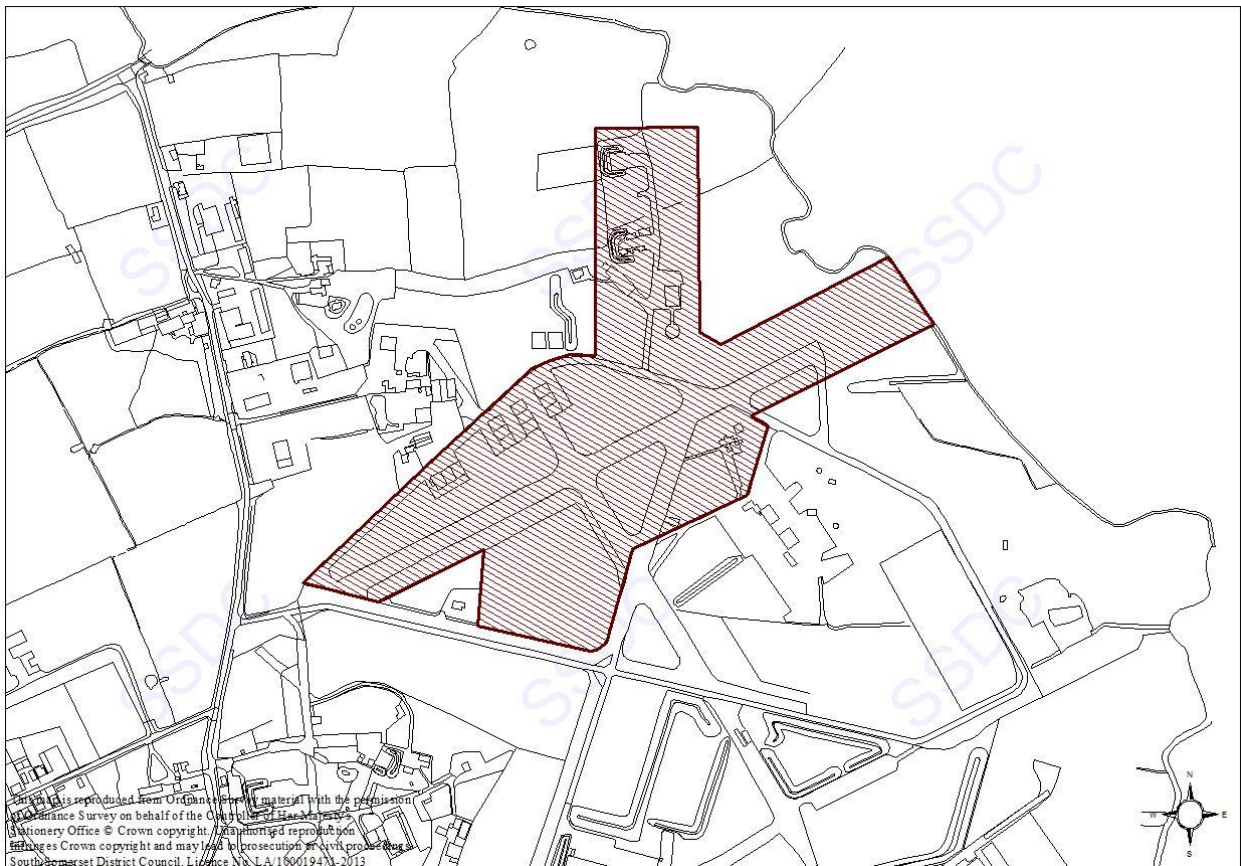
Officer Report On Planning Application: 15/04069/FUL

Proposal :	The continued use of Henstridge Airfield, for both recreational and business use subject to conditions and a 106 Agreement to cover that which cannot be lawfully conditioned against.
Site Address:	Henstridge Airfield The Marsh Camp Road
Parish:	Henstridge
BLACKMOOR VALE Ward (SSDC Member)	Cllr Tim Inglefield Cllr William Wallace
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	6th January 2016
Applicant :	Mr G Jarvis, Losan Ltd
Agent: (no agent if blank)	
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

This application was considered by the Committee at its March meeting when it was resolved to amend the conditions and S106 obligations suggested by the officer report. The decision was then deferred to enable officers to draft the amended conditions to reflect the Members views and for agreement with Ward members in light of any further advice offered by the Council's advisors.

These discussions have now concluded and an updated report is set out below.

SITE DESCRIPTION AND PROPOSAL



Henstridge Airfield as a whole comprises some 142 hectares in the open countryside, remote from any large centres of population, the nearest settlement being the Village of Henstridge, approximately 2km to the west. Access is derived from the A30 and a network of rural roads and lanes. The southern and eastern boundaries of the site (Landshire Road and the River Cale) form the county boundary with Dorset and the immediately adjoining parishes of Buckhorn Weston & Kington Magna, Fifehead Magdalen, Marnhull, The Stours and Stalbridge are all in North Dorset,

Historically it formed part of a much larger Royal Navy Air Station, HMS Dipper, which straddled the county boundary (immediately to east of the site) and also included land to the west side of Camp Road. In 1958 when the air station was decommissioned, the land was either sold or reverted to previous owners. During this period many of the buildings fronting onto Camp Road and Landshire Lane, which were formally associated with the military use of the airfield, were granted planning permission for agricultural, industrial and commercial purposes.

Currently a number of businesses operate from the site. Typically they employ relatively few people, whilst requiring extensive areas of land. The site includes a centrally positioned runway which is the subject of this application. This 15 hectare part of the site encompasses the runway, perimeter trackway, grass aircraft parking areas and associated installations and buildings. It is the only hard surfaced runway in civil use in Somerset and provides a base for the Somerset and Dorset Air Ambulance.

The site and surrounding land are relatively flat. Nearby uses include aircraft related activities, vehicle and plant storage, grain storage, and a variety of B1/B2 and B8 uses as well as agricultural land. Permission has been granted for a 'bio-ethanol' plant to the south.

There are a loose scattering of residential properties to the west and north of the site as well as more isolated properties to the south and east. Apart from a few dwellings with the industrial area to the north-west of the site the nearest residential properties are approximately 400m to the north east.

The application is for a replacement operational permission to govern flying activities at the airfield. The applicant has agreed to accept restrictions to:-

- Restrict the number of aircraft movements to 100 per day and 10,000 per annum, with no more than 10% of the daily and annual maximums to be by helicopters. An aircraft movement being defined as either a take-off or a landing.
- To keep a log of all movements being kept by the airfield and made available to SSDC's planning manager upon request.
- Movements by the Air Ambulance excluded from any total. The daily number of movements being unrestricted (whilst counting to the annual number of movements,) for fly-ins of which there will be no more than 3 per annum, for open days of which these will be no more than two per annum, and for the Clic Sargent family day of which there will be one per annum.
- Restrict the hours of operation to between 8.00am and 7.00pm Monday to Friday, 9.00am to 7.00pm and 9.00am to 6.00pm Sunday and Bank Holidays, with the exception of emergency use and returning aircraft

- To restrict the number of resident aircraft to 100 with provision for up to 20 visiting aircraft.
- To restrict the maximum take-off weight of aircraft landing on or taking-off from the airfield to 5,000kgs;
- to prevent aircraft holding noise certificates of greater than 79dba from landing at or taking off from the airfield.

A Section 106 agreement is offered to:-

- i. require the applicant to establish a Consultative Committee to the satisfaction of the Development Manager
- ii. Revoke all previous permissions without compensation
- iii. agree a regime of testing to be applied to aircraft without recognised noise certificates to the satisfaction of the Development Manager in consultation with the council's advisors.
- iv. To limit aerobatic flying by aircraft landing or taking off from the airfield to one period of 20 minutes between 11.00am and 12.00 noon and another 20 minute period between 2.00pm and 3.00pm Monday to Saturday and not at all on Sundays and bank holidays. Such flying shall only occur in the airspace over the airfield and shall only be undertaken by aircraft based at the airfield. These 'approved' slots shall be limited to 8 per week and not more than 150 in total per calendar year and. Within each slot multiple aircraft may fly aerobatics, however each aircraft shall count as one towards the annual and weekly maxima. No aerobatic flying with 2 days notification of a noise sensitive event.

With the exception of the afore mentioned aerobatic flying over the airfield there shall be no aerobatic flying within 8km of the centre point of the main runway unless agreed in writing in relation to a specific public event

'Aerobatic' flying shall be defined as that which:-

"involves performing intentional manoeuvres in an aircraft involving an abrupt change in its attitude, an abnormal attitude or abnormal acceleration, not necessary for normal flight, including flying inverted or performing vertical or near vertical climbs or descents, rolls, loops, spins, stalls and sharp turns or a combination of the above in an aircraft certified for aerobatics, normally carried out over a fixed area or aiming point such as the airfield. Aerobatic flying is normally associated with a notable change of aircraft noise when performing different manoeuvres".

All aircraft flying within approved aerobatic slots to carry appropriate GPS to verify compliance.

- v. Prohibition of ab initio circuit training (which shall be defined).
- vi. Ensure a log of aircraft movements is maintained log shall include:-
 - (a) Date and time of arrival/departure;

- (b) Point of departure/destination;
- (c) Aircraft registration;
- (d) Aircraft type;
- (e) Pilot's name;
- (f) Number of Persons On Board.

Such log shall be open to inspection by the Local Planning Authority on request.

- vii. Ensure that the airfield owner shall expressly bring the agreed procedures and restrictions to the notice of every pilot of an aircraft intending to use the airfield, in accordance with details to be agreed by the Local Planning Authority, including for this purpose making the airfield PPR (Prior Permission Required).
- viii. Require the agreement of a pilots contract to cover adherence to the above restrictions.
- ix. Set out the monitoring regime and sanctions which may have been taken against pilots in event of any breach.

The application is supported by a Noise Assessment and a proposed Management Agreement which includes terms of reference and constitution for an Airfield Consultative Committee and suggested pilot's agreement.

RELEVANT HISTORY

In terms of the use of land as an airfield the following applications are relevant:

- 12/04023/FUL Application to "Use of land at Henstridge Airfield as an airfield for both business and recreational use" approved at a committee subject to S106 to:-
- require adherence to the existing Flight Protocol to the satisfaction of the Council's Environmental Protection Officer, in particular compliance with defined flight paths and circuits
 - The continued running of the Henstridge Consultative Committee with agreed terms of reference
 - prohibit aerobatic flying within 5 miles of Henstridge Airfield
 - Require the keeping of records of all aircraft movements on a daily basis to the satisfaction of the Development Manager
 - Require the implementation of a testing regime with regard to aircraft that do not hold a noise certification from either the ICAO, the CAA or the FAA to the satisfaction of the Council's Environmental Health Officer.
 - Revoke the current permission 01/00717/FUL as amended by 09/01845/FUL and associated Section 106 agreement.

Subsequently the applicant could not accept to prohibition of aerobatic flying within 5 mile of the airfield and withdrew the application.

- 11/01554/COL Certificate of lawfulness refused for use of airfield without compliance with conditions of 09/01845/S73A (22/06/11).

10/00637/DPO	Approval granted for amendments to S106 agreement attached to 01/00717/FUL to reflect variations to conditions agreed by 09/01845/S73A and 05/02049/FUL (24/05/10).
09/01845/S73A	Approval granted for variation of 10 of 01/00717/FUL to impose a restriction on the use of the airfield by jets, vertical take-off aircraft (other than helicopters) and aircraft certificated at greater than 79DbA (03/07/09).
08/00402/COL	Certificate of lawfulness issued for the continued use of airfield by gyrocopters (10/04/08). This reflects the provisions of 01/00717/FUL which allow gyrocopters to use the airfield and the fact that the approval of 03/03310/FUL was unnecessary.
08/00378/COU	Planning permission approved for change of use of land to former use as part of an operational airfield (27/03/08).
04/00368/FUL	Approval granted for variation of condition 11 of 01/00717/FUL to allow total number of aircraft based at airfield to be increased from 30 to 45.
05/02049/FUL	Approval granted for variation of condition 13 of 01/00717/FUL to allow increase of helicopter movements from 500 to 1,000 of the total movements
03/03310/FUL	Planning permission granted for the continued use of Henstridge airfield by gyrocopters up to 28/02/09 (02/02/04)
01/00717/FUL	<p>Planning permission granted for the continuation of the use of land as an airfield (23/09/02). An associated S106 agreement places the following obligations on the applicant:-</p> <ul style="list-style-type: none"> a) Not to apply to the CAA for an airfield licence; b) To establish a consultative committee; c) To maintain accurate records of aircraft movements d) Not to enlarge the runway or erect buildings without planning permission; e) Not to install runway or airfield lighting; f) To enforce the hours of operation set out in the Second Schedule; g) Not to allow the airfield to be used as a base for a flying or gliding club; h) Not to allow the air field to be used by any prohibited aircraft as set out in the First Schedule (as varied by 10/00637/DPO); i) To adhere to the maximum aircraft movements j) Not to allow more than 500 helicopter movements per year (subsequently varied to 1,000 by 05/02049/FUL and 10/00637/DPO)) k) Not to allow more than 2 open days and 3 fly-ins per year.

840356 Planning permission granted for the use of land at Lower Syles Farm as an airfield.

Prior to 2001 there is a long and complex planning history however the approval of 01/00717/FUL is viewed as starting a fresh chapter in the planning history of the site. The current situation is that the operational permission is 09/01845/S73 and the original s106 attached to 01/00717/FUL, as updated by the supplemental agreement approved by 10/00637/DPO.

Within the airfield the following developments are pertinent:-

08/01618/FUL Planning permission granted for the erection of an extension to aircraft hangar permitted by 07/03239/FUL (27/05/08).

07/03239/FUL Planning permission granted for the erection of an aircraft hangar with airfield maintenance equipment storage bay (26/11/07).

07/01491/FUL Planning permission granted for formation of car park adjacent to permitted Airfield Control Building (03/07/07). Not implemented.

06/04576/FUL Planning permission granted for erection of airfield control building (09/01/08). Not built

06/01131/FUL Planning permission granted for installation of taxi way and 2 refuelling hardstandings (07/08/06). Only the taxi way has been installed.

06/01034/FUL Planning permission granted for temporary siting of aircraft shelter (07/08/06). This should have been removed by 31/08/11.

05/03073/FUL Planning permission granted for erection of hangar (15/02/06)

04/02359/FUL Planning permission granted for the erection of aircraft hangar (04/10/04).

02/01623/FUL Planning permission granted for the erection of a airfield control building and a hangar for aircraft storage (17/10/02). The hangar has been built but not the control building.

Adjacent to the Airfield the following aircraft related approvals have relevance:-

08/04350/COL Certificate of lawfulness issued for use of aircraft production facility (04/02229/FUL) for aircraft maintenance or manufacturing (06/11/08).

08/00203/FUL Planning permission granted for the erection of a facility for the air ambulance on land to the north east of the airfield (21/02/08).

04/02229/FUL Planning permission granted for the erection of an aircraft production facility (27/07/06).

Other development

07/05297/COL Certificate of lawfulness issues on appeal for the use of land to east of airfield for the recreational riding of motorbikes and quad bikes for 28 days a year with no more than 14 of these days constituting a motorsport event (02/12/08)

POLICY

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

South Somerset Local Plan 2006 - 2028

EQ2 – General Development

EQ7 – Pollution Control

TA5 – Transport Impact of New Development

EP6 – Henstridge Airfield.

National Planning Policy Framework

Chapter 1 – Building a strong, competitive economy

Chapter 3 – Supporting a prosperous economy

Chapter 11 – Conserving and enhancing the historic environment

National Planning Practice Guidance

Section on Noise

Noise Policy Statement for England (March 2010)

Aviation Policy Framework (March 2013)

Circular 11/95 – The Use of Planning Conditions

This sets out 6 tests for planning conditions and states that conditions should be:-

- i. Necessary to make the development acceptable;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and
- vi. reasonable in all other respects.

Other Material Considerations

The extant permission (01/00717/FUL and associated s.106 agreement, as amended by 09/01845S/73A and 10/00637/DPO) provide the applicant with a lawful fall-back position.

CONSULTATIONS

Henstridge Parish Council – deferred consideration until such time as more information on noise impacts is distributed by SSDC

Neighbouring Councils

North Dorset District Council – no objection raised to the continued use of the land as an airfield, however a number of concerns are raised regarding the use of the runway and adjoining land for motorcycling events which have resulted in noise related complaints. It is suggested that restrictions be imposed to clearly specify the maximum number and type of such motorcycle/motorsport activities.

NDDC agree that there must be robust and enforceable measures in place to limit the overall activity that is permitted on the site. This is essential to ensure that the levels of amenity afforded to the residents of Buckhorn Weston, Kington Magna, Fifehead Magdalen and the surrounding villages, is maintained at an acceptable level

Buckhorn Weston & Kington Magna Parish Council – raise a number of concerns:-

- the current 79dBA noise limit is unregulated by SSDC; the increase in aircraft weight would encourage noisier aircraft;
- submitted noise assessment is inadequate. An independent assessment should be carried out;
- Henstridge should not be used by the military out of hours;
- Existing prohibition on training should be maintained; the suggested southerly circuits would adversely affect the North Dorset villages;
- Ban on aerobatics should be maintained in the interests of safeguarding amenity and public safety
- There is a general concern that the operator disregards the current restrictions at the airfield and a lack of confidence that any future restrictions will be complied with.

The parish have raised concerns over the nature of the application and the perceived lack of clarity. It is accepted that an exchange of emails has clarified the situation although some doubts remain.

Marnhull Parish Council – the continued operation of the air ambulance should not be compromised; the [initially] suggested 0700 start is too early, any increase in number of resident aircraft would lead to increase landings and take-offs, noise, air activity and safety risk.

Fifehead Magdalen Parish Meeting – objects on the grounds that:-

- Pilots already ignore prescribed flight paths and circuit heights
- Increase weight limits would bring in louder and heavier aircraft – a precursor to an airport
- Impact of circuits on residents and animals;
- 0700 is too early to start
- Increased resident aircraft to 100 would bring about increased levels of noise and disturbance
- Noise from aerobatics
- Lack of environmental assessment

Stalbridge Town Council – no objection to the application provided that conditions are put in place which ensure that there will be no increase in the detrimental effect on the environment and residential amenity of the neighbourhood.

SCC Highways Authority – notes that the airfield is existing and its use, although this application appears to include some increase over the permitted levels of activity, is

proposed to be strictly controlled by condition and legal agreement. The airfield is surrounded by commercial uses and the traffic associated with the additional use of the airfield is not considered to be so significant over and above that already permitted so as to warrant a refusal of permission for its continued use.

Therefore in the event of permission being granted, recommends that the conditions and legal agreement requirements limiting the level of use of the airfield similar to those suggested in the submitted documents or more restrictive ones proposed by others are imposed. However once the details of those proposed conditions/limitations are known I would like to have the opportunity to reconsider the position of the Highway Authority.

Highways England – No objection

Environmental Protection Unit – initially (prior to March committee) observed:-

“The following comments are informed by our site visit to the airfield on the 4th December 2015, where Vicki Dawson, Sally- Anne Webster and I assessed the noise being emitted by two aircraft performing aerobatic movements and circuits. This assessment took place both at the airfield it’s and the village of Kington Magna.

*Our overall subjective impression was that the impact of the noise from the aircraft was minimal and that there is no fundamental reason to allow a*limited* number of aircraft movements comprising an aerobatic element. We would not be in favour of no restriction at all on aircraft movements.*

By limits we consider that an total annual limit be agreed, together with a weekly limit. For example 200 movements a year but no more than 5 a week, with no movements allowed on a Saturday, Sunday or Bank Holiday.

A time limit on the duration of the movement would also be appropriate. We suggest two 15 minute, pre-arranged windows a day.

All of these recommendations are subject to the applicant and the Local Planning authority being able to agree a meaningful, robust and enforceable method of implementing this recommendation.”

In light of the amended conditions and updated Heads of Terms agreed post-March committee a testing regime for aircraft that do not hold a recognised noise certificate has been agreed with the applicant. On the basis that a meaningful, robust and enforceable mechanism has been agreed, no objection is raised.

Landscape Architect – understands that the majority of aircraft currently based at Henstridge benefit from existing hangarage, but there would also be a requirement for open parking, contained to the north of the airfield. That is accepted from a landscape perspective. However, any increase in aircraft numbers will clearly bring with it the need for either additional hangar structures, or further areas dedicated to open parking. The presence of additional structures, along with the heightened presence and activity of additional aircraft will clearly impact upon the airfield’s limited open space, and further erode the open-ness of the strategic open space at the heart of the airfield, which is identified by the Henstridge masterplan, as informed by our original landscape assessment. Consequently if the assumption is that there will be a greater need for hangarage/open field parking, then there would be clear landscape grounds to oppose any increase in the numbers of aircraft based at Henstridge above 45.

REPRESENTATIONS

32 letters of have been received raising issues in relation to the impact of the airfield on residential amenity. Principally objectors are concerned about the impact of existing airfield activities and are concerned that any relaxation of current restrictions would have an unacceptable impact through:-

- increased aircraft activity from more resident aircraft;
- increased noise
- increased activity early in the morning
- additional heavier aircraft
- circuit flying and touch-and-goes
- the introduction of uncontrolled aerobatic flying;
- the introduction of business activities

Concern is also raised over the history of the site and the need to seek expert advice on the drafting of any new restrictions. Clarification of the exact terms of the management agreement and consultative committee are needed. Existing conditions covering hours of operation, number of movements etc. should be maintained. There are concerns that no reasonable justification for the revision to the permission have been provided

Additionally 69 letters of support have been received on the grounds that:-

- the airfield has no or negligible impact;
- could provide economic boost and jobs;
- is an existing use which is an asset to the area should be supported;
- the proposed changes plus ongoing restrictions are reasonable;
- there is much aircraft activity in the Henstridge area that is not down to Henstridge Airfield (i.e. Yeovilton, passing air traffic etc.).
- the airfield provides lots of opportunities for recreational flying, charitable events, etc.
- aircraft from Henstridge are not disruptive; most are quiet and modern.
- No adverse impact in terms of traffic, biodiversity and light pollution

3 letters have been received making general observations and seeking clarification of certain aspects of the proposal.

Immediately prior to the March committee a further letter was received supporting the officer recommendation, particularly the suggested prohibition on aerobatic flying and urging the Council to heed the advice received.

All letters are available on the Council's web-site for detailed inspection.

CONSIDERATIONS

Background

This is a fresh application for a new permission to govern the operation of the air field. It would relate simply to the use of the land. No structures would be erected as a result of an approval and all existing structures would continue to be bound by their original permission.

It is not an application under section 73A of the Act for variation of existing conditions. It is an invitation to grant a fresh permission in light of prevailing policies and circumstances and could be subject to a new S106 agreement. There are a number of advantages to this approach. Firstly the original permission (01/00717/FUL) and associated S106 agreement have been modified several times by S73A applications and land has been added to the

airfield (08/00378/COU). The situation is therefore in danger of becoming confusing should further S73A amendments be made to the original conditions.

Secondly the local planning authority should not introduce new or more onerous controls (e.g. new restrictive conditions or additional s106 obligations) in responding to a S73A application. It is therefore considered to be in the interests of all parties to draw a line under the previous planning history and issue a fresh permission that clarifies the use of the airfield.

The benefits to all parties are considered to be:-

- The existing conditions are not considered to be particularly well drafted in light of current legislation. Whilst their intent is clear greater clarity could be given to the operator and local residents from a 'refresh'.
- With any permission there is a balance to be achieved between those issues that should be controlled by condition and those which should be dealt with as a 'planning obligation' through a s106 agreement. A fresh approval could redress the current situation in light of the advice of Circular 11/95 and the latest guidance on the use of S106 agreements.
- It would give the operator of the airfield the right of appeal against any condition considered unreasonable. As it stands the conditions of the extant permission (09/01845/S73A) have not been appealed and their enforceability has been challenged. As there is no way of resolving this short of a deliberate breach of condition and subsequent enforcement action through the courts it is considered that this application is a reasonable way forward that would allow the applicant to challenge the council's position through the normal planning appeal process without resorting to confrontational enforcement action
- It does not require either party to 'concede' anything which might prejudice any subsequent position they might choose to take.
- If agreement is reached the previous permission could be rescinded by mutual agreement with no cost.

Relevant Issues

As this application seeks a fresh permission for the continued lawful use of the land as an airfield it is clearly acceptable in principle. Apart from a refusal to enter into a new S106 agreement to cover restrictions not possible to be covered by condition, it is difficult to envisage any reasonable grounds to withhold permission. The key issue therefore is what restrictions should reasonably be imposed. In this respect it is considered that the Council has a number of options:-

- To simply re-impose all previous restrictions, albeit in redrafted form to reflect current advice and best practice subject to a new s106 agreement to cover other issues, not appropriate for conditions. The risk of doing so would be that the operator might refuse to sign the agreement and simply continue to operate under the extant permission as there would be no incentive to relinquish it.
- To re-impose conditions as necessary in light of advice received and seek to cover other issues in a S106 agreement. Whilst there would be an incentive to accept the new permission, albeit subject to an appeal against any conditions deemed unreasonable, there would be a risk that the applicant might refuse to sign the agreement and again continue to operate to the previous permission. This is what happened previously (12/04023/FUL) – the Council was prepared to allow training and limited aerobatics, along with a modest increase in resident aircraft (to 60),

however the limitations in aerobatic flying (i.e. at least 5 miles from the airfield) proved to be unacceptable and the agreement was not signed.

- To impose all conditions that the Council's sees fit and impose the permission on the airfield. This would require a Discontinuance Order (DO) to be served to remove any fall-back permission. The disadvantage of such confrontation approach would be that the applicant would be unlikely to sign a s106 agreement to matters beyond the scope of planning conditions.

As an existing use of a historic airfield, it would be unreasonable to conclude that the use of Henstridge is 'unsustainable', unless the changes now sought were of a magnitude and impact that fundamentally alters the impact of the airfield. It therefore falls to the Council to consider what restrictions are reasonable to enable the use to continue sustainably. In addition to the 6 tests for planning conditions Circular 11/95 advises local planning authorities not to seek to exercise control over matters covered by other legislation. In the case of Henstridge Airfield there is clearly a boundary between the use of land as an airfield, over which the District Council has jurisdiction and the control that others (Civil Aviation Authority, air traffic control etc.) have over airborne aircraft.

Should the Council wish to control airborne aircraft this would have to be achieved by S106 agreement. However this presents two problems. Firstly, given that other legislation exists it might prove difficult to justify the need for the applicant to enter into a planning obligation to exercise such control. Secondly the applicant would have to be willing to enter into the obligation.

The key issue is for the District Council to strike a defensible balance between the appropriate degree of control to be exerted, through planning legislation, over a use of land (i.e. as an airfield) that enables aircraft to become airborne and an acknowledgement that the control of airborne aircraft is in the hands of others.

In this respect members are reminded that all uses are assessed on the basis of their impacts on neighbouring properties and that any harm generally diminishes with distance, becoming merged with the effects of other activities. Thus for example a road junction close to a new factory may require improvement; however it would not be reasonable to insist that a junction many miles away that is used by many others be improved, especially if there are several routes traffic associated with the factory could take.

Using this analogy it is considered that it is the impact of landings and take-offs and flying in the immediate area of the airfield on the neighbouring properties should be of prime consideration. The Council should accept that once airborne, and at distance from the airfield, it is not reasonable to seek control the activities of aircraft through planning legislation. Accordingly the local planning authority should focus on the impacts of activities on the ground (i.e. landings and take-offs and the storage of aircraft) and the effects flights in the immediate area of the airfield, in particular repetitive or noisy activities whose impacts would be readily attributable to the use of the airfield.

In this respect, circuit flying in the vicinity of the airfield and aerobatic flying directly over the airfield as requested are clearly material considerations.

Given that the use already exists and no additional building are proposed or increased flight numbers are proposed, it is not considered that any adverse highways, flooding or ecological impacts are likely, the key issues are considered to be residential amenity in terms of increased/changed aircraft activity and visual impact in terms of any increased aircraft stored in the open.

Residential Amenity

No changes to the overall number aircraft movements or the current operating hours are proposed and the original restrictions in this respect would be re-imposed, however the proposal includes a number of changes that might affect resident's amenity:-

Maximum Take Off Weight (MTOW) increased to 5,000kg

Previously it was recommended that the current weight limit is 3,500kg be maintained as no justification or case was provided in support of the proposed increase. Members indicated their support for the applicant's request to raise this to 5,000kg, subject to consideration of the impacts. The applicant has not provided background information to his request, pointing out that all aircraft would be bound by the 79dBA certificate limit, the hours of operation and number of movements. In any event the length of the run-way (750m) would prevent many heavier aircraft from using Henstridge.

The applicant has provided details to demonstrate that noisier aircraft under 5,000kg would be prevented from using the airfield. Consequently a condition has been drafted to limit MTOW to 5,000kg and prevents use by aircraft carrying more than 6 persons to ensure that the level of activity at the airfield would not be unacceptably compromised. This would be enforced by the requirement to maintain a log that includes the aircraft type and registration and number of persons on board.

On this basis it is agreed the impact of the increased MTOW would not have an undue negative impact on residential amenity and that the proposal complies with policies EQ2 and EQ7.

Circuit flying and touch-and-goes

Previously it was recommended that the restriction on such repetitive flying activities be maintained as no justification or case was provided in support of the introduction of these activities. Members nevertheless indicated their support for the changes, subject to consideration of the impacts.

The applicant has suggested that touch-and-goes be limited to 4 in any hour and that each touch and go should count as 2 movements for the purpose of the overall number of movements and that ab initio circuit training be prohibited. On this basis it is noted that the number of aircraft movements would not increase and the touch-and-go movements would be controlled. Furthermore the potentially disruptive and repetitive flying by novice pilots would be banned.

On this basis it is considered that the impacts of these changes would be within acceptable limits and compliant with the requirements of policies EQ2 and EQ7.

Aerobatic flying

It is considered that the aerobatic flying, when aircraft are flying at, or close to, full power, poses a threat to residential amenity. Nevertheless members agreed with the environmental protection unit's view that a small number of events might not be harmful, provided that agreed levels of aerobatic flying is adequately controlled. The applicant has agreed to restrict aerobatic flying over the airfield to two twenty minute periods per day Monday to Saturday, one between 11.00am and 12 noon and one between 2.00pm and 3.00pm. There would be no more than 8 slots per week and no more than 150 in total per year. Such slots would

only be available to resident aircraft and the pilot's contract with the airfield would control this. Such contract is offered as a planning obligation through a s.106 agreement.

The airfield also undertakes not to allow aerobatic flying over-head when a noise sensitive event is being held locally. The definition of such events and the mechanism for notification could be defined in the s.106 agreement.

Whilst formation flying would be allowed within these slots, each aircraft would count as one towards the weekly and annual totals. Furthermore only based aircraft would be able to use these slots. No other aerobatics would be allowed within 8km, with the exception of a specific public event – e.g. a village fete etc.

Previously there was insufficient clarity as to how the suggested restrictions would be enforced. A definition of aerobatic flying has now been agreed and the applicant undertakes that all aircraft flying within the 'approved' slots would be equipped with GPS to record the event. Any transgression would be met with a written warning followed by a ban from the airfield for a second offence. A pilot accused of aerobatic flying outside the approved slots and or with 8km of the airfield would be guilty by default unless they had GPS records to disprove the accusation. Such control mechanism would be set out in the pilots contract the terms of which would have to be agreed as part of the planning obligations in the s.106 agreement.

Given the control mechanisms now proposed it is considered reasonable to allow limited aerobatic flying which subject to the suggested controls would be enforced and would safeguard residential amenity as required by policies EQ2 and EQ7.

Other Residential Amenity Issues

The applicant does not wish to introduce jet aircraft and their prohibition would remain in place and no increase to the number open days (2) or fly-in events (3) is proposed. The current prohibition of the launching of gliders by aero-tug would remain.

Members have indicated their support for the ground testing of engines between 0900 and 1700 Monday to Friday, movements in connection with parachuting and the launching of balloons, airships. The Council's Environmental Protect Unit has considered these changes and subject their adequate control raises no objections and the drafting of the conditions has been agreed with the Council's advisors

It is requested that training flights be allowed. Given that training could take place in any airborne aircraft it is not considered possible or reasonable to ban such activity. Members have indicated that they consider such activities to be reasonable at an airfield and the introduction of such additional economic activity, that would have to take place in compliance with all other restrictions, is welcome.

The current condition to ban aircraft with noise certificates in excess of 79dB(A) is considered to be acceptable in principle. Whilst the figure of 79 dB(A) has been queried it is pointed out that the original 2001 permission imposed a condition to prohibit specified aircraft:-

*Jet aircraft, vertical take-off aircraft (other than helicopters) and aircraft used for aerobatic manoeuvres including Yaks and Pitts Specials will not be permitted to use the airfield with the exception of the following aircraft only during the remaining term of their current annual landing fee pre-payment contract :-
Yaks : RA 81584, RA 44480, RA 44463*

LY-AFX, LY-ALM
Pitts Special : G-YOYO

The intent of this was to prevent acrobatically capable aircraft. The 2009 S.73 application varied this to:--

Jet Aircraft, Vertical Take Off Aircraft (other than Helicopters) and Fixed Wing Aircraft that hold ICAO, FAA or CAA Noise Certificates higher than 79.0dba will not be permitted to use the Airfield. Should any aircraft operate from the airfield without such a certificate they shall also be bound by the 79.0dba noise restriction.

Given that acrobatically capable were allowed in with by 2009 permission and that there is no longer an objection to aerobatics, the need for an aircraft specific noise certificate limitation is arguably questionable. Nevertheless the applicant is happy to maintain this restriction and testing regime to be applied to uncertified aircraft has now been agreed. Accordingly, and in light of the increase MTOW and aerobatic flying now proposed, it is considered prudent to maintain this agreed and enforceable restriction to ensure residential amenity is maintained.

Visual Amenity

Whilst the landscape architect's comments are noted it is considered that the increase in resident aircraft would be visually contained within the operational airfield where their presence is to be expected, and would to a large extent be mitigated by the flat topography and existing building. On this basis it is considered that the proposal would not be contrary to policy EQ2.

Other Restrictions

The comments of North Dorset District Council with regard to the use of the runway for motorcycling/motorsport activities are noted. There are already considerable motorcycling activities at Henstridge at the 'RocketWorld' motorcross track. The applicant currently allows occasional use of the runway for motorcycling events (5 events in 2015 and 5 scheduled for 2016) which are attended by significant numbers (100s) of motorcyclists who are allowed to 'drag' race in pairs along the runway. Whilst all participating machines are required to be 'road legal' such hard acceleration of performance machines has resulted in complaints.

These events take place under Class B of Part 4 of the GPDO which allows for the temporary use of land for up to 28 days per year for uses other than the lawful planning use. This would include 14 days for 'motorsport' and further 14 days where motoring activities are for neither sport nor practice – i.e. for 'fun'. This is the provision under which Rocket World operates.

It is considered that the proliferation of sites exercising permitted rights to hold motorsport activities in this area is harmful to residential amenity through increased noise and disturbance. As such it would be justified to remove the permitted right to allow temporary motorsport uses' within the application site. Such approach would be reasonable to comply with policy EQ2 and EQ7.

Section 106 Agreement

The existing S106 agreement to a large extent duplicates the requirements of the conditions. The National Planning policy Framework provides 3 tests for planning obligations delivered

by S106 agreements. It is stated that obligations should only be sought where they meet all of the following tests:-

- Necessary to make the development (or use) acceptable in planning terms;
- Directly related to the development (or use); and
- Fairly and reasonably related in scale and kind to the development (or use).

On this basis planning obligations which seek to duplicate matters reasonably addressed by condition fail the first test and should not be sought as they are unnecessary. Other matters covered by the existing S106 agreement are considered not to be necessary to make the development acceptable in planning terms namely:-

- a) An application to the CAA for an airfield licence is covered by other legislation and has no bearing on the planning merits of the proposal to continue the airfield use. Such application would be considered by the relevant authority and in any event, licenced or unlicensed, the operator and users would continue to be bound by the terms and restrictions of the permission. Any changes to the planning conditions necessary to meet licence requirements would be subject to a planning application.
- b) It is not considered necessary to prohibit the use of the airfield by a flying or gliding club to make the application acceptable in planning terms. Such users would be bound by the planning conditions.

On this basis it is only considered justifiable to cover the following issues by planning obligation (i.e. s106 agreement):-

- i. the running of a Consultative Committee with agreed terms of reference and constitution;
- ii. The revocation of the current operational permissions (and associated s.106 agreements) with no costs.
- iii. the agreement of a regime of testing for aircraft without recognised noise certificates
- iv. limitations on aerobatic flying
- v. prohibition of ab initio circuit training
- vi. keeping of a log of aircraft movements
- vii. notification of procedures and restrictions to pilots
- viii. agreement of pilots contracts to cover procedures and restrictions
- ix. monitoring and enforcement

Conclusion

Whilst it is accepted that an airfield is a potentially un-neighbourly activity, it must be acknowledged that, in this instance, this is a historic use that cannot easily be taken away. Accordingly the determination of the application requires an appropriate balance to be struck between the legitimate expectations of the operator of the airfield and the concerns of local residents.

In this respect an overhaul of the current conditions is considered prudent. It is considered that subject to the recommended conditions the continued operation of the airfield as an asset to the local economy would be possible without undue impact on residential amenity.

The benefits of Henstridge airfield in terms of a facility for general aviation and the air ambulance, along with the contribution it makes to the local economy though aviation related service activities are noted. It is considered that the activities at the airfield can be reasonably mitigated by robust conditions. On this basis, the harms that might arise from the

continued use of the airfield are outweighed by the benefits. In the absence of a clear conflict with local plan policy or national guidance the proposal is considered acceptable.

RECOMMENDATION

That planning permission be granted subject to:-

- a) the prior completion of a s106 agreement, in a form acceptable to the Council's solicitor(s) and to the satisfaction of the Development Manager in consultation with the Council's advisors and ward members and chair to:-
 - x. require the applicant to establish a Consultative Committee;
 - xi. Revoke all previous permissions without compensation
 - xii. agree a regime of testing to be applied to aircraft without recognised noise certificates;
 - xiii. To limit aerobatic flying by aircraft landing or taking off from the airfield to one period of 20 minutes between 11.00am and 12.00 noon and another 20 minute period between 2.00pm and 3.00pm Monday to Saturday and not at all on Sundays and bank holidays. Such flying shall only occur in the airspace over the airfield and shall only be undertaken by aircraft based at the airfield. These 'approved' slots shall be limited to 8 per week and not more than 150 in total per calendar year and. Within each slot multiple aircraft may fly aerobatics, however each aircraft shall count as one towards the annual and weekly maxima. No aerobatic flying with 2 days notification of a noise sensitive event.

With the exception of the afore mentioned aerobatic flying over the airfield there shall be no aerobatic flying within 8km of the centre point of the main runway unless agreed in writing in relation to a specific public event

'Aerobatic' flying shall be defined as that which:-

"involves performing intentional manoeuvres in an aircraft involving an abrupt change in its attitude, an abnormal attitude or abnormal acceleration, not necessary for normal flight, including flying inverted or performing vertical or near vertical climbs or descents, rolls, loops, spins, stalls and sharp turns or a combination of the above in an aircraft certified for aerobatics, normally carried out over a fixed area or aiming point such as the airfield. Aerobatic flying is normally associated with a notable change of aircraft noise when performing different manoeuvres".

All aircraft flying within approved aerobatic slots to carry appropriate GPS to verify compliance.

- xiv. Prohibition of abinitio circuit training (which shall be defined).
- xv. Ensure a log of aircraft movements is maintained log shall include:-
 - (g) Date and time of arrival/departure;
 - (h) Point of departure/destination;
 - (i) Aircraft registration;

- (j) Aircraft type;
- (k) Pilot's name;
- (l) Number of Persons On Board.

Such log shall be open to inspection by the Local Planning Authority on request.

- xvi. Ensure that the airfield owner shall expressly bring the agreed procedures and restrictions to the notice of every pilot of an aircraft intending to use the airfield, in accordance with details to be agreed by the Local Planning Authority, including for this purpose making the airfield PPR (Prior Permission Required).
- xvii. Require the agreement of a pilots contract to cover adherence to the above restrictions.
- xviii. Set out the monitoring regime and sanctions which may have been taken against pilots in event of any breach.

and;

- b) the imposition of the following conditions.

Justification:

The continued use of this site as an airfield, subject to the following conditions and the S106 agreement would not result in an unacceptable intensification of the use of the site or in any undue impact on residential or visual amenity. As such the proposal complies with policies EQ2, EQ7, TA5 and EP6 of the South Somerset Local Plan 2006-2028 and the policies contained within the National Planning Policy Framework.

Conditions

- 1) The maximum total number of movements Aircraft Movements shall not exceed any of the following:
 - i) 10,000 Aircraft Movements in any calendar year, including on Open Days and "Fly-In" Events and helicopter movements;
 - ii) 1,000 Helicopter Movements in any calendar year, including on Open Days and "Fly-In" Events;
 - iii) 100 Aircraft Movements in any period of 24 hours, including Helicopter Movements, excluding on Open Days and "Fly-In" Events for which no limit on daily movements shall apply.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 2) Other than in the case of emergency involving immediate danger to one or more persons on board an aircraft and with the exceptions of
 - (a) any helicopter being used by an Air Ambulance organisation or for medivac use in emergency
 - (b) any helicopter being used by the emergency services
 - (c) any returning based aircraft,

no aircraft may start up or run its engine(s) or taxi or land on or take off from the Land except during the following times and at no time at Night if later or earlier respectively:

- ii) Weekdays (Monday to Friday) excepting Bank Holidays: between the hours of 0800hrs and 1900hrs (local time) and at no time at Night;
- iii) Saturdays: between the hours of 0900hrs and 1900hrs (local time) and at no Time at Night;
- iv) Sundays and Bank Holidays: between the hours of 0900hrs and 1800hrs (local time) and at no time at Night.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 3) Except on Open Days and Fly-Ins, the total number of aircraft parked on the Land at any one time shall not exceed 120, of which a maximum of 100 shall be Based Aircraft.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 4) The runway on the Land shall not be used for more than 4 'Touch and Go' landings in any hour. Each 'touch and go' landing shall be counted as 2 movements for the purpose of condition 1.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 5) No fixed wing jet or fixed wing jet turbine aircraft shall start-up, taxi, land on or take off from the Land.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 6) Except prior to take-off to perform pre-flight tests, no ground testing of aircraft engines may take place on the Land outside of the hours of 0900-1700 Monday to Friday.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 7) Except on Open Days or in a case of emergency involving immediate danger to one or more persons on board an aircraft no aircraft shall land on or take off from the Land which is being used for the transport or dropping of parachutists over the airfield or for the towing of gliders or banners;

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 8) Except on Open Days, or in either a case of emergency involving immediate danger to one or more persons on board an aircraft or use by the emergency services, no aircraft (whether fixed wing or rotary/helicopter) shall land on or take off from the Land with a certified maximum take-off weight in excess of 5,000kg or carrying more than 6 persons including the pilot.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 9) The total number of Open Days and “Fly-In” Events shall not exceed the following in any calendar year:
- a) Two Open Days; and
 - b) Three “Fly-In” events

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 10) No aircraft without a current Certificate of Airworthiness or Permit to Fly, or aircraft parts or any types of machinery shall be stored externally for in excess of three months.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 11) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting such Order with or without modification, no buildings shall be erected or other forms of development be carried out on the Land without the express prior written consent of the Council.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 12) The joining and departure procedures, instructions and routes for aircraft (including areas designated as areas not to be overflown) shall publicised by the aerodrome operator together with a copy of this planning permission shall be displayed prominently at the clubhouse on the Land and measures shall be taken to draw such matters to the attention of visiting pilots.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 13) No fixed wing aircraft that hold ICAO, FAA or CAA Noise Certificates higher than 79.0dba shall land on or take off from the Land.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or re-enacting such Order with or without modification, no part of the airfield site as shown on the drawing No 1000 received 02/09/15 hereby approved, including the runway, shall be used for any form of motor vehicle trials, racing, competition or practicing, vehicle engine or other forms of vehicle testing, including by motor cars or motorcycles, whether such vehicles are driven or ridden recreationally or otherwise.

Reason: In the interests of amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 (Adopted March 2015).

- 15) This permission shall relate to the land edged in red on the submitted overall; site plan, drawing number 1000 received on 02/09/15.

Reason: To clarify the scope of this permission

Informative

1. The terms appearing in the Conditions above have the following meanings:
 - a) **Aircraft:** shall include aircraft of all types and descriptions including fixed wing aircraft, helicopters, gyrocopters and autogyros.
 - b) **Aircraft Movement:** a take-off or a landing on the Land by an Aircraft.
 - c) **Based Aircraft:** an aircraft with a contract in place between the aerodrome owner or operator and the aircraft owner or operator for which at least a monthly fee is paid for the aircraft to be parked on or use the Land.
 - d) **Fly-In:** an event held on the Land which has been pre-publicised as being open to pilots, crew and passengers arriving by aircraft or to owners or operators of Based Aircraft or to persons who are subscribing members of the aeroclub on the Land.
 - e) **Helicopter Movement:** a take-off or a landing on the Land by a helicopter.
 - f) **The Land:** as defined in the First Schedule.
 - g) **Night:** from half an hour after sunset until half an hour before sunrise (both times inclusive) or as defined in the Air Navigation Order for the time being.
 - h) **Noise Rating:** the noise rating for the aircraft as shown in a Certificate or Permit issued by ICAO, FAA, EASA, CAA or LAA or its equivalent.
 - i) **Open Days:** an event held on the Land which has been pre-publicised as being open to members of the public and others arriving by land or by aircraft.
 - j) **Touch-and-Go Landing:** a landing followed immediately by a take-off of an aircraft without it coming to a halt on the Land.