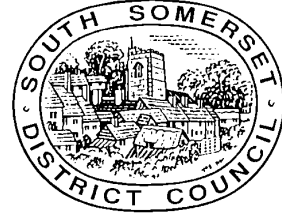


**South Somerset District Council**

*Notice of Meeting*



# Area North Committee

*Making a difference where it counts*

**Wednesday 13th December 2017**

**2.00 pm**

**Village Hall  
New Road  
Norton Sub Hamdon  
TA14 6SF**

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



The following members are requested to attend this meeting:

Clare Aparicio Paul  
Neil Bloomfield  
Adam Dance  
Graham Middleton  
Tiffany Osborne

Stephen Page  
Crispin Raikes  
Jo Roundell Greene  
Dean Ruddle  
Sylvia Seal

Sue Steele  
Gerard Tucker  
Derek Yeomans

Consideration of planning applications will commence no earlier than 2.40pm.

For further information on the items to be discussed, please contact the Democratic Services Officer on 01935 462596 or [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

This Agenda was issued on Monday 4 December 2017.

**Alex Parmley**, *Chief Executive Officer*

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



## **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”. The council’s Executive Forward Plan can be viewed online for details of executive/key decisions which are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

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

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

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

Agendas and minutes of meetings are published on the council’s website  
[www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions](http://www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions)

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for ‘mod.gov’ in the app store for your device, install, and select ‘South Somerset’ from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

## **Public participation at committees**

### **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**

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and 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.

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should

also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

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

The order of speaking on planning items will be:

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

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

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

## **Recording and photography at council meetings**

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

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

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

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

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# **Area North Committee**

## **Wednesday 13 December 2017**

### **Agenda**

#### ***Preliminary Items***

**1. Minutes**

To approve as a correct record the minutes of the previous meeting held on 25 October 2017.

**2. Apologies for absence**

**3. Declarations of Interest**

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), 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.

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. 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.

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

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

Councillors Clare Aparicio Paul, Neil Bloomfield and Sylvia Seal.

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

**4. Date of next meeting**

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 24 January 2018** at a venue to be confirmed.

**5. Public question time**

**6. Chairman's announcements**

## **7. Reports from members**

### *Items for Discussion*

- 8. Grant to William Blake Memorial Hall Management Committee (Executive Decision)** (Pages 6 - 10)
- 9. Area North Development Plan and Budget - Half Year Progress Report (Executive Decision)** (Pages 11 - 24)
- 10. Area North Committee Forward Plan** (Pages 25 - 26)
- 11. Planning Appeals** (Pages 27 - 37)
- 12. Schedule of Planning Applications to be Determined By Committee** (Pages 38 - 39)
- 13. Planning Application 17/00917/COU - King William Inn, Langport Road, Curry Rivel.** (Pages 40 - 47)
- 14. Planning Application 17/00918/OUT - King William Inn, Langport Road, Curry Rivel.** (Pages 48 - 55)
- 15. Planning Application 17/03388/FUL - Stancrest, Currywoods Way, Curry Rivel.** (Pages 56 - 62)
- 16. PLanning Application 17/03952/FUL - Land OS3276, Langport Road, Catsgore.** (Pages 63 - 71)
- 17. Planning Application 17/03501/FUL - Decoy Farm, Peak Lane, Compton Dundon.** (Pages 72 - 80)
- 18. Planning Application 17/03728/DPO - Westerfield House, Church Lane, Seavington St Mary.** (Pages 81 - 84)

**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.**

# Agenda Item 8

## **Grant to William Blake Memorial Hall Management Committee (Executive Decision)**

*Service Managers:* Helen Rutter, Communities Lead & Sara Kelly, Area Development Lead (North)  
*Lead Officer:* Chereen Scott, Neighbourhood Development Officer (North)  
*Contact Details:* chereen.scott@southsomerset.gov.uk or (01935) 462123

### **Purpose of the Report**

Councillors are asked to consider the awarding of a grant towards the costs of refurbishment work to the Blake Hall in South Petherton to improve the toilets, create a fully accessible toilet and incorporate access to these facilities for the public.

### **Public Interest**

The William Blake Memorial Hall Management Committee has applied for financial assistance from the Area North community grants programme. The application has been assessed by the Neighbourhood Development Officer who has submitted this report to allow the Area North Committee to make an informed decision on the application.

### **Recommendation**

It is recommended that councillors award a grant of £5,000 to the William Blake Hall Management Committee, the grant to be allocated from the Area North capital programme (Local Priority Schemes), subject to SSDC standard conditions for community grants (appendix A).

### **Application Details**

Name of applicant	William Blake Memorial Hall Management Committee
Project	Blake Hall South Petherton public conveniences
Total project cost	£28,000
Amount requested from SSDC	£5,000
Application assessed by	Chereen Scott, Neighbourhood Development Officer

### **Community Grants Assessment Score**

The table below shows the grant scoring for this application. In order to be considered for SSDC funding under the Community Grants policies, applications need to meet the minimum score of 22.

<b>Category</b>	<b>Actual Score</b>	<b>Maximum score possible</b>
A Eligibility	Y	Y
B Equalities Impact	6	7
C Need for project	5	5
D Capacity of Organisation	13	15
E Financial need	3	5
F Innovation	3	3
<b>Grand Total</b>	<b>32</b>	<b>37</b>

## Background

Currently there are no public conveniences in the village of South Petherton.

The Parish Council has undertaken an appraisal concerning new public conveniences. The local view was that the location needed to be either within or close to the village centre where most activity involving residents, shoppers and tourists takes place. The Blake Hall has been identified as a suitable location however the existing provision will need to be refurbished to provide public access and an accessible toilet that complies with regulations.

The Blake Hall is a registered charity managed by the William Blake Memorial Hall Management Committee, (registered with The Charity Commission number 304631). The object of the Charity is to provide and maintain a village hall for the use of the inhabitants of South Petherton and neighborhood.

The Parish Council act as custodian Trustees of the Blake Hall. The South Petherton Sports and Social Club lease the ground floor of the building where the toilets are located.

The Parish Council, Blake Hall Management Committee and Blake Hall Sports and Social Club formed a working group to look at how they can deliver publicly accessible toilets within the Blake Hall building. South Petherton Sports and Social Club has agreed to manage the publicly accessible toilets.

## Parish Information

Parish*	South Petherton
Parish Population*	3,367
No. of dwellings*	1,637

\*Taken from the 2011 census profile

## The project

The project is to refurbish the existing toilets in the Blake Hall in South Petherton to incorporate access for the general public.

An access review of the building has been carried out by Access For All and recommendations were provided for the refurbishment works and these have been taken forward with this project. The refurbishment works will include some reconfiguration of internal space and doorways, increasing passage width to create a turning circle for wheelchair access, installing a fixed ramp, new flooring, a new accessible toilet, refurbishment of existing toilets and a security access system at the entrance door.

The public conveniences will be inside the building which will provide appropriate security and protection against vandalism.

## Local support and evidence of need

The South Petherton Parish Plan (2007) identified a need for public conveniences, and this need was highlighted again in the Parish Plan review (2015) and the recent Neighbourhood Plan submission.

A publicly accessible toilet in the Blake Hall has wide support and will provide an amenity for the village as a whole (and visitors).

## Project Costs

Fixtures and fittings	£13,500
Labour and skip costs	£10,100
Security and access (doors, cameral and intercom system)	£3,000
Contingency	£1,400
<b>Total project cost</b>	<b>£28,000</b>

## Funding Plan

<b>Funding Source</b>	<b>Funds secured</b>
Parish Council	£15,000
Own funds	£5,000
South Petherton Sports & Social Club (SPSSC)	£3,000
<b>Total secured</b>	<b>£23,000</b>
Amount requested from SSDC	£5,000

## Consents and permissions

A building regulation application is being submitted to SSDC.

## Conclusion and Recommendation

This application is for £5,000 which represents 18% of the total project costs. The level of local funding committed to the project evidences strong local support. The Management Committee is committed to working with the Sports and Social Club to deliver this project.

It is recommended that this application for £5,000 is supported subject to all necessary statutory permissions and licences in place.

## Financial Implications

The balance in the Local Priority Project: Enhancing Facilities and Services budget is £9,304. If the recommended grant of £5,000 is awarded, £4,304 will remain. The Area North Capital Programme also has an uncommitted balance of £154,655.

## Council Plan Implications

The project supports:

SSDC Plan: Health & Communities: Support at least 50 community projects (H); Environment: Enabling energy reduction (M)

Area North Development Plan priority: Self-help and community facilities.

## Carbon Emissions & Climate Change Implications

None specifically relevant to this report.



## **Equality and Diversity Implications**

The improvements will provide the village with a public convenience that meets the current standards for accessibility. Access for All fully supports this application and has advised on the final plans.

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## Appendix A

### Standard conditions applying to all Community Grants.

This grant offer is made based on the information provided in application form no. AN17/14 and represents 18% of the total project costs. The grant will be reduced if the costs of the total project are less than originally anticipated. Phased payments may be made in exceptional circumstances (e.g. to help with cash-flow for a larger building project) and are subject to agreement.

The applicant agrees to: -

- Notify SSDC if there is a material change to the information provided in the application.
- Start the project within six months of this grant offer and notify SSDC of any changes to the project or start date as soon as possible.
- Confirm that all other funding sources have been secured if this was not already in place at the time of the application and before starting the project.
- Acknowledge SSDC assistance towards the project in any relevant publicity about the project (e.g. leaflets, posters, websites, and promotional materials) and on any permanent acknowledgement (e.g. plaques, signs etc).
- Work in conjunction with SSDC officers to monitor and share the success of the project and the benefits to the community resulting from SSDC's contribution to the project.
- Provide a project update and/or supply before and after photos if requested.
- Supply receipted invoices or receipts which provide evidence of the **full** cost of the project so that the grant can be released.

### Standard conditions applying to buildings, facilities and equipment

- Establish and maintain a "sinking fund" to support future replacement of the building / facility / equipment as grant funding is only awarded on a one-off basis.
- Use the SSDC Building Control service where buildings regulations are required.
- Incorporate disabled access and provide an access statement where relevant.

### Special Condition

- All statutory permissions and licences must be in place.

# Agenda Item 9

## **Area North Development Plan and Budget – Half Year Progress Report (Executive Decision)**

*Service Manager:* Helen Rutter, Communities Lead  
*Lead Officer:* Sara Kelly, Area Development Lead North  
*Contact Details:* sara.kelly@southsomerset.gov.uk or (01935) 462249

### **Purpose of the Report**

To provide an update on the progress of work being undertaken in Area North including projects supported through Area and Capital programmes and to give an overview of the Area North Reserve and Grants Programmes.

### **Public Interest**

The Area Development Service supports the Council's 4 Area Committees (North, South, East and West) to work closely with local communities to create better places in which to live and work.

Area North committee can use its resources both financial and through its team of Development staff to understand what matters to local people and address this by offering support, encouragement and direct financial and practical help.

The report gives a half year position on progress with implementing the Area Development Service Plan and gives members the opportunity to consider any adjustments they might wish to make at this point during the year.

### **Recommendations**

That members:

1. Note and comment on progress against items listed in the Service Action Plan.
2. Note the current position on community grants.
3. Note the current position with the Area North capital programme and reserve.
4. Approve the movement of £25,000 from the uncommitted Area North Capital programme into the Local Priority Project – enhancing facilities and services budget.

### **Background**

Budgets are approved in February each year. Each of the 4 Area Committees has delegated responsibility for monitoring budgets within its control. Area North Committee considers all decisions relating to grant requests over £1000, its capital programme and the allocation and spending of its reserve. District Executive continues to monitor all budgets on a quarterly basis.

Area budgets enable the Committee to pump prime the work and projects it wishes to implement or support in order to address local needs and promote improved quality of life in the area.

The Area Development Plan 2017/18 contains a set of local priorities, agreed by the committee and a service action plan with targets to carry these forward throughout the year. A half year progress report is brought to Committee. Progress against current projects in the service action plan is attached in Appendix 1.

### **Funding Overview**

Appendix 2 gives a budget summary for 2017/18 to include the Area North Capital Programme, Area North Reserve and Area North Revenue grants.

Appendix 3 gives an overview of all funding awards made from the Area North revenue grants budget since April 2017.

The award of grants up to £1000 is delegated to the Area Lead in consultation with ward members. Grants over £1000 are awarded by Area Committee. The budget for revenue support to community led projects in 2017/18 was £10,680. In addition £5,350 was carried forward from previous years. To date, £14741.50 has been spent leaving a balance of £1,288.50.

### **Area North Capital Programme**

The Area Committee capital budget is used to improve or create physical assets for local benefit with a value of at least £10,000 for a scheme led by SSDC or as a community grant of at least £250. The unallocated balance in the Local Priority Project – enhancing facilities and services budget is £9,304. In addition, the Area North Capital Programme also has an uncommitted balance of £154,655 currently profiled for future year allocations.

A further grant request is being considered by committee today and if approved, this will reduce the unallocated balance to £4,304. As we are in active discussion with a few communities regarding potential future funding bids it is proposed that £25,000 is moved from uncommitted balances to the Local Priority Project – enhancing facilities and services budget in order for the funding to be in place to support these communities when required.

Fuller detail on the spending of the Capital Programme is attached at Appendix 4. It shows live projects, their funding allocation and spending that took place to 31<sup>st</sup> October 17.

### **Area North Reserve**

This is a one off fund held as a special reserve by the Area Committee. There is £16,600 to allocate for future years. In addition, £10,000 is allocated to support the progress (in exceptional circumstances) of schemes for affordable housing as part of the Area Committee's priorities.

### **Financial Implications**

None arising directly from this report.

### **Council Plan Implications**

Health & Communities: Support at least 50 community projects

## **Carbon Emissions Climate Change Implications**

None arising directly from this report.

## **Equality and Diversity Implications**

None arising directly from this report.

## **Background Papers**

Area North Development Plan 2017-18

## Appendix 1

### Area North Development - Service Action Plan 2017/18

Completed	In progress – on target	In progress – risk of missing target	Future action not started
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Action /Project description	Who	Milestone/ outcome	When	Current position Oct 17
Continue to build SSDC engagement with Town & Parish Councils, including guidance on community plans and local investment	All	6 monthly meetings with clerks/chairs as required	Ongoing	Update meetings have been held with each market town to identify current priorities and support required from SSDC. Attendance has been provided at Parish Council meetings as required
Support local community engagement with SSDC and partnerships between agencies to meet local needs (including community safety) and encourage innovation	All	6 monthly meetings with key partners	Ongoing	Meetings attended as required
<b>Service Action plan: Top level actions – more detail is within individual work programmes / project plans</b>				

Page 14

Priority Area 1: Jobs and the economy				
Action /Project description	Who	Milestone/ outcome	When	Current position Oct 17
Support our 4 Local Information Centres (Somerton, Martock, Langport, South Petherton) with service level agreements	MO	Release all grant payments by December 17	Ongoing	2 Payments released. 2 in progress.
Support towns to take part in MTIG	PB	Attendance at MTIG meetings	Ongoing	Taking lead on digital audit work. With colleagues, devising grant programme for improved digital inclusion in market towns

Appendix 1

Area North Development - Service Action Plan 2017/18

Completed	In progress – on target	In progress – risk of missing target	Future action not started
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Action /Project description	Who	Milestone/ outcome	When	Current position Oct 17
<b>Support for small businesses</b>				
<ul style="list-style-type: none"> <li>Production of short run publication promoting local businesses and facilities to visitors and residents.</li> </ul>	PB	Publications issued	March 2018	Good feedback from businesses regarding success of publication. Reprint for Spring 2018 anticipated
<ul style="list-style-type: none"> <li>Business networking events</li> </ul>	PB	Minimum of 2 events per year	Autumn 2017 and Spring 2018	Next event 1/11/17
<ul style="list-style-type: none"> <li>Training workshops</li> </ul>	PB	Digital workshop about social networking opportunities Signposting to existing training opportunities.  Marketing and promotion workshop for businesses	March 2018	Working with CDS 2 x free data protection courses planned for December 2017. (Open to businesses across the district).  Future social networking training to be picked up through MTIG funding
<b>Tourism/attracting visitors to the area</b>				
<ul style="list-style-type: none"> <li>Supporting initiatives to improve local facilities and services including:                             <ul style="list-style-type: none"> <li>Support for Langport River Group to improve infrastructure for access onto the river</li> </ul> </li> </ul>	PB	Attendance at meetings	Ongoing	Eol submitted to LEADER for infrastructure on river at Langport. Project delayed while LTC is re-established.

Appendix 1

Area North Development - Service Action Plan 2017/18

Completed	In progress – on target	In progress – risk of missing target	Future action not started
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<ul style="list-style-type: none"> <li>○ Support initiatives to encourage cycling and walking. Consider links with existing and emerging initiatives that support cycling and other low impact opportunities in Area North.</li> <li>○ Review and improve promotion of the River Parrett Trail (focussing on the SSDC section) Identify local solutions to raising awareness of the Trail and promoting the range of businesses along the course of the river, ensuring connections and links to partner organisations are used to best advantage.</li> </ul>		<p>Report to Area North committee regarding the Langport to Muchelney cycleway</p>	<p>March 2018</p>	<p>Community survey for the Langport to Muchelney cycleway indicates very strong local support for its continuation. Reviewing its management in line with discussions about an extended cycleway to include Langport to Aller.</p> <p>RPT: Identifying opportunities and platforms to promote the RPT through consultation with businesses on the trail and partners such as SCC Rights of Way team.</p>
<b>Support to LEADER (Levels and Moors)</b>				
<ul style="list-style-type: none"> <li>● Promote LEADER funding to potential applicants</li> <li>● Support good applications</li> <li>● Represent SSDC on the Levels and Moors Executive</li> </ul>	<p>PB</p> <p>PB</p>	<p>Applications submitted</p> <p>Attendance at meetings</p>	<p>Ongoing</p> <p>Ongoing</p>	<p>EOI submitted.</p> <p>Representation ongoing</p>



Appendix 1

Area North Development - Service Action Plan 2017/18

Completed	In progress – on target	In progress – risk of missing target	Future action not started
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**Priority Area 2. Affordable Housing**

Action /Project description	Who	Milestone/ outcome	When	Current position Oct 17
Support progress to secure completion of affordable housing scheme in Compton Dundon	SK	Build complete	March 2018	Awaiting power to be connected on site before work recommences. Monitoring through rural housing action plan
Continue to offer support with local housing needs surveys (HNS) as requested	ALL	Assist High Ham Parish Council with production and analysis of survey Respond to need from other parishes as requested	Autumn 2017 Ongoing	High Ham survey complete and analysis in progress No other requests to date
Support progress to complete affordable housing units, to be owned and managed by Community Land Trust, as part of larger development on former Lift West site at Seavington St Michael		Creation of Community Land Trust  Build completed	Established May 2017  Ongoing	Build underway Development named Falcon Close Affordable units will be last on site to be completed

**Priority Area 3. Self help and community facilities**

Action /Project description	Who	Milestone/ outcome	When	Current position Oct 17
Support community-led play days and youth work.	ALL	Minimum of 6 play days supported in 2017	Summer 2017	8 play days took place during summer and autumn 2017
Support Kingsbury Episcopi church rooms management committee	CS	Work completed and grant released	December 2017	Refurbishment work has commenced and due to complete end of year.

## Appendix 1

### Area North Development - Service Action Plan 2017/18

Completed	In progress – on target	In progress – risk of missing target	Future action not started
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Support delivery of Curry Rivel community facilities investment programme at Westfield and SSDC play areas.	SK	New equipment installed	December 2017	Equipment installed.
Support development of community facilities at Huish Leisure Centre	MO	Attendance at meetings as required. Possible grant application	Ongoing	£25 awarded by ANC towards roofing project. No other support requested at present
Support Stoke Sub Hamdon Recreation Trust to implement five year plan.	MO	6 monthly updates received. Attend meetings as required	Ongoing	Support offered as required
Support delivery of Ilton community facilities investment programme onto new land at Copse Lane.	CS	Master planning exercise complete and work underway	March 2018	Masterplan drafted and Parish Council is consulting with community. Support will be ongoing.
Support Curry Mallet Parish Council and Village Hall to implement improved local play facilities	MO	New play equipment installed & \$106 spent	March 2018	Design work currently being undertaken and equipment costed.
Support Martock Parish Council to deliver actions identified in the Martock 'Our Place' programme	MO	SLA signed. Reviewed annually 2016-19	Ongoing	Review undertaken and 2 <sup>nd</sup> year SLA payment released.
Support South Petherton Parish Council to deliver community facilities investment programme at Lightgate Lane to include master planning exercise	SK	Masterplan produced and first actions commenced	March 2018	CHL colleagues have been providing support and observations as required. Work continuing to bring the plan to a conclusion
Support Tintinhull Parish Council to progress new village hall project	CS	Build complete and grant payment released	December 2017	Project is in final phase of build, with completion anticipated by end of December. Has received 3 of 4 phased grant payments.
Support Somerton Recreation Trust to continue master planning for changing and sports facilities	SK	Project fully scoped and approved by Trust. Masterplan complete	December 2017	Work ongoing and grant payment offered. Support provided as requested

## Appendix 1

### Area North Development - Service Action Plan 2017/18

Completed	In progress – on target	In progress – risk of missing target	Future action not started
-----------	-------------------------	--------------------------------------	---------------------------

Action /Project description	Who	Milestone/ outcome	When	Current position Oct 17
Support and coordination of ABP abattoir liaison group	CS	Quarterly meetings arranged and attended	Ongoing	Group met in May and agreed to meet six monthly now that the site development is complete, with the next meeting in November.
Support review of community facilities in Ash and ongoing actions that arise from the outcome of the recent survey.	CS	Ongoing support as required. Possible grant application	Ongoing	Grant complete and payment released
Continued support to Kingsbury Episcopi Village Hall/Shop including release of final phase grant payment	MO	Final phase of grant payment released	July 2017	Final payment released. Community centre, shop and café are fully functioning
Support Long Sutton village hall committee with production of 3-5 year business plan and associated actions arising from it	SK	Business plan produced and presented to Parish Council	December 2017	New committee in place. Support ongoing.
Finalise payment of community grant to Aller Village Hall for new hearing loop	CS	Payment released	August 2017	Grant complete and payment released
Support potential new community group looking to undertake community purchase of the King William Inn, Curry Rivel	SK	Either the set-up of a formally constituted group or the decision not to proceed	October 2017	Now listed as an asset of community value. Another public meeting taking place in October. No direct support requested to date.
Support ongoing improvement to village hall provision in Curry Rivel	SK	3 year plan/feasibility study produced Potential grant application to Area North	March 2018	Grant awarded for display screen equipment in village hall. Ongoing support offered as required.
Support SSH Parish Council with purchase of Methodist chapel and programme of improvements	MO	Purchase complete Project plan produced Funding secured for improvements	March 2018	Aiming for exchange of contracts by Christmas 2017 Access audit completed

## Appendix 1

### Area North Development - Service Action Plan 2017/18

Completed	In progress – on target	In progress – risk of missing target	Future action not started
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Action /Project description	Who	Milestone/ outcome	When	Current position Oct 17
Finalise grant payment towards Ilton defibrillator	CS	Payment released	September 2017	Grant complete and payment released
Support Langport Town Council with feasibility study of Town Hall	PB	Feasibility study produced Project plan costed and underway	March 2018	Feasibility study delayed whilst LTC is re established
Finalise grant payment to Langport and Huish senior citizens club	CS	Payment released	August 2017	Grant offer letter sent. Project runs over 12 months and due to complete December 2017.
Support Long Load village hall management committee to finalise works and release grant payment (£5k)	MO	Revised works fully scoped and costed Work underway	December 2018	Work progressing well, with good community support. Following budget saving, Heritage Lottery Fund has agreed reallocating funding for some additional work, with a time extension to complete this.
Support Blake Hall Management committee/Parish council with improvements to Blake Hall to incorporate public toilets	SK	Lease agreed Funding secured Toilet operational	Autumn 2017 January 2018 2018	Funding bids being produced and will be submitted October/November 2017. Lease in progress.
Support South Petherton community Partnership as required	SK	Attendance at meetings	Ongoing	Attended 3 initial meetings. Now attend ad hoc as required
Support as required to new school project in Somerton	SK	TBC as project progresses	Ongoing	No support requested to date.
Grant to Drayton Village Hall towards replacement of curtains	CS	Grant payment released	Autumn 17	Grant complete and payment released

## Appendix 1

### Area North Development - Service Action Plan 2017/18

Completed	In progress – on target	In progress – risk of missing target	Future action not started
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Action /Project description	Who	Milestone/ outcome	When	Current position Oct 17
Grant to Shepton Beauchamp Parish Council towards cost of defibrillator	CS	Grant payment released	Autumn 17	Applicant getting revised quotes for works due to new service provider. Anticipate resubmission of application late Autumn.
Grant to Norton Sub Hamdon village hall towards costs of refurbishment	MO	Grant payment released	November 17	Grant approved at Oct 17 Area North Committee. Work in progress
Grant to Stocklinch village hall towards cost of roof repairs	SK	Grant payment released	November 17	Grant approved at Oct 17 Area North Committee. Work in progress

#### Priority Area 4. Community led Planning and Development

Action /Project description	Who	Milestone/ outcome	When	Current position Oct 17
Support South Petherton Parish Council to refresh the Parish Plan / create Neighbourhood Plan	SK	NP presented to ANC	October 2017	Draft Neighbourhood Plan submitted to SSDC for inspection
Support Martock Parish Council to create Neighbourhood Plan	SK	NP presented to ANC	January 2018	Ongoing. Support offered as required
Support Barrington Parish Council with potential community plan (if they decide to pursue)	SK	Parish Plan published	Spring 2018	Initial meeting attended to provide advice. Support offered if the decision is taken to proceed
Support Fivehead Parish Council with development of Parish Plan	MO	Awards for All grant application Public consultation meeting Parish Plan published	Spring 2018	Grant awarded and public meeting held
Support Martock Parish Council with development of Parish Plan	MO	Parish Plan published	Spring 2018	Support offered as required

Appendix 2

Area North Budget Summary

Budget Type	AN Capital Programme <ul style="list-style-type: none"> <li>• Rolled forward annually</li> <li>• £25k top up by DX each year</li> </ul>	AN Reserve	AN Community Grants <ul style="list-style-type: none"> <li>• Revenue fund</li> <li>• Must be spent or committed in year</li> <li>• Renewed annually</li> <li>•</li> </ul>
Year start position 2017/18		<p style="text-align: center;">£16,600 Plus £10,000 to support the progress of schemes for affordable housing</p>	<p style="text-align: center;">£16,030  (£10,680 for 17/18 plus £5,350 carried forward)</p>
Commitments to projects	<p style="text-align: center;">£74,070 For detail please see appendix 4</p>		<p style="text-align: center;">£14,741.50 For details please see appendix 3</p>
Uncommitted balance at 1 <sup>st</sup> November 2017	<p style="text-align: center;">£163,959 (£9,304 profiled for 17/18 plus £154,655 for future years)</p>	<p style="text-align: center;">£26,600</p>	<p style="text-align: center;">£1,288.50</p>

## Appendix 3

## Revenue Grants Awarded 2017/18

Ward	Name of group (applicant)	Name of project		Amount awarded and paid £
Martock	Ash Mill Wood	Storage Shed		350
Wessex	Friends of the Parish Rooms	New Chairs for Parish Rooms		967
South Petherton	Seavington shop and services association	Seavington store equipment		1000
Martock	Making the most of Martock	Community Plan		1000
Curry Rivel	Drayton Village Hall	Replacement of curtains at Hall		750
Isle Moor	Ilton Parish Council	Ilton Defibrillator		300
Martock	Martock Parish Council	Martock LIC (SLA)		500
Martock	Martock Parish Council	Our Place Martock		4000
Turn Hill	Aller Village Hall	Aller Village Hall hearing loop		992
Wessex	Somerton Town Council	Somerton LIC (SLA)		500
Martock	Martock Parish Council	Parish Hall Chairs		1000
			<b>Total £</b>	<b>11,359</b>
				<b>Not yet paid £</b>
Curry Rivel	Curry Rivel Parish Council	Curry Rivel Community Display Screen		676
Curry Rivel	Curry Mallet Notice Board	Curry Mallet Parish Council		244
Langport & Huish	Langport & Huish Charitable Trust	Langport LIC (SLA)		500
Langport & Huish	Langport & Huish Senior Citizens Club	2017 coach outings & Christmas lunch for club members		500
South Petherton	Shepton Beauchamp	Provision of Defibrillator		600
South Petherton	South Petherton Parish Council	South Petherton LIC (SLA)		500
Turn Hill	High Ham Parish Council	Provision of tea urn and warming cabinet		362.50
			<b>Total £</b>	<b>3,382.5</b>
			<b>Grand Total £</b>	<b>14,741.5</b>

## Appendix 4

### AREA NORTH CAPITAL PROGRAMME 2017/18

#### AREA NORTH

	2017/18 Estimated Spend £	Actual Spend to 31/10/17 £	2017/18 Remaining Budget £	Future Spend £	Responsible Officer (s)
<b>Capital Programme</b>					
Access to Riverside Walks	8,452		8,452		P Burr
Support of Economic Vitality in Area North (Signage for marketing programme)	9,101	1,141	7,960		P Burr
<b>Community Grants</b>					
High Ham Recreation Ground - Youth Park	965	0	965		S Kelly
New Accessible Footpaths at Seavington Playing Field	1,623	0	1,623		S Kelly
Village Hall Grant Kingsbury Episcopi Church Rooms	3,659	0	3,659		M Ostler
Grant to Tintinhull Village Hall	30,865	21,690	9,175		S Kelly
Chilthorne Domer Recreational Trust Pavilion Alterations	1,989	0	1,989		S Kelly
Long Load Village Hall Mgt Committee	5,000	0	5,000		M Ostler
Compdon Dundon Parish Council Bus Shelter Improvements	3,941	0	3,941		S Kelly
Norton Sub Hamdon Village Hall	5,000	0	5,000		S Kelly
Stocklinch Village Hall	3,475	0	3,475		S Kelly
<b>Total North Capital Programme</b>	<b>74,070</b>	<b>22,831</b>	<b>51,239</b>	<b>0</b>	
<b>Reserve Schemes Awaiting Allocation But Approved in Principle</b>					
Local Priority Projects - enhancing facilities and services	9,304	0	9,304	154,655	S Kelly
<b>Total Reserve Schemes</b>	<b>9,304</b>	<b>0</b>	<b>9,304</b>	<b>154,655</b>	
<b>Summary</b>					
North Capital Programme	74,070	22,831	51,239	0	
Reserve Schemes (Unallocated)	9,304	0	9,304	154,655	
<b>Total Programme to be Financed</b>	<b>83,374</b>	<b>22,831</b>	<b>60,543</b>	<b>154,655</b>	



# Agenda Item 10

## **Area North Committee – Forward Plan**

*Service Manager:* Sara Kelly, Area Development Lead (North)  
*Lead Officer:* Becky Sanders, Democratic Services Officer  
*Contact Details:* becky.sanders@southsomerset.gov.uk or (01935) 462596

### **Purpose of the Report**

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

### **Public Interest**

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

### **Recommendation**

Members are asked to:

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

### **Area North Committee Forward Plan**

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

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

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

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

***Background Papers:*** None

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## Area North Committee Forward Plan

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

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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
24 Jan '18	Streetscene Update	Routine six-monthly update.	Chris Cooper, Streetscene Manager
28 Feb '18	Community Safety & Local Policing	Routine annual update report / presentation.	Representatives from Avon & Somerset Police
28 Mar '18	Buildings at Risk	Routine annual update report (Confidential)	Greg Venn, Conservation Officer
25 Apr '18	Langport Cycleway	Update report.	Katy Menday, Countryside Manager
<i>TBC</i>	<i>Endorsement of Community Led Plans</i>	<i>South Petherton Parish Plan and Neighbourhood Plan</i>	<i>Sara Kelly, Area Development Lead (North)</i>

# Agenda Item 11

## **Planning Appeals**

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

## **Purpose of the Report**

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

## **Public Interest**

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

## **Recommendation**

That members comment upon and note the report.

## **Appeals Lodged**

17/02265/OUT – Land at Former Environment Agency Depot, Back Lane, Curry Rivel.  
The erection of 1 No. dwellinghouse (Outline).

13/01500/OUT- Land Off Lyndhurst Gove, Martock.  
Outline application for residential development for 35 dwellings.

## **Appeals Dismissed**

16/00265/COU – Land OS6200 Bearley Lane, Tintinhull.  
Change of use of barn from agricultural building to furniture storage, in connection with an internet business, retrospective (GR 120946/349663).

## **Appeals Allowed**

17/01263/S73 – Former Somerton Service Garage Ltd, West Street, Somerton.  
Application to vary condition 2 (approved plans) and 5 (vehicular access) of planning approval 16/05155/FUL to change the access requirements and layout.

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

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## Appeal Decision

Site visit made on 30 October 2017

**by Thomas Shields MA DipURP MRTPI**

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

**Decision date: 28<sup>th</sup> November 2017**

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**Appeal Ref: APP/R3325/W/17/3177780**

**Land OS 6200 Bearley Lane, Tintinhull, Somerset, BA22 8PE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr David Taverner against the decision of South Somerset District Council.
  - The application Ref 16/00265/COU, dated 14 January 2016, was refused by notice dated 16 December 2016.
  - The development proposed is change of use of barn from agricultural building to a building storing furniture used in connection with an internet business.
- 

### Decision

1. The appeal is dismissed.

### Applications for costs

2. Applications for costs were made by the Council and the appellant against each other. These are subject of separate Decisions.

### Procedural matters

3. The use commenced prior to the application subject of the appeal being submitted to the Council, but ceased following the refusal of planning permission. The fact that the application was made retrospectively does not affect my determination of the appeal which I have considered entirely on its planning merit.
4. An earlier appeal<sup>1</sup> decision in 2016 in respect of a nearby site has been referred to by both main parties. I have taken it into account in so far as it is relevant to this appeal.

### Main Issue

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

### Reasons

6. The appeal site is located in the corner of a field close to the hedgerow along Bearley Lane, and accessed through a gate directly from the lane. It contains two buildings although only the larger one is referred to in respect of the proposed use. It is approximately 324m<sup>2</sup> in area with roof eaves and ridge height of approximately 5m and 7.6m respectively.

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<sup>1</sup> APP/R3325/C/16/3143756

7. The Design and Access statement submitted to the Council with the planning application describes the proposed use of the building as *to store, repair/paint and photograph furniture, it is not a retail unit, no furniture is sold from the premises, it is an internet business. The items of furniture are photographed and then advertised and sold on e.bay, the goods are then collected from the barn. There is no mains electric on site so the business is limited to daylight hours.* The application form indicates two part time staff (amounting to one full time equivalent) would be employed in running the business. It is argued for the appellant that it would be a low key business generating only limited vehicle trips to and from the site.
8. However, taking the above factors into account it is clear to me that the building has the potential to accommodate a large volume of furniture stock. Also, customers who purchase items though on-line auctions would visit the site in vehicles to collect items, or alternatively couriers might be used to despatch items. If the business grew successfully, as one might normally wish, customer or courier trips could increase substantially and turnover and replenishment of stock would generate further vehicular trips to and from the site. As such, the level of trip generation has the potential to far out exceed the levels one might expect for agricultural use of the building, and the low key use described by the appellant, and which I consider could not be adequately or effectively controlled by planning conditions. In any event any such conditions limiting trips to a low level use would also unreasonably restrict the business.
9. Given the potential for substantial trip generation as I have described, it is also likely that there would be use of trailers and large vans in order to transport large and/or bulk items to and from the site. I turn to this matter next.
10. Bearley Lane links directly to the main A303 dual carriageway, approximately 500 metres away and serves a number of other uses including for example farms, dwellings, and a caravan storage facility. It terminates to the north of the appeal site in a cul-de-sac, hence any vehicles visiting the appeal site would return the same way towards the A303. For the first 300 metres towards the A303 from the appeal site Bearley Lane is a narrow unlit country lane with verges but no footways, and house or field accesses provide the only vehicular passing places.
11. When turning left from Bearley Lane onto the A303 vehicles would have to wait for a suitable gap in approaching traffic from the south west since the A303 is subject to a 70mph speed limit and there is no acceleration lane for traffic joining from Bearley Lane. Turning right from Bearley Lane requires drivers to cross two lanes of the oncoming traffic via a central refuge before entering or crossing the outside lane of the dual carriageway carrying traffic towards the south west. The appellant's Transport Statement<sup>2</sup> (TS) argues that vehicular use of Bearley Lane to the appeal site would not result in any harm and that vehicles leaving Bearley Lane onto the A303 would be able to do so safely.
12. However, the full survey data referred to in the TS has not been submitted for analysis. Moreover, the TS indicates to me that the duration of hours surveyed was limited and based on observations during the Easter holidays. That is unlikely to be typical of vehicle movements during peak morning and evening periods outside of holiday weeks along Bearley Lane, or typical of gaps in traffic on the A303 at the Bearley Lane junction. Consequently, I am not convinced

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<sup>2</sup> Transportation Appeal Statement, SWC, 30.05.2017

that the potential increase in the number and frequency of vehicles using the single track stretch of Bearley Lane to access the appeal site, together with an inability to control the size and nature of vehicles used in association with the proposed use, would not result in an increased likelihood for collisions between road users. I am also unconvinced that larger vehicles associated with the proposed use, potentially carrying full loads with or without trailers, would be able to join the A303 from Bearley Lane in a safe and convenient manner so as not to slow or obstruct approaching vehicles.

13. For all the above reasons I therefore conclude that the use would result in an unacceptable increase in risk to highway safety in conflict with Policy TA5 of the adopted South Somerset Local Plan 2015 which seeks to ensure that all new development secures, amongst other matters, safe access and safeguards existing transport infrastructure.
14. I have taken account of the economic benefit to the appellant, the related employment creating opportunities, the granting of a temporary planning permission, and all other matters. However, these do not overcome or outweigh my concerns with regard to highway safety matters.

**Conclusion**

15. The appeal is dismissed.

*Thomas Shields*

INSPECTOR



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## Appeal Decision

Site visit made on 30 October 2017

**by Thomas Shields MA DipURP MRTPI**

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

**Decision date: 24<sup>th</sup> November 2017**

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**Appeal Ref: APP/R3325/W/17/3177561**

**Former Somerton Service Garage Ltd, West Street, Somerton, TA11 6NB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission under section 73 of the Act for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Paul Laing (Propgap 1 Limited) against the decision of South Somerset District Council.
- The application Ref 17/01263/S73, dated 15 March 2017, was refused by notice dated 31 May 2017.
- The application sought planning permission for change of use from service station to residential; erection of 6 dwelling houses, revised vehicular access, and associated parking and landscaping without complying with conditions attached to planning permission Ref 16/05155/FUL, dated 26 January 2017.
- The conditions in dispute are No. 2 and No. 5 which state:

Condition 2:

*"The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Plan 1:500; Composite round Floor Plan 1:100; the drawings ref. WSS PL numbers 01A, 05A, 06A, 07A, 08A and 09A; and the access realignment drawing ref. 2015-260 number 102 (part of the submitted Technical Note, LvW Highways, 16 September 2015.)"*

The reason given for the condition is:

*"For the avoidance of doubt and in the interests of proper planning".*

Condition 5:

*"No part of the development hereby permitted shall be occupied or brought into use until the works proposed to the vehicular access in the submitted Technical Note (LvW Highways September 2015) to improve the available visibility have been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works".*

The reason given for the condition is:

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

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### Decision

1. The appeal is allowed and planning permission is granted for change of use from service station to residential; erection of 6 dwelling houses, revised vehicular access, and associated parking and landscaping at the Former Somerton Service Garage Ltd, West Street, Somerton, TA11 6NB, in accordance with the application Ref 17/01263/S73, dated 15 March 2017,

without compliance with condition numbers 2 and 5 previously imposed on planning permission Ref 16/05155/FUL, dated 26 January 2017, and subject to the attached Schedule of Conditions.

### **Appeal site and background**

2. The appeal site, now vacant, was formerly occupied by a garage/service station and lies within the built up area of the town, bordered by dwellinghouses and their gardens, and having access off West Street to the north and Sutton Road to the south.
3. Planning permission (16/05155/FUL) to redevelop the site was granted in January 2017 for the erection of six dwellinghouses with vehicular access onto Sutton Road. Following that approval the application subject of this appeal (17/01263/S73) was submitted which sought planning permission for the same scheme, but with a revision of the approved Sutton Road access details.
4. The parties have referred to published national technical guidance in MfS<sup>1</sup>, MfS2<sup>2</sup>, and DMRB<sup>3</sup>. In considering the parties' respective arguments I have taken full account of the advice in those documents in reaching my decision.

### **Main Issue**

5. The main issue is the effect on highway safety.

### **Reasons**

6. The proposed revised access onto Sutton Road (B3165) sits within a primarily residential area subject to a 30mph speed limit, and the road varies in width from 5.8m to the west down to 4.8m to the east. It is common ground that the proposed revised access achieves an acceptable 2.4m x 43m ('x' and 'y' distances) visibility splay for drivers looking east along Sutton Road and the Council has no objection to that part of the proposed development. The focus of concern relates to the visibility from the proposed access to the west.
7. The NPPF<sup>4</sup> at paragraph 32 (second bullet point) requires that "*safe and suitable access to the site can be achieved for all people*", and that wording is closely reflected in saved Policy TA5 of the South Somerset Local Plan 2015 (LP).
8. With regard to assessing risk to highway safety the appellant additionally refers to the third bullet point of paragraph 32 which states: "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*".
9. However, as established by the Court<sup>5</sup>, paragraph 32 addresses matters of highway capacity and congestion in the context of the severe residual cumulative impact of the development in its third bullet-point, rather than highway safety considerations in the second bullet point. On that basis I do not need to apply a "severity test" to highway safety in determining the appeal. Accordingly, I have reached my decision on the basis of whether the revised scheme results in *any* significant increase in risk to highway safety.

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<sup>1</sup> Manual for Streets (2007)

<sup>2</sup> Manual for Streets 2 (2010)

<sup>3</sup> Design Manual for Roads and Bridges (2012)

<sup>4</sup> National Planning Policy Framework (2012)

<sup>5</sup> *Mayowa-Emmanuel v Royal Borough of Greenwich* [2015] EWHC 4076



10. Relative to the approved scheme the proposed revised access would reduce the 'x' distance from 2.4m to 2m. Additionally, The 'y' distance to the west would be approximately 26m if the splay is measured to a point which bisects the nearside kerb, or 43m if measured to a point which bisects the nearside edge of the tracked path of a vehicle at 1m out from the kerb edge.
11. Although in some circumstances MfS2 allows for a reduced 'x' distance, and measurement of the 'y' distance to be taken to a point which bisects the tracked path of vehicles along the adjoining main road, the Council and the Highway Authority do not agree that it is suitable to do so in this location.
12. I should first say that I make no criticism of the Council or the HA in pursuing standard formulas for highway access arrangements. Indeed such an approach provides a recognised standard level of safety for road users and helps to provide consistency in decision making. However, it is clear to me, not least from the published technical advice the parties both rely on, that there is room for flexibility depending on the particular circumstances of each situation, and that each case should therefore be considered on its merit.
13. I acknowledge that my observations during my morning visit to the appeal site were limited and not a comprehensive survey, but nonetheless they support the appellant's evidence that the road narrowing and bend in Sutton Road (at its junction with Bartlett Row) causes approaching drivers from the west to reduce speed past the proposed access. In this regard I saw that traffic flows and vehicle speeds were relatively light and slow in both directions, more so with regard to traffic approaching from the west. That the speed of passing vehicles appeared relatively slow is not surprising given the general road layout, including the junction with Great Western Lane, and forward visibility through a built up residential area. I also note that the appellant's evidence in respect of no injury accidents occurring within the area of the appeal site within the last 17 years, and the survey evidence of traffic flows and 25 mph average speeds for east bound traffic is not challenged.
14. A reduction of the 'x' distance by 0.4 m to 2m at the access point would mean that some vehicles would have to protrude out slightly into the main carriageway when exiting the site. However, taking account of the removal of the overgrown bushes at the access point to improve inter-visibility, the low traffic flows into and out of the appeal site relative to six dwellings, and together with the relatively low flows of traffic and low vehicle speed along Sutton Road, I consider that the proposed reduction to 2m would not result in any significant increase in risk to highway safety.
15. Taking the 'x' and 'y' distance together I agree that the visibility splay to the west (measured to the nearside kerb) would be approximately 26m. However, given that any vehicle exiting the access in such a situation might be slightly protruding, I consider that any cyclist travelling east towards the access, and who might be as close as 0.5 metres to the kerb edge, would be able to see the exiting vehicle overhang from a reasonable distance and would be able to manoeuvre around it without any difficulty. I come to the same conclusion in respect of approaching drivers whose line of view would be from a point further out from the kerb edge.
16. Taking account of all the evidence before me, I conclude that in the particular circumstances of this case there would not be a significant increase in risk to

highway safety as a result of the revised access arrangement. As such, there would be no conflict with the NPPF or with LP Policy TA5.

### **Conditions**

17. The Council have suggested a number of conditions which I have considered against the advice in the NPPF and retained Annex A (model conditions) of former Circular 11/95: Use of Conditions in Planning Permissions. Where necessary, and in the interests of precision, I have amended them to bring them in line with the guidance.
18. I have imposed the time limitation condition (1) in which development must commence in accordance with section 91(1) of the Act. Conditions (2,3) are also imposed to require development to be carried out in accordance with the approved plans, and for details of the development to be submitted and approved in the interest of safeguarding the character and appearance of the area. Conditions (4,5,6,8,9) are also imposed in the interest of highway safety. A condition (7) is also necessary to ensure adequate drainage of the site. I have also imposed a condition (10) requiring any identified contamination of the site to be adequately mitigated.

### **Conclusion**

19. For all the above reasons and having regard to all other matters, I conclude that the appeal should be allowed.

*Thomas Shields*

INSPECTOR

### **Conditions Schedule**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of planning permission 16/05155/FUL, i.e. before 26 January 2020.
2. The development hereby permitted shall not be carried out other than in accordance with the following approved plans: Proposed Site Plan 1:500; Composite ground Floor Plan 1:100; the drawings ref. WSS PL numbers 01A, 05A, 06A, 07A, 08A and 09A; and the access realignment drawing ref. 2015-260 numbers 106 and 107 (as submitted with letter dated 1 February 2017, LvW Highways).
3. No development shall commence unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority:
  - a) materials (including the provision of samples where appropriate) to be used for external walls and roofs; these details shall be supported by a sample panel of natural stone indicating coursing and pointing which shall be made available on site prior to commencement;
  - b) full design details and material and external finish to be used for all windows, all external doors, lintels, entrance gates, boarding and openings;
  - c) details of all eaves and fascia board detailing, guttering, downpipes and other rainwater goods;
  - d) details of the surface materials for the access road, parking and turning areas;
  - e) details of all boundary treatments; and
  - f) details of finished floor levels.

The development shall be carried out in accordance with the approved details.

4. At the site access from Sutton Road there shall be no obstruction to visibility greater than 0.6m above adjoining road level within the visibility splays shown on the approved plans (drawings No 106 and 107). The visibility splays shall be provided prior to the commencement of the development hereby permitted and shall thereafter be retained at all times. The site access shall be completed in full prior to first occupation of any dwelling.
5. The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays and accesses within the site, carriageway gradients, drive gradients, car, motorcycle and cycle parking, street furniture and tactile paving shall be constructed, laid out and retained in accordance with details to be submitted and approved in writing by the Local Planning Authority before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients,

materials, method of construction and proposals for future maintenance shall be submitted to the Local Planning Authority.

6. 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.
7. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
8. No part of the development hereby permitted shall 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.
9. The areas allocated for parking, including garages, on the submitted plan ('Composite Ground Floor Plan 1:100) shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
10. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
  1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites - Code of Practice.
  2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
  3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any ongoing monitoring should also be outlined.
  4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.

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

# Agenda Item 12

## Schedule of Planning Applications to be Determined by Committee

Director: Martin Woods, Service Delivery  
Service Manager: David Norris, Development Manager  
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

### Purpose of the Report

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

### Recommendation

Members are asked to note the schedule of planning applications.

**Planning Applications will be considered no earlier than 2.40pm.**

Members of the public who wish to speak about a particular planning item are recommended to arrive for 2.35pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
13	CURRY RIVEL	17/00917/COU	Change of use of public house to dwelling with associated parking.	King William Inn, Langport Road, Curry Rivel.	Ms A McDougall
14	CURRY RIVEL	17/00918/OUT	Outline application for one detached dwelling with associated parking.	King William Inn, Langport Road, Curry Rivel.	Ms A McDougall
15	CURRY RIVEL	17/03388/FUL	Proposed new single storey dwelling on land associated with Stancrest inc. works to an existing access.	Stancrest, Currywoods Way, Curry Rivel.	Mr D Davis
16	WESSEX	17/03952/FUL	Change of use of land to 2 no. Gypsy / Traveller pitches comprising 2 mobile homes, 2 touring caravans and associated works	Land OS 3276, Langport Road, Catsgore.	Mr G Davis

17	WESSEX	17/03501/FUL	Partial demolition of farmyard and the erection of 4 dwellings, associated access, turning, parking, gardens, orchards etc.	Decoy Farm, Peak Lane, Compton Dundon.	Mr & Mrs A Witcombe
18	SOUTH PETHERTON	17/03728/DPO	Application to discharge a Section 52 agreement dated 03/11/78, to dispose of land owned separately from remainder.	Westerfield House, Church Lane, Seavington St Mary.	Ms A Robb

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

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

### **Referral to the Regulation Committee**

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

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

### **Human Rights Act Statement**

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

# Agenda Item 13

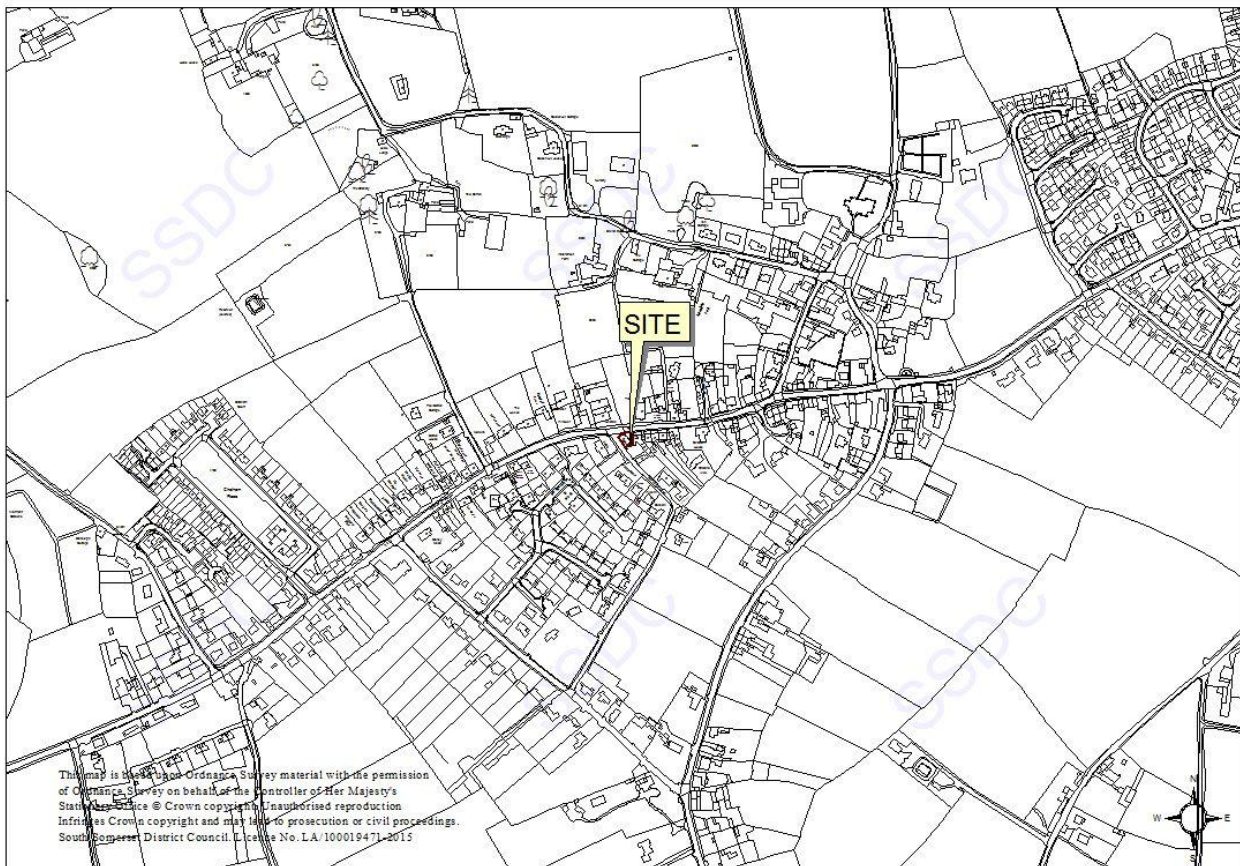
## Officer Report On Planning Application: 17/00917/COU

<b>Proposal :</b>	Change of use of public house (Use Class A4) to 1 No. dwelling with associated parking.
<b>Site Address:</b>	King William Inn, Langport Road, Curry Rivel.
<b>Parish:</b>	Curry Rivel
<b>CURRY RIVEL Ward (SSDC Member)</b>	Cllr Tiffany Osborne
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	4th May 2017
<b>Applicant :</b>	Alison McDougall
<b>Agent: (no agent if blank)</b>	Mrs Lydia Dunne, Sanderley Studio, Kennel Lane, Langport TA10 9SB
<b>Application Type :</b>	Other Change Of Use

### REASON FOR REFERRAL TO COMMITTEE

The application is to be considered by Area North Committee following deferral at the meeting of 26th July 2017, to allow the local community the opportunity to raise the funds to purchase the premises following its listing as an 'Asset of Community Value' (ACV). The 6 month moratorium period expires on 9th December 2017, with no bid forthcoming at the time of writing this report.

### SITE DESCRIPTION AND PROPOSAL







## **POLICY**

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

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

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

SS5 - Delivering New Housing Growth

EP15 - Protection and Provision of Local Shops, Community Facilities and Services

HG5 - Achieving a Mix of Market Housing

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ3 - Historic Environment

### **National Planning Policy Framework**

Core Planning Principles - Paragraph 17

Chapter 1 - Building a Strong Competitive Economy

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

Chapter 12 - Conserving and Enhancing the Historic Environment

### **National Planning Practice Guidance**

Conserving and Enhancing the Historic Environment

Design

Rural Housing

### **Policy-related Material Considerations**

Somerset County Council Parking Strategy (September 2013)

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

## **CONSULTATIONS**

**Parish Council:** The Parish Council recommends refusal of the above planning application because it is considered that a single Public House is not sufficient for the size of the village, bearing in mind future development proposed, and there is a need for two Public Houses.

**County Highway Authority:** Standing Advice applies.

**SSDC Highway Consultant:** Refer to the comments made in response to the associated planning application 17/00918/OUT, which apply equally. These are as follows:

*This proposal should be considered in tandem with the change of use of the public inn to a residential*

*dwelling. The volume of traffic entering/exiting the site is likely to reduce as a result of the development, given the extant use as the pub car park. However, the details of the proposed access need careful consideration. The footway to the north of the site should be extended across the entire site frontage with the access taking the form of a footway crossing rather than a kerbed junction. The southerly visibility splay appears to cross third party land - I think this could be avoided if a 2.0m X-distance is used in this direction and/or a topo survey is commissioned which may demonstrate that the use of a 2.4 X-distance can be used. The level of parking should accord with the SPS optimum standards - if the proposed dwellings are 2-bed units then strictly speaking five car spaces are required in addition to that required for the converted pub. I suggest amended plans are submitted to address the above comments.*

Amended plans have since been received in relation to application 17/00918/OUT, showing both improved access in line with the Highway Consultant's comments but also the reduction of the outline proposal from two to one dwelling. The latest comments following these revisions are:

*The revised layout is acceptable in highways terms. The details appear satisfactory, provided the parking and turning areas are properly consolidated and surfaced (not loose stone/gravel) and that suitable drainage measures are provided across the access to the rear of the footway, as shown, to ensure surface water does not discharge onto the highway. The extension of the footway across the site frontage (and its dedication/adoption to/by SCC) is likely to require a legal agreement with the highway authority. A S184 Road Opening Notice will be required from SCC.*

**SSDC Economic Development:** (Opinion received in respect to pre-application discussions)

The King William IV is not the only public house in Curry Rivel. Whilst the loss of such a community facility would be regrettable (as it is likely to be supported by a fair number of local people and passing trade) it would not be a total loss of this type of amenity to the village. It might also be argued that the loss of one public house in a village may safeguard or even improve the trade in the other.

- The pub is only marginally viable and displaying a downward financial trajectory.
- In my opinion the marketing can be considered robust.

I would find it difficult to make a compelling economic argument for continuation of existing use.

## **REPRESENTATIONS**

Four letters of objection have been received from local residents in respect to the application for change of use of the public house. Two of these were received prior to the application initially being considered at committee and the other two have been received more recently. The following main points are raised:

- The pub is registered as an Asset of Community Value and should not be lost.
- Local villagers have raised pledges for about 35% of the £300k sale guide price. The price is considered to be well over the commercial value of the premises (£200k-£225).
- The King William is the only pub of its type in the village. The other, The Fire House, is a popular restaurant with bar, and is often overcrowded and does not serve the purpose of a public house with space for people to meet in comfortably surroundings.
- The current publican is unwelcoming, has not advertised, or encouraged clientele to visit. A reduction in drinking hours and not being open for reasonable opening hours on long weekends also puts off many potential visitors.
- This application is the first step for applying for housing on the pub car park, which will lead to additional parking problems, and other highway safety concerns.
- The pub has been successful previously, and with the right management may be so again. This

is shown by the success of The Fire House.

- There is no need for more housing in Curry Rivel.
- It is proposed that Curry Rivel be included in a new 'Village' tier within the South Somerset Local Plan.

One letter of support has been received from a local resident, who advised that they initiated the campaign for a community purchase. Their main points are as follows:

- Having seen a summary of the pub financial records, there is currently insufficient income to pay bar staff, let alone cover the interest on purchase costs.
- The only viable option to continue running the pub is through community purchase and running it on a voluntary basis. Despite many efforts to raise the profile of the bid, only a third of the asking price was pledged (£50,000 from the contributor and £52,500 from a further 44 people, of which 28 are not regulars).
- On the basis that the community bid was not sufficiently supported, the change of use is now supported.

## CONSIDERATIONS

### Principle of Development

The application seeks to change the use of the public house to allow the entire building to be a single dwellinghouse. Curry Rivel is designated as a Rural Settlement within the South Somerset Local Plan (2006-2028), and as such is a location where development is considered to be generally acceptable, within the current policy context, being a larger rural settlement with access to a broad range of key local services. As such the principle of development is acceptable subject to according with other Development Plan policies and proposals, and the aims of the NPPF. In considering the change of use of local services (including public houses), policy EP15 of the South Somerset Local Plan is relevant.

Policy EP15 states " *Proposals that would result in a significant or total loss of site and/or premises currently or last used for a local shop, post office, public house, community or cultural facility or other service that contributes towards the sustainability of a local settlement will not be permitted except where the applicant demonstrates that:*

- *alternative provision of equivalent or better quality, that is accessible to that local community is available within the settlement or will be provided and made available prior to commencement of redevelopment; or*
- *there is no reasonable prospect of retention of the existing use as it is unviable as demonstrated by a viability assessment, and all reasonable efforts to secure suitable alternative business or community re-use or social enterprise have been made for a maximum of 18 months or a period agreed by the Local Planning Authority prior to application submission."*

In this case, the applicant has sought to demonstrate that the loss of the public house facility will not result in a significant loss of a premises last used for a public house that contributes towards the sustainability of the settlement. This is due to the presence of several other facilities locally, both public houses and other facilities which offer a similar service. In addition, the application is supported by a planning statement, business appraisal and financial information to demonstrate that the public house is not sufficiently viable to continue operating, and that it has been robustly marketed in accordance with the requirements of policy EP15. It is also argued that the size of the pub, limited facilities, such as a very small kitchen and store room, and inability to accommodate sufficient numbers of diners to offer greater variety in business model, means that there is limited prospect of becoming any more viable in the future.

Despite the concerns raised by the Parish Council, and contributors, the proposal has been discussed with the Council's Economic Development, both as part of this application, and in pre-application discussions. The difficulties with the continuing use as a public house are acknowledged, as is the minimal profit being generated. In response to pre-application discussions in 2014, the Council's Economic Development Manager considered that the loss of the pub, while regrettable, would not represent the total loss of this amenity type in the village. While there have been other pub closures since, this has also coincided with the refurbishment and re-opening of The Old Forge Inn, now known as the Fire House, which is a successful pub and restaurant at the centre of the village.

Notwithstanding whether this would be viewed as a total or significant loss of such facilities, it must also be noted that the property has been on the market well in excess of the 18 months required by policy EP15. It has been marketed since March 2011, with continuous marketing since. There has been no serious interest, with one offer below the asking price. Having considered the robust marketing, the lack of significant interest, and the continuing marginal viability, with no likelihood of improving, it is considered that it has been appropriately demonstrated that the existing use is unviable and all reasonable efforts to secure suitable alternative business or community re-use have been made.

Prior to initial consideration, and subsequent deferral at Area North Committee in July 2017, the public house was listed as an 'Asset of Community Value' (ACV), following a successful nomination. The application was made in the latter stages of this application and registered on 9th June 2017. The initial 6 week period to appeal against the listing, and for interested parties to express a written intention to bid expired on 21st July 2017, with an expression of interest being made within that time. The resultant 6 month moratorium period expires on 9th December 2017. Should no formal bid be received to purchase the business, a protected period of 18 months, in which no further moratorium may be triggered, will commence. At the time of writing this report, pledges amounting to around £102,500 have been received, which is well under the guide asking price of £300,000. Some recent comments have dismissed this asking price, suggesting that the commercial value of the premises should more realistically be set at £200-220k, however the pledge is still only a little over 50% of that amount. Unless changes between the time of writing this report, and consideration at Area North Committee, a bid will not be able to be made within the required period, and it is considered that every opportunity will have been afforded to the local community to make such a bid.

In this particular case, it cannot be argued that the local community have not had the opportunity to make a bid for the premises. The pub has now been marketed in excess of 6 years, with no suitable interest, and no community bid has been forthcoming within the 6 month moratorium period.

### **Other Issues**

Other issues to consider are the potential impact on highway safety and residential amenity.

Firstly in regard to highway safety, parking provision is identified within the existing car park, in conjunction with the concurrent application for outline permission to provide a single dwellinghouse on the public house car park. The plans submitted in respect to that application (17/00918/OUT) include improvements to the existing car park access, including the extension of the pedestrian pavement to the north, across the site frontage, and provision of pedestrian visibility, and provision of 8 parking spaces (4 for each proposed dwelling) and turning space. The proposed alterations to the access are considered to be more pertinent to the outline planning permission, and would be conditioned accordingly, should that permission be granted. In this case, it is not felt that the alterations are essential should only this permission be granted. Use of the existing car park for only parking related to the occupation of the King William Inn as a dwellinghouse, would generate less vehicle movements than would potentially be expected from use as a public house car park so should this planning permission be granted, it is considered necessary only to condition that parking space shall be provided, and kept clear of obstruction, in line with the submitted plans for the overall development of the car park site. Should the

outline planning permission also be approved, then the full improvements and more formal parking provision would be expected to be provided at that stage.

As there are no changes proposed to the external appearance of the property and that the partial residential use of the site will be extended, there are no concerns in respect to the visual impact of the proposal or impact on residential amenity.

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply). The appropriate Form 0 has been completed and returned by the applicant.

## **Conclusion**

Overall, the proposed change of use to a single dwellinghouse is considered to be appropriate in this location and it has been satisfactorily demonstrated that there is no reasonable prospect of retention of the existing use as it is only marginally viable, with little prospect of improvement. Additionally, appropriate efforts have been made to secure suitable alternative business or community re-use, through a lengthy and robust marketing exercise, and through the exercising of a 6 month moratorium period in line with the premises ACV status, allowing a community bid to be made.

## **RECOMMENDATION**

Grant permission with conditions

01. The proposed change of use to a single dwellinghouse is considered to be appropriate in this location. It has also been satisfactorily demonstrated that there is no reasonable prospect of retention of the existing use and that appropriate efforts have been made to secure suitable alternative business or community re-use. The proposal also has no detrimental impact on visual amenity of the local area, residential amenity or highway safety. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, SS1, SS2, TA5, TA6, EP15, EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 1, 4, 7, 12 and the core planning principles of the National Planning Policy Framework.

## **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 complete accordance with the following approved plan: '535 (00) 01', received 9th March 2017.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. Prior to the change of use hereby permitted first taking place, a parking area shall be provided to accord with the layout of parking spaces, as indicated on submitted plan '535 (0) 01 A', received 16th May 2017. This area allocated for parking shall thereafter be kept clear of obstruction and

shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

**Informatives:**

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk).

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# Agenda Item 14

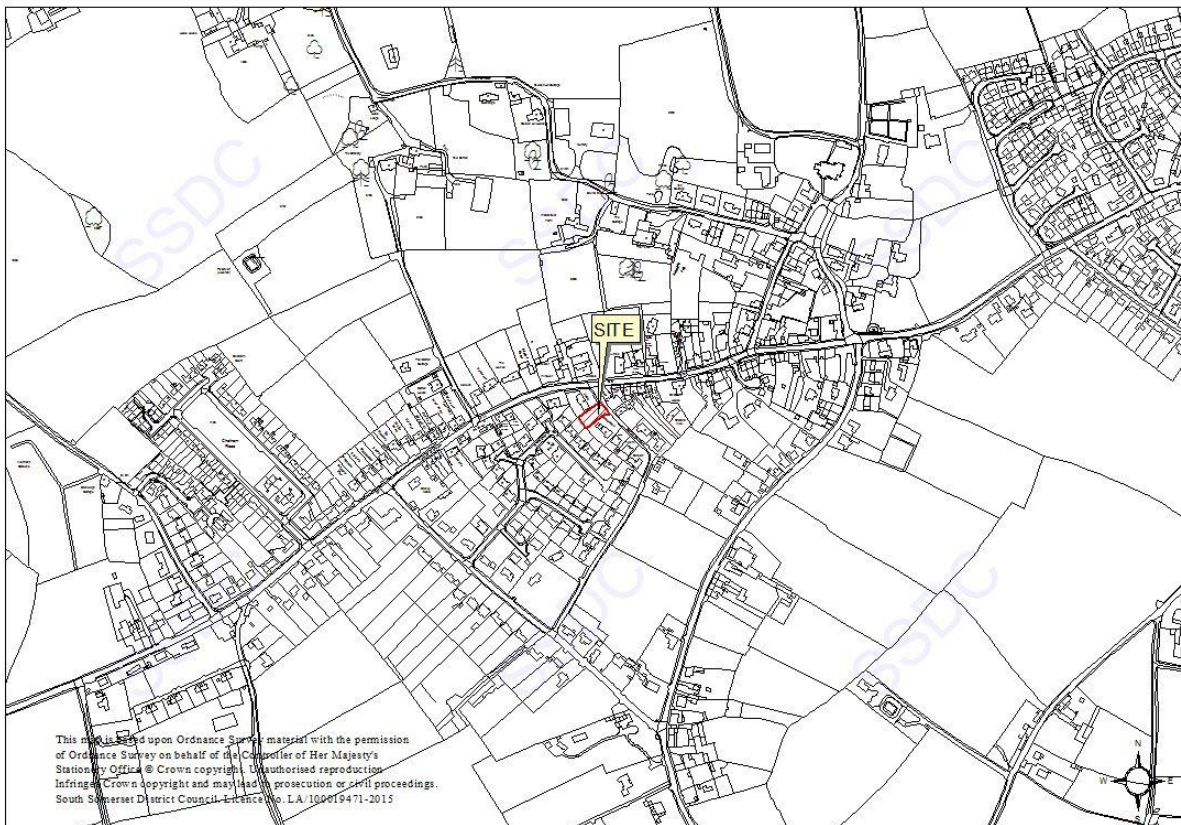
## Officer Report On Planning Application: 17/00918/OUT

<b>Proposal :</b>	Outline application for the erection of one detached dwelling with associated parking
<b>Site Address:</b>	King William Inn, Langport Road, Curry Rivel.
<b>Parish:</b>	Curry Rivel
<b>CURRY RIVEL Ward (SSDC Member)</b>	Cllr Tiffany Osborne
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	25th April 2017
<b>Applicant :</b>	Alison McDougall
<b>Agent: (no agent if blank)</b>	Mrs Lydia Dunne, Clive Miller & Associates Ltd, Sanderley Studio, Kennel Lane, Langport TA10 9SB
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application is to be considered by Area North Committee following deferral at the meeting of 26th July 2017, to allow the local community the opportunity to raise the funds to purchase the public house to which this site is associated with, following its listing as an 'Asset of Community Value' (ACV). The 6 month moratorium period expires on 9th December 2017, with no bid forthcoming at the time of writing this report.

### SITE DESCRIPTION AND PROPOSAL







The application relates to the car park associated with the King William Inn, a small public house located on the corner of High Street, Curry Rivel, and King William Lane. The car park itself is a tarmacked area with timber fencing on three sides and a blockwork store building located on the road frontage. The site is surrounded by residential development, with housing directly to the north, south and west.

This application is made for outline permission for the erection of a single detached dwelling and includes improvements to the access and parking provision. A concurrent application has also been made for the change of use of the public house to residential use. This outline application includes parking provision for the dwelling proposed by the change of use of the public house, should permission be granted. Approval is being sought for access and layout, with scale, appearance and landscaping to be addressed at reserved matters stage.

NOTE: The application was submitted as outline permission for a pair of semi-detached houses, however has been amended during the course of the application to be for a single dwellinghouse only.

## HISTORY

17/00917/COU: Change of use of public house (Use Class A4) to 1 No. dwelling with associated parking  
 - Pending consideration.

05/01921/OUT: Erection of dwelling with double garage on car park site of King William IV public house  
 - Refused.

05/01925/FUL: Subdivision of public house into two dwellings with car parking spaces opposite (on car park site) - Refused.

04/01231/FUL: Conversion of public house to two cottages and erection of a pair of semi-detached houses with parking on car park opposite - Refused.

## **POLICY**

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

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

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

EP15 - Protection and Provision of Local Shops, Community Facilities and Services

HG4 - Affordable Housing Provision

HG5 - Achieving a Mix of Market Housing

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ3 - Historic Environment

### **National Planning Policy Framework**

Core Planning Principles - Paragraph 17

Chapter 1 - Building a Strong Competitive Economy

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

Chapter 12 - Conserving and Enhancing the Historic Environment

### **National Planning Practice Guidance**

Conserving and Enhancing the Historic Environment

Design

Rural Housing

Planning Obligations

### **Policy-related Material Considerations**

Somerset County Council Parking Strategy (September 2013)

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

## CONSULTATIONS

**Parish Council:** *The Parish Council recommends refusal of the outline planning application because it was felt that the confidential matters made it difficult to make a real assessment about viability. A viable Public House needs car parking.*

Following receipt of amended plans, the following additional comments were received:

*The Parish Council object to the planning application because of its link with the King William Pub. The parking area would unsustainable and could not be managed under current regulations or in practice.*

*A community Right to Bid for the purchase of the pub has been submitted and if the planning application was successful, it could affect the popularity and use of a popular pub.*

**SCC Highway Authority:** Standing advice applies.

**SSDC Highway Consultant:** Refer to the comments made in response to the associated planning application 17/00918/OUT, which apply equally. These are as follows:

*This proposal should be considered in tandem with the change of use of the public inn to a residential dwelling. The volume of traffic entering/exiting the site is likely to reduce as a result of the development, given the extant use as the pub car park. However, the details of the proposed access need careful consideration. The footway to the north of the site should be extended across the entire site frontage with the access taking the form of a footway crossing rather than a kerbed junction. The southerly visibility splay appears to cross third party land - I think this could be avoided if a 2.0m X-distance is used in this direction and/or a topo survey is commissioned which may demonstrate that the use of a 2.4 X-distance can be used. The level of parking should accord with the SPS optimum standards - if the proposed dwellings are 2-bed units then strictly speaking five car spaces are required in addition to that required for the converted pub. I suggest amended plans are submitted to address the above comments.*

Amended plans have since been received in relation to application 17/00918/OUT, showing both improved access in line with the Highway Consultant's comments but also the reduction of the outline proposal from two to one dwelling. The latest comments following these revisions are:

*The revised layout is acceptable in highways terms. The details appear satisfactory, provided the parking and turning areas are properly consolidated and surfaced (not loose stone/gravel) and that suitable drainage measures are provided across the access to the rear of the footway, as shown, to ensure surface water does not discharge onto the highway. The extension of the footway across the site frontage (and its dedication/adoption to/by SCC) is likely to require a legal agreement with the highway authority. A S184 Road Opening Notice will be required from SCC.*

## REPRESENTATIONS

Two letters of objection have been received from local residents in respect to the application for change of use of the public house. The following main points are raised:

- The proposal comprises overdevelopment and is not in keeping with the current houses in the vicinity. A detached bungalow or house would be more in keeping with existing properties.
- Further housing will result in increased parking on High Street, loss of use for neighbour overflow parking, and exacerbate existing poor visibility from the site onto King William Lane.
- The pub has been poorly run and the community have not been encouraged to frequent the establishment.

- The car park should be utilised for off road parking or garden, should the pub become a dwelling.
- There are concerns over the impact of the proposal on the residential amenity of neighbouring properties.
- The amendments do not make any difference, the pub would be viable, if run properly.

## **CONSIDERATIONS**

### **Principle of Development**

The application seeks outline planning permission for the erection of a detached dwellinghouse on the site of the King William pub car park. Curry Rivel is designated as a Rural Settlement within the South Somerset Local Plan (2006-2028), and as such is a location where development is considered to be generally acceptable, within the current policy context, being a larger rural settlement with access to a broad range of key local services. As such the principle of development is acceptable subject to according with other Development Plan policies and proposals, and the aims of the NPPF. As well as consideration of matters such as local character, residential amenity, highway safety, etc, particular consideration has to be given to the impact the loss of this car park would have on the King William Inn.

Previous applications for the redevelopment of this site (2004 and 2005) have failed on the basis that the loss of the car park would adversely impact on the viability of the pub. This is again a key consideration in respect to the principle of loss of the car park in association with the pub. Concurrent application 17/00917/COU is made for the change of use of the pub, and the outcome of that application is vital in determining whether this application is acceptable or not on these grounds. Should planning permission be granted for the change of use of the pub, the loss of the car park will no longer have any bearing on the viability of the pub, as it will no longer exist as such.

In considering the change of use of local services (including public houses), policy EP15 of the South Somerset Local Plan is relevant. Application 17/00917/COU has been considered against this policy requirement and as a result has been recommended for approval on the basis that it has been satisfactorily demonstrated that there is no reasonable prospect of retention of the pub use and that appropriate efforts have been made to secure suitable alternative business or community re-use, through a lengthy and robust marketing exercise, thereby complying with policy EP15. Details of this assessment are covered in more detail in the report for the change of use application, however on the basis that this application is recommended for approval, it is therefore considered that the loss of the car park in association with the pub would be acceptable.

### **Scale and Appearance**

Outline planning permission has been sought for the provision of one detached dwelling, with access and layout to be considered at this stage. The site is located within an area of existing residential development, which is mainly characterised by detached dwellings, of which there is a mix of bungalows and houses.

While originally submitted as a proposal for a pair of semi-detached houses, the scheme has been amended to be for a single dwellinghouse, following concerns about impact on local character, residential amenity and highway safety.

In considering the layout at this stage, the proposal is considered be acceptable, now having a footprint and siting that corresponds well with the prevailing character of surrounding development. Details of scale, appearance and landscaping are to remain for consideration at reserved matters stage, however there are no concerns that an appropriately designed scheme could not be achieved.

## **Residential Amenity**

The site is located close to existing residential development, with careful consideration required to ensure that there isn't any adverse impact on the residential amenity of neighbouring properties and occupiers through overlooking, overshadowing or general overbearing impact. In particular, the property to the west is relatively close to the application site, being approximately 13m from the site boundary. Careful consideration will therefore have to be given to design to avoid unacceptable overlooking in particular. Despite this concern, it is noted that there are similar relationships with other properties along King William Lane, and those behind them on Stoneyhurst Drive. An appropriate design could be achieved to avoid unacceptable relationships, particularly in respect to overlooking. This could be by providing a bungalow, or a lower profile two storey dwelling, with cat slide roof to the rear, as is present on the property to the south.

## **Highway Safety**

The current access to the site is substandard, with limited visibility as a result of the site levels above the highway, and the presence of a building on the site frontage. In response to the application, the Highway Authority has chosen not to comment formally, advising that Standing Advice applies. The Council's Highway Consultant has responded in detail, noting that the proposed use for residential purposes was likely to see a reduction in vehicular movements. Advice has been offered in terms of the design of the access, which has been amended to provide an extended pedestrian footpath up to the site, linking it to the adjoining network of pavements, and improved visibility by removing the existing frontage building and formalising pedestrian visibility splays.

Overall, bearing in mind the reduction in vehicle movements likely to be expected as a result of the change of use of the site to residential, and the access improvements proposed, the scheme is considered to be acceptable from a highway safety point of view. It is noted that the scheme includes 8 parking spaces, 4 each for the dwelling proposed by this permission, and that proposed by the change of use of the pub. Each dwelling only has an optimum requirement for three parking spaces, in which case additional space should be justified, however noting the difficulties with on street parking in the local area, the opportunity to ensure that there is a little over the optimum is welcomed on this occasion.

## **Planning Obligations**

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply). In this case, the requirement will come into force following the grant of reserved matters, or in respect to any subsequent full planning permission.

## **Conclusion**

The proposed residential development of the site, comprising the provision of two detached dwellings, is considered to be acceptable in this location, and could be carried out, subject to detail, with respect to the character of the area, and without causing demonstrable harm to residential amenity and highway safety, and without increasing flood risk locally.

## **RECOMMENDATION**

Grant approval with conditions

01. The proposed residential development of the site is considered to be acceptable in this location, and could be carried out, subject to detail, with respect to the character of the area, and without causing demonstrable harm to residential amenity or highway safety, in accordance with policies

SD1, SS2, SS5, TA5, TA6, EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 4, 6, 7, 12 and the core planning principles of the National Planning Policy Framework.

**SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

02. Application for approval of the scale, appearance and landscaping of the development, referred to in this permission as the reserved matters, shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. The development hereby permitted shall be carried out in accordance with the following submitted plan: '535 (00) 01 A', received 16th May 2017.

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

04. A detailed scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity, in accordance policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 7 of the National Planning Policy Framework.

05. The area allocated for parking, on approved plan '535 (00) 01 A', received 16th May 2017, shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles, in connection with the development hereby permitted and in connection with the residential use of the King William Inn. Such approved parking areas shall be provided before the development hereby permitted is first occupied, and maintained thereafter.

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

06. The access hereby approved shall be completed in accordance with details, as indicated on approved plan '535 (00) 01 A', received 16th May 2017. The access shall be fully constructed in accordance with these approved details, before the dwelling hereby permitted is first occupied and shall thereafter be maintained at all times.

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

07. Before the dwelling hereby permitted is first occupied, the approved access and associated shared driveway shall be properly consolidated and surfaced (not loose stone or gravel), in accordance with details, as indicated on approved plan '535 (00) 01 A', received 16th May 2017. The access shall be constructed in accordance with the approved details and shall thereafter be maintained at all times.

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

08. A surface water drainage scheme shall be provided in accordance with details, as indicated on approved plan '535 (00) 01 A', received 16th May 2017, so as to prevent the disposal of surface water onto the adjoining highway. Such approved drainage details shall be completed and become fully operational before the dwelling hereby permitted is first occupied and shall thereafter be maintained at all times.

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

09. Any entrance gates shall be hung to open inwards and set back a minimum distance of 5m from the highway at all times.

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

#### **Informatives:**

01. Please be advised that subsequent full or reserved matters approval by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk).

# Agenda Item 15

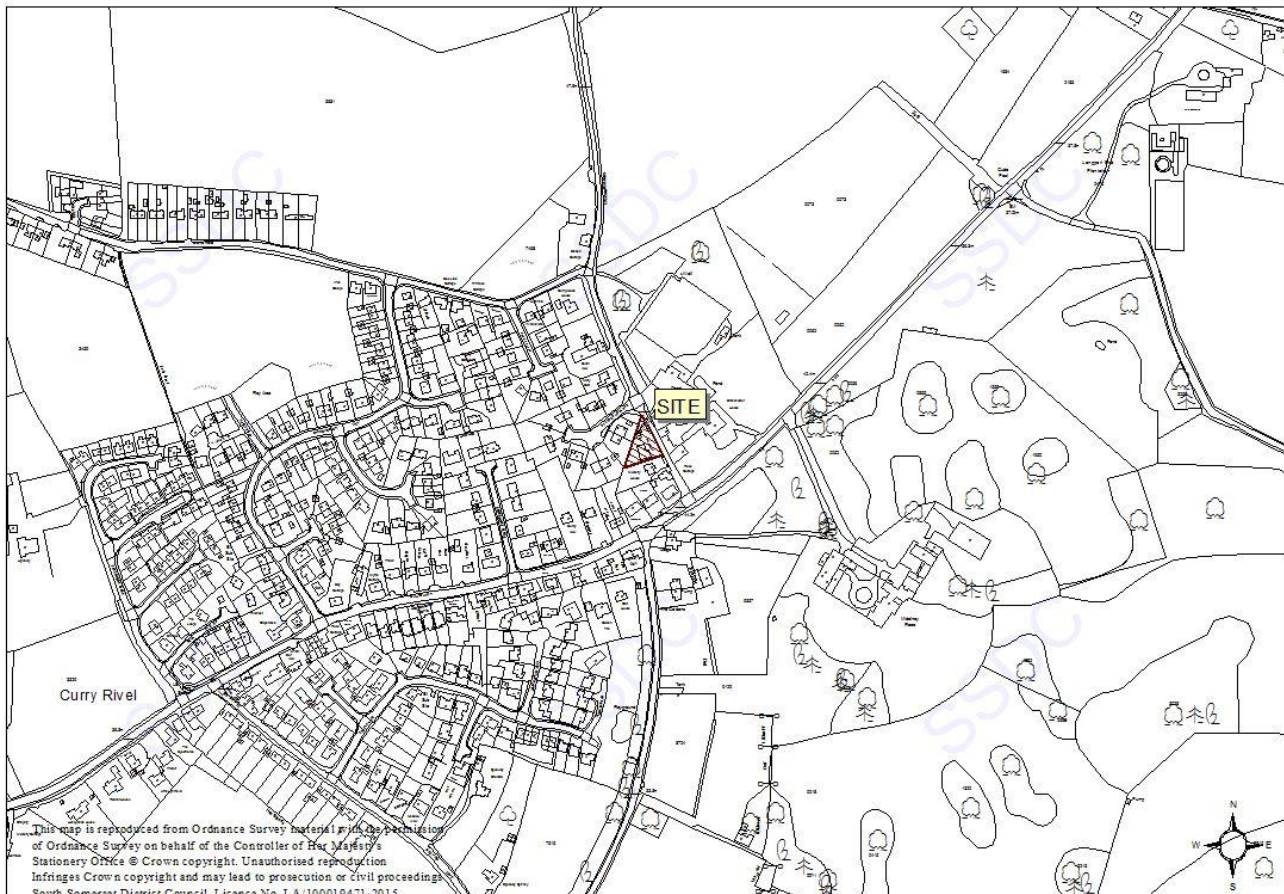
## Officer Report On Planning Application: 17/03388/FUL

<b>Proposal :</b>	Proposed new single storey dwelling on land associated with Stancrest including works to an existing access.
<b>Site Address:</b>	Stancrest, Currywoods Way, Curry River.
<b>Parish:</b>	Curry River
<b>CURRY RIVEL Ward (SSDC Member)</b>	Cllr Tiffany Osborne
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	16th October 2017
<b>Applicant :</b>	Mr D Davis
<b>Agent: (no agent if blank)</b>	Mr Richard Rowntree, Della Valle Architects, Lake View, Charlton Estate, Shepton Mallet BA4 5QE
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

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

### SITE DESCRIPTION AND PROPOSAL







The site comprises part of the garden area of an existing property on the west side of Currywoods Way, close to the junction with the A378 Langport Road. It is at the eastern edge of Curry Rivel, within existing built form. There are residential properties to the north, south and west, and a commercial premises to the east, on the opposite side of the road.

Planning permission is sought for the demolition of a garage serving the existing property, Stancrest, and the erection of a detached bungalow. The proposal also includes works to the existing access to increase its width and provide improved visibility.

## HISTORY

No relevant history

## POLICY

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

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

SD1 - Sustainable Development  
SS1 - Settlement Strategy  
SS2 - Development in Rural Settlements  
SS4 - District Wide Housing Provision  
SS5 - Delivering New Housing Growth  
SS6 - Infrastructure Delivery  
HG4 - Affordable Housing Provision  
TA5 - Transport Impact of New Development  
TA6 - Parking Standards  
EQ2 - General Development

## **National Planning Policy Framework**

Core Planning Principles - Paragraph 17  
Chapter 4 - Promoting Sustainable Transport  
Chapter 6 - Delivering a Wide Choice of High Quality Homes  
Chapter 7 - Requiring Good Design

## **National Planning Practice Guidance**

Design  
Rural Housing  
Planning Obligations

## **Policy-related Material Considerations**

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

## **CONSULTATIONS**

**Parish Council:** No objections.

**Highways Authority:** Standing Advice applies.

**SSDC Highways Consultant:** Initially raised concerns about the ability to achieve the proposed visibility, and an under provision of parking space. These matters have been resolved by the submission of amended plans showing full visibility, reducing the footprint of the building and altering it to a one bedroom dwelling.

The Highway Consultant has also requested that the junction with the A378 be assessed in respect to visibility.

**SSDC Environmental Protection:** No comments.

## **REPRESENTATIONS**

Seven letters of objection has been received, raising concerns in the following areas:

- Highway safety
- Sewerage system capacity
- Damaging to neighbouring properties and walls
- Harmful to existing planting

- Over development of site
- Residential amenity

One letter of support has also been received, raising the following points:

- There are too many large houses in the village. A smaller dwelling will support young people trying to get on the housing ladder, or older people looking to downsize
- This is a sustainable location for new residential development

## **CONSIDERATIONS**

### **Principle of Development**

Curry Rivel is designated as a Rural Settlement within the South Somerset Local Plan (2006-2028), and as such is a location where development is considered to be generally acceptable, within the current policy context, being a larger rural settlement with access to a broad range of key local services. As such the principle of development is acceptable subject to according with other Development Plan policies and proposals, and the aims of the NPPF. The main areas of consideration will be impact of the development on local character, residential amenity and highway safety.

### **Design and Appearance**

Local Plan policy EQ2 states that "development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district. Furthermore, development proposals...will be considered against (among other things):

- Creation of quality places
- Conserving and enhancing the landscape character of the area
- Reinforcing local distinctiveness and respect local context
- Local area character
- Site specific considerations

Guidance within the NPPF also highlights the importance of high quality design. Paragraph 53 considers the case for resisting inappropriate development of residential gardens, where it would cause harm to the local area.

In this location, the general pattern of development varies with more frontage development along Currywoods Way and Langport Road, and development around cul-de-sac, such as St Andrews Close immediately to the north, and the Dyers Close and Stanchester Way developments further to the north and west. In this case the plot is small in size and has an irregular shape. Once the existing garage has been removed, the resulting plot is triangular in shape, being wide to the south, tapering to a point at the north. The siting of the proposed dwelling will fill the majority of the plot, with it being tight to the east and west boundaries, leaving only a very small amount of garden to the rear (north). To the south of the proposed dwelling, there is tandem parking for two vehicles, and a shared turning area, which overlaps the front of the existing property, Stancrest.

There are no particular issues in respect to the design of the property, however it is considered that the restricted size of the overall plot would lead to a cramped form of development that would fail to respect local character or the principles of good design, as required by Local Plan policy EQ2 and the NPPF.

## **Impact on Residential Amenity**

Local Plan policy EQ2 requires that "development proposal should protect the residential amenity of neighbouring properties." Likewise, the Core Planning Principles of the NPPF (paragraph 17) states that "planning should always seek to secure high quality design and a good standard of amenity to all existing and future occupants of land and buildings.

As discussed above, the cramped nature of the proposal will lead to a dwelling with only a very small amount of private amenity space to the rear. While it is argued that one of the demographics that the dwelling is aimed at is older people who may only require a very small garden, the boundaries will need to be planted or built up relatively high to avoid overlooking of private amenity space, particularly from outside of the site in. While protecting future occupiers from overlooking, especially from the public roadside, it is considered that the resulting garden area will be a poor quality space, in terms of size and outlook, which fails to achieve a good standard of amenity, as required by the Core Planning Principles of the NPPF.

Consideration has also been given to the impact on the occupiers of the existing property, as a result of the turning area that overlaps the front of this property. In order to provide a suitable turning space for both properties, the constrained nature of the site requires this to be provided on land partially to the front of existing windows serving Stancrest. This situation is not considered to be ideal, as vehicles accessing the proposed dwelling will have to carry out manoeuvres directly in front of and close to these windows in the existing dwelling. This is likely to lead to an unacceptable level of disturbance, particularly should these manoeuvres take place later in the evening or at night when vehicle headlights may increase disturbance, in addition to just noise. This is less of an issue in respect to the proposed dwelling, as the south elevation has been designed partly blank to limit this type of disturbance. While this may not constitute a reason to refuse on its own, the cumulative impact of this disturbance, along with the cramped appearance of the proposed development, and poor quality amenity space do raise serious concerns about the appropriateness of the development scheme.

While the living conditions of future occupiers are considered to be unacceptable, the proposed dwelling is designed to avoid direct overlooking of adjoining properties and private amenity space. Similarly, despite the proximity to the boundaries of the site, the proposed dwelling is considered to be appropriately sited to avoid overshadowing or an unacceptable overbearing impact on the occupiers of adjoining properties.

Overall, the proposal is considered to be unacceptable, resulting in unacceptable harm to the residential amenity of the occupiers of the existing property, and the future occupiers of the proposed property.

## **Impact on Highway Safety**

In considering the highway safety issues, the County Council Highway Authority has referred to their Standing Advice. The Council's Highway Consultant did however raise concerns about the parking and access arrangements, however these have been largely dealt with by the provision of amended plans reducing the size of the dwelling, and its subsequent parking requirements, and showing full visibility of 2.4m by 43m in each direction.

Objections have been received from local residents due to the narrow width of Currywoods Way, at this location, and the presence of a business premises opposite, however having shown the necessary visibility, width of access, and the ability to turn, which is not a requirement on an unclassified road, it is considered that the development appropriately addresses the requirements of the Highway Authority Standing Advice, providing an adequately safe access point, and space to turn a vehicle off the road. Concerns about the impact of this turning area, in respect to residential amenity, are discussed above, however from a strictly highway safety point of view, the proposal is considered to be acceptable.

The Council's Highway Consultant has requested that the junction of Currywoods Way and the A378 should be assessed for visibility, however it is noted that this access has the potential for relatively heavy use due to the number of properties in the immediate vicinity, including the commercial operation opposite. As such, it is not considered that one further property would create sufficient vehicle movements to be harmful.

Other than the access and turning requirements, sufficient parking space is provided to accord with the Somerset Parking Strategy, and conditions could be imposed to ensure that details of drainage and consolidated surfacing of the access are provided.

Overall, it is considered that the proposal is generally in accordance with Standing Advice, and that there is no highway safety reason for refusal of the application.

### **Five-year Land Supply**

The Council is currently unable to demonstrate an adequate five-year supply of housing land as required by the NPPF. Under such circumstances, local plan policies regulating the supply of housing could be considered out of date and there is a presumption in favour of development which is otherwise sustainable. In such circumstances, the main consideration will be whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. In assessing the harm identified above, it is not considered that the contribution towards housing supply which this single dwellinghouse would offer, would outweigh the significant harm identified.

### **Planning Obligations**

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply). Should permission be granted, an appropriate informative will be added, advising the applicant of their obligations in this respect.

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 the Local Planning Authority are not seeking an affordable housing obligation from this development.

### **Conclusion**

The general principle of providing residential development in Curry Rivel is acceptable , however the proposal is considered to be unacceptable due to it providing a cramped form of development, which is both out of keeping with local character and would lead to unacceptable harm the residential amenity of existing and future occupiers.

### **RECOMMENDATION**

Refuse permission

**FOR THE FOLLOWING REASON(S):**

01. The proposed development, due to the constrained size of the site, and the scale, proportions and siting of the proposed dwelling, would result in a cramped form of development that fails to respect or relate to the character and appearance of its surroundings, would lead to the creation of poor quality amenity space for the future occupiers of the proposed dwelling, and would lead to unacceptable harm to the residential amenity of the occupiers of the existing dwelling, Stancrest, by way of noise and disturbance as a result of traffic movements associated with the proposed dwelling. The proposal is therefore contrary to policies SD1 and EQ2 of the South Somerset Local Plan (2006-2028) and provisions of chapter 7 and the core planning principles 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 did not enter into pre-application discussions, and there were ultimately no minor or obvious solutions to overcome the significant concerns caused by the proposals.

# Agenda Item 16

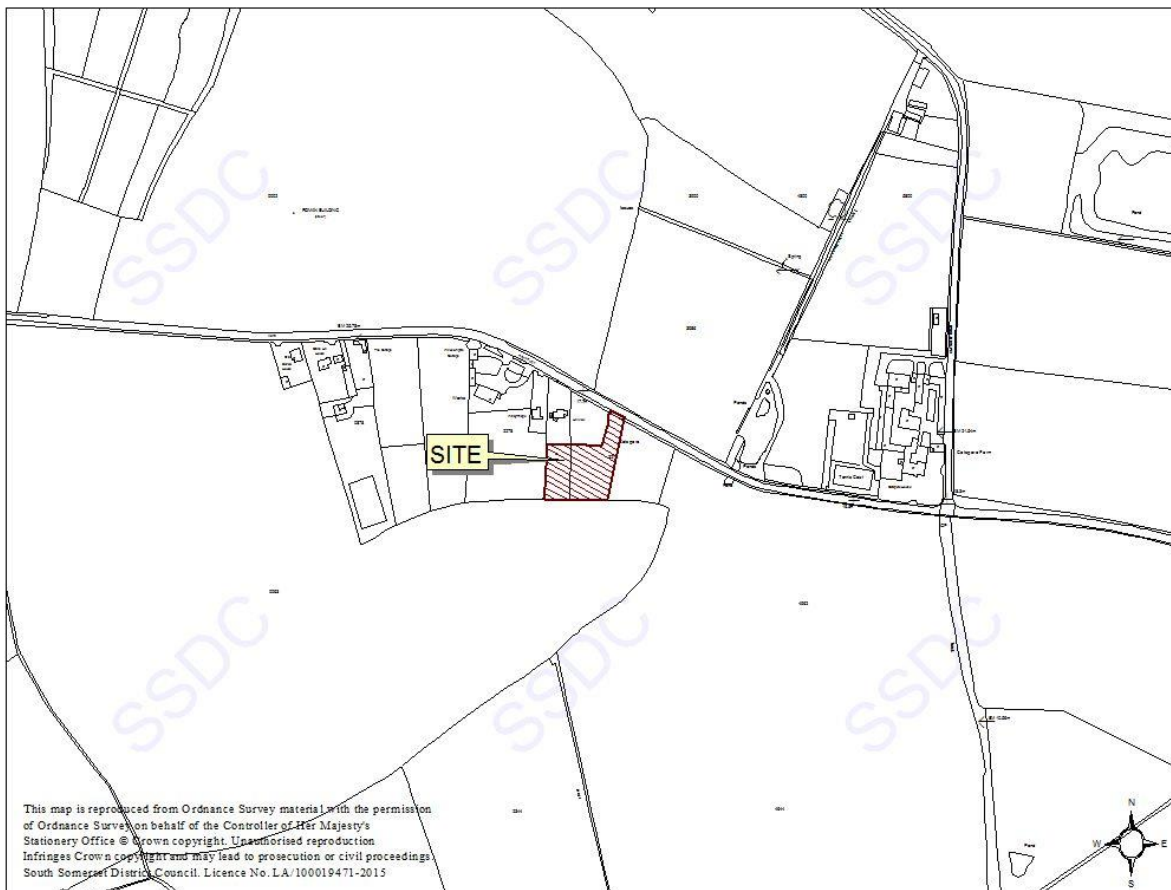
## Officer Report On Planning Application: 17/03952/FUL

<b>Proposal :</b>	Change of use of land to 2 no. Gypsy / Traveller pitches comprising 2 no. mobile homes, 2 no. touring caravans, and associated works.
<b>Site Address:</b>	Land OS 3276, Langport Road, Catsgore.
<b>Parish:</b>	Somerton
<b>WESSEX Ward (SSDC Members)</b>	Cllr Stephen Page Cllr Dean Ruddle
<b>Recommending Case Officer:</b>	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
<b>Target date :</b>	24th November 2017
<b>Applicant :</b>	Mr G Davis
<b>Agent: (no agent if blank)</b>	Dr Simon Ruston, Ruston Planning Limited, The Picton Street Centre, 10-12 Picton Street, Montpelier, Bristol BS6 5QA
<b>Application Type :</b>	Other Change Of Use

### REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee at the request of a Ward Member to enable a full discussion of the relevant issues, including those raised by local residents and the Town Council.

### SITE DESCRIPTION AND PROPOSAL





The site is located in the countryside to the South of the main road that runs between Langport and the Podimore roundabout (A372). To the West is a short stretch of roadside development that centres on the former petrol filling station, including separate traveller pitches immediately north and east of this site (i.e. two existing pitches).

The site is an open paddock, measuring approx. 2700 sq m. It is bordered on all sides by mature hedges, with an access gate at the north-eastern corner, taking access off the shared track to the highway used by the existing two pitches. The site slopes gently from north to south.

Application is made for the establishment of two pitches for travellers, with a mobile home and a touring caravan on each pitch.

## HISTORY

On the site (1 Pitch) to the east of the application site (Little Riata):

16/03250/FUL - Relocation of mobile home on site and construction of day room - refused

10/02427/FUL - Change of use of land for siting of one mobile home and one touring caravan for one traveller pitch, erection of utility/dayroom and formation of hardstanding - Application permitted with conditions

08/04487/COU - The use of land as a site for two mobile homes (Retrospective application) - Application refused



History on the pitch immediately north of the site:

15/04616/FUL - Erection of a garage/store room (Retrospective) - permitted with conditions

12/04328/FUL - Change of use of land for the siting of one touring caravan and one mobile home and associated ground works - Application permitted with conditions

12/02308/FUL - Change of use of land for siting of one touring caravan and the erection of one garden shed as ancillary - Application refused

11/03041/FUL - Change of use of land for siting of one mobile home, one touring caravan and the erection of utility/dayroom - Application withdrawn

11/02024/FUL - Change of use of land for siting of one mobile home, one touring caravan and the erection of utility/dayroom - Application withdrawn

## **POLICY**

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

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

SD1 Sustainable Development  
HG7 Gypsies, Travellers and Travelling Showpeople  
TA5 Transport Impact of New Development  
TA6 Parking Standards  
EQ2 General Development  
EQ4 Biodiversity

### **National Planning Policy Framework (March 2012)**

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

**Planning Policy for Traveller Sites** Department of Communities and Local Government August 2015.

### **Policy-related Material Considerations**

Somerset County Council Parking Strategy, March 2012 and September 2013.

Somerset County Council Highways Standing Advice, June 2013.

## **CONSULTATIONS**

**Somerton Town Council:** *Application not supported due to Over development of the site.*

**Highways Authority:** No objection. Subject to conditions.

**SSDC Landscape Officer:** *I note that the site area is located within the existing field that is host to two current pitches. As such, this landscape parcel is already characterised by traveller accommodation, albeit this additional accommodation will represent an extension of structural form toward the open*

*countryside, and south of the existing development line. I view this as an adverse landscape effect of development/change of use, but no more than minor/moderate at an immediately local level only. If there is a positive planning case for the pitches, then I do not consider the landscape impact to be of sufficient weight to tell against the proposal.*

**SSDC Housing and Welfare Officer:** *All of our sites (Ilton - 6 plots, Tintinhull - 8 plots, and Pitney) are fully occupied, with no known prospect of any becoming vacant in the near future.*

**Wessex Water:** There is a water main crossing the site. No development to be placed within 6m of the pipeline without agreement from WW.

## REPRESENTATIONS

Two letters of objection (including one letter representing 6 residents) have been received, making the following main points:

- the proposal represents unacceptable proliferation of sites and/or intensification, given that the initial approvals were made with the understanding that there would not be more sites
- the proposal is out of character with the setting along the A372 which is linear with no rear infill
- there are highway safety concerns
- the proposal is an overdevelopment of the site, extending into open countryside
- there will be a negative impact on neighbouring residential property

## CONSIDERATIONS

### Principle of Development: Relevant Policy

Policy HG7 is one of a small number of exceptions to address the specific needs of defined sections of the population, which in this case are travellers and gypsies.

'Planning Policy for Traveller Sites' (August 2015) sets out Government guidance on consideration of traveller applications. Apart from setting out the need for Planning Authorities to make long term provision for traveller sites, guidance is also given for the determination of planning applications:

*Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:*

- a) the existing level of local provision and need for sites*
- b) the availability (or lack) of alternative accommodation for the applicants*
- c) other personal circumstances of the applicant*
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
- e) that they should determine applications for sites from any travellers and not just those with local connections*

Policy HG7 of the Local Plan supports traveller sites in rural locations provided that:

- Significantly contaminated land should be avoided;
- Development should not result in an adverse impact on internationally and nationally recognised designations (for example: Natura 2000 sites, Sites of Special Scientific Interest and Areas of

Outstanding Natural Beauty);

- The development should not have a significant adverse impact on the landscape character and visual amenity of the area;
- The site is reasonably well related to schools and other community facilities;
- The health and safety of occupants and visitors will not be at risk through unsafe access to sites, noise pollution or unacceptable flood risk;
- There should be adequate space for on-site parking, servicing and turning of vehicles;
- The option of mixed residential and business use on sites will be considered where appropriate.
- The number of pitches provided should be appropriate to the size of the site and availability of infrastructure, services and facilities in accordance with the general principles set out in the settlement hierarchy.

The application falls to be determined in accordance with this policy guidance, the main considerations being:

- Whether the applicant meets the definition of a gypsy/ traveller (Annex 1 to the guidance),
- The need for sites
- Alternative sites
- Impact on residential amenity
- Impact on the setting: Character and appearance
- Accessibility to services and facilities
- Highway issues,

### **Applicants' Circumstances: Compliance with Guidance**

Application has been made by the current occupant/owner of the pitch immediately north of the site, who lives on the site in a single static caravan. The pitches are to accommodate direct relatives of the applicant, living in two units of accommodation. They are of nomadic lifestyle, and Gypsy status, and are considered to comply with the relevant Government guidance in this respect. There is a demonstrable need for appropriate sites for these family members, and locating them adjacent to other family-members existing would also meet the need for family support.

### **Need for Sites**

The Local Plan sets minimum targets for provision of traveller sites, of which the Local Authority needs to demonstrate an adequate supply. The current monitoring report, as informed by the Gypsy and Traveller Accommodation Assessment, shows that a total number of 18 pitches has have been created since 2013, as against the requirement under Policy HG7 of the Local Plan to provide at least 23. This is a minimum, not a maximum requirement, and at the time of writing, the Authority falls short of the minimum, even if good progress has thus far been made.

Aside from the minimum requirement stated in the Local Plan, Planning Inspectors have always taken the approach in dealing with traveller appeals that the application itself is adequate demonstration of a need. This is considered to be relevant in the current case.

The family need is considered to be adequately demonstrated, given the consideration that has been given to alternative sites within Council ownership.

### **Current Availability of Alternative Sites**

The proposal has been discussed with the Council's Housing and Welfare Officer responsible for allocation of pitches within Council's traveller sites. There are currently no available sites, with none likely to become vacant in the near future.

### **Impact on Residential Amenity**

The proposed pitch is well related to the two existing large pitches to north and east, and set a good distance away from both these and the dwellinghouses fronting onto the Langport Road. Adequate space exists to place mobile home, touring caravan, etc. and make provisions for the necessary requirements of the layout, without causing any overlooking or other harmful amenity impact on the occupiers of residents in the vicinity.

### **Setting: Visual and Landscape Impact**

The development is two pitches, with surrounding fencing, accommodating a total of two static caravans and two touring caravans. These are considered normal arrangements for traveller pitches.

The pitches are within a paddock well surrounded by mature hedges, well related to the pattern of development and field boundaries in the vicinity. As noted by the landscape officer, although the development would extend beyond the existing pattern of domestic areas, the impact would be minor, and would not sustain a reason for refusal in the case of a justified traveller case for new pitches.

It is not considered that the proposal represents a degree of visual or landscape harm that would warrant a refusal.

### **Accessibility to Services and Facilities**

The establishment of the existing pitches determined that, for purposes of gypsy/traveller sites, the site is within reasonable distance of facilities (e.g. health care, schools) located in nearby villages. Whilst strictly an out-of-settlement locality, the accessibility of the site is considered to be acceptable for this sort of exception site.

### **Impact on Highway Safety**

The site currently operates safely for two pitches, with good visibility on exiting the site. It is not considered that the increase in use represented by two further pitches would create a harmful addition to current traffic generation.

### **Drainage**

It is proposed to make use of the existing on-site septic tank arrangement. If this turns out not to be feasible, the applicant would install a suitable package treatment plant. It is recommended that these arrangements be subject to a pre-commencement condition requiring appropriate finalisation of the system to be used.

### **Water Main Crossing the Site**

There is a water main pipeline crossing the site from north-east to southwest. It has been clearly demarcated on the layout plan, and siting of caravans has deliberately avoided it, with a 6m buffer. This would comply generally with the requirements in Wessex Water's advice, but an informative note is proposed advising the applicant.

### **Town Council Concerns**

The Town Council does not support the application, taking the view that the proposal represents 'over development' of the site. Whilst it is accepted that the proposal represents extension of development into greenfield land, there is not considered to be any demonstrable landscape or amenity harm that would outweigh the positive benefit of the traveller pitches, and meeting the particular need

demonstrated in this case. It is therefore not considered that the two additional pitches, visually away from general public view, would result in 'over development' in a harmful sense.

### **Neighbour Concerns**

The issues raised have been carefully considered and largely dealt with above. Whilst the proposal would double the existing number of pitches, this remains a very small grouping in a layout that relates well to existing development. By definition, traveller sites are countryside based, and it is not considered that these two additional pitches would present an incongruous or harmful intrusion, being well contained by hedges and the existing sites. The highway authority has assessed the application and does not consider that there is any highway safety concern that would sustain a refusal.

### **Conclusion**

The proposal has been made in response to a demonstrable need for two pitches for the Gypsy family currently owning and occupying the site adjacent to this land. No suitable alternative site is available, and the proposed pitches can be accommodated on site without causing demonstrable harm to the setting, residential amenity, highway safety or environmental health. The proposal accords with the aims of the NPPF, Government guidance on traveller sites and the Local Plan, and is recommended for approval.

### **RECOMMENDATION**

Grant permission.

01. The proposed development of two additional pitches adjoining existing gypsy/traveller sites, would meet a recognised need without detriment to visual or residential amenity or highway safety. The site is reasonably well located relative to schools and other community facilities and can provide a refuse point, suitable drinking water supply, sewage disposal and other necessary facilities. As such the proposal complies with policies SD1, TA5, TA6 and HG7 of the South Somerset local Plan and the policies contained in the National Planning Policy Framework.

### **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be 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 plan: the drawing ref. 17120/01.

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

03. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of the Planning Policy for Traveller Sites, Department for Communities and Local Government, (August 2015).

Reason: In the interests of sustainable development and to comply with the aims of the document Planning Policy for Traveller Sites and Policy HG7 of the South Somerset Local Plan.

04. There shall be no more than 2 pitches on the site, and no more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, shall be stationed at any time on each of the two pitches, of which only 1 caravan in each case shall be a static caravan (residential mobile home).
- Reason: In the interests of sustainable development and to accord with the NPPF and Policy HG7 of the South Somerset Local Plan.
05. No commercial activities, including the storage of materials, shall take place on the land.
- Reason: In the interests of visual amenity and highway safety in accordance with the NPPF and Policies TA5, TA6 and EQ2 of the South Somerset Local Plan.
06. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
- Reason: In the interests of visual amenity, and to accord with the NPPF and Policy EQ2 of the South Somerset Local Plan.
07. The areas allocated for parking and turning on the approved layout plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby approved.
- Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.
08. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.
- Reason: To ensure that the development is satisfactorily drained to accord with the NPPF.
09. 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, which shall include details of the retention and management of the existing trees and hedgerows on the land, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- Reason: To protect the amenity of the area and to retain the integrity of the local ecological network in accord with Policy EQ2 and EQ4 of the South Somerset Local Plan.
10. No external lighting shall be installed within any of the application site unless details of the lighting has first been submitted to and approved in writing by the LPA. Once approved and installed, the lighting shall not be altered without the written consent of the Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

11. The driveway between the edge of carriageway and the entrance gate(s) shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

12. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 120m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

**Informatives:**

01. There is a water main pipeline crossing the site. The applicant's attention is drawn to the advice of Wessex Water which can be viewed in their email letter of 15 November 2017, viewable on the Council's website.
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# Agenda Item 17

## Officer Report On Planning Application: 17/03501/FUL

<b>Proposal :</b>	Partial demolition of farmyard and the erection of 4 No. dwellings associated access, turning, parking, gardens, orchards and visibility splay improvements at Decoy Lane/Peak Lane junction.
<b>Site Address:</b>	Decoy Farm, Peak Lane, Compton Dundon.
<b>Parish:</b>	Compton Dundon
<b>WESSEX Ward (SSDC Members)</b>	Cllr S Page Cllr D Ruddle
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	13th November 2017
<b>Applicant :</b>	Mr & Mrs A Witcombe
<b>Agent: (no agent if blank)</b>	Mr Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

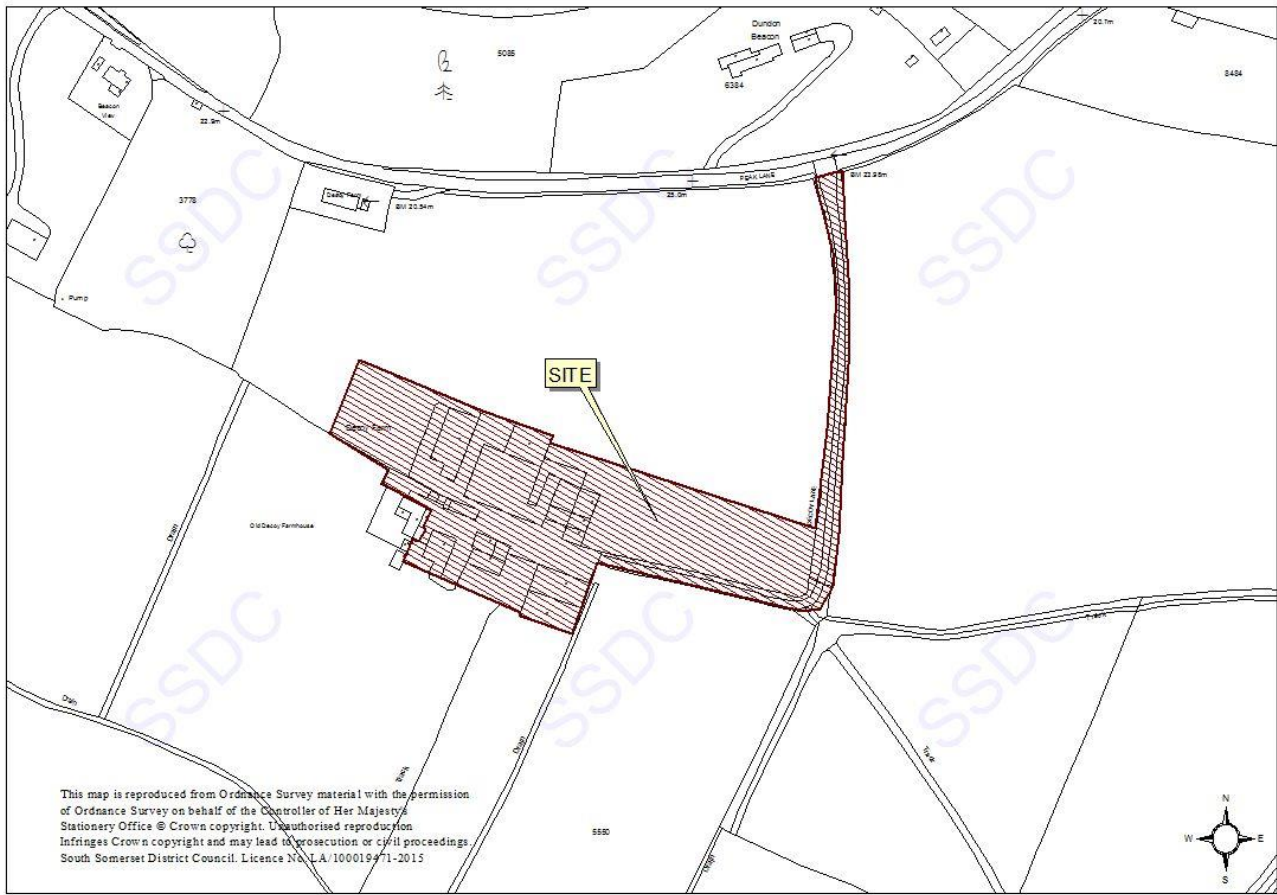
### REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Area North Committee at the request of Cllr Ruddle as a Ward Member and with the agreement of the Area Chair in view of public interest and to allow the matters of concern to be discussed more fully.

### SITE DESCRIPTION AND PROPOSAL







This application is seeking the demolition of much of the existing farmyard and the erection of four dwellings in its place.

The application site is an agricultural farmstead comprising a range of modern style farm buildings that are predominantly of steel frame construction arranged around a concrete yard. There is a residential property that sits immediately alongside the farmstead which is in separate ownership to the farm buildings. The site is accessed via a narrow, single track lane that is unclassified and which leads into Peak Lane to the north which is a class C highway. There are also public rights of way (PROW) in form of footpaths L7/9 and L7/4 which allow public access through the farmyard from west to east.

The farmstead is located on the lower slopes of Dundon Beacon and is a short distance from an RSPB consultation zone to the south and a designated SSSI and ancient woodland to the north which covers the upper parts of the beacon. There is also a scheduled ancient monument (AM) at the very top of Dundon Beacon and the site of a duck decoy a little distance away to the southwest.

## HISTORY

15/03900/FUL: Demolition of two agricultural buildings and conversion of remaining buildings to form five dwellings. Refused for the following reasons:

01. The application site is in an isolated location where it is remote from day to day services and is considered to be an unsustainable location for new build development. The development, due to the level of works required to facilitate this scheme, does not represent a genuine reuse of these buildings and is instead tantamount to a new build development. The change of use to residential use, design and layout are such that the proposal fails to make any positive enhancement to the immediate setting of the locality and indeed will result in the development

having a more prominent appearance that is out of keeping in this open rural context where it is highly visible from a number of public vantage points. For these reasons the development is considered to be an unsustainable form of development that will cause harm to the rural character and appearance of this site and surrounding area and is therefore contrary to the aims and objectives of policies SD1, SS2, TA5, TA6 and EQ2 of the South Somerset Local Plan as well as the provisions of the National Planning Policy Framework, including paragraph 55.

02. The proposed development will lead to additional vehicle and pedestrian traffic on the network which will lead to increased conflicts between vehicles and vulnerable road users to the detriment of highway safety and therefore the site does not provide a safe and suitable access for all and is contrary to the aims and objectives of policy TA5 of the South Somerset Local Plan and the provisions of Section 4 of the National Planning Policy Framework.

99/00613/AGN: Notification of intent to erect a general purpose agricultural building. Permission not required.

97/01477/AGN: Notification of intent to erect an agricultural lean-to building. No objections.

931414: Notification of intent to erect a general purpose agricultural building. Permission not required.

## **POLICY**

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

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

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

SD1 - Sustainable Development

SS2 - Development in Rural Settlements

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HG4 - Provision of Affordable Housing - Sites of 1-5 dwellings

TA1 - Low Carbon Travel

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

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ7 - Pollution Control

### National Planning Policy Framework

Part 1 - Building a strong, competitive economy

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting Healthy Communities

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

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

## **CONSULTATIONS**

**Compton Dundon Parish Council:** Recommend approval. However, the Council draws attention to unresolved legal issues regarding permitted parking for existing neighbours and plans for landscaping these areas.

**County Highways:** Object.

The application is for the partial demolition of farmyard and the erection of 4 dwellings and associated works, including proposed visibility splay improvements at the Decoy Lane / Peak Lane junction at Decoy Farm, Compton Dundon. A previous application (15/03900/FUL) for a similar scheme at this location was refused in 2015 partly for highways reasons:

'The proposed development is distant from any settlement and is served by narrow roads with restricted width and forward visibility and with no street lighting, walking and cycling will not be an attractive or safe option. The introduction of five additional dwellings will result in additional vehicular and pedestrian movements onto a substandard part of the network.'

The new application has not addressed these issues (other than improved visibility splays) due to the location and rural nature of the site. Therefore, the Highway Authority would again have to raise an objection to this application on highway grounds for the following reason(s):-

- The proposed development will lead to additional vehicle and pedestrian traffic on the network which will lead to increased conflicts between vehicles and vulnerable road users to the detriment of highway safety and therefore the site does not provide a safe and suitable access for all as required by Section 4 of NPPF.

**SSDC's Highway Consultant:** Refer to SCC's comments.

**County Rights of Way:** There is a public right of way (PROW), footpath L 7/9, that runs along the proposed access to the site. Any proposed works must not encroach on to the width of the footpath and the health and safety of walkers must be taken into consideration whilst works are carried out. It should be noted that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority (private rights) to do so.

**County Archaeology:** No objections.

**Environmental Health:** No objection but recommend a condition to restrict the use of the retained agricultural building to non-livestock related agricultural use to protect the amenity of future occupants.

**Ecology:** Has no comments or recommendations to make.

**Conservation Officer:** (Previous comments) I note that there is a duck decoy to the south which is a heritage asset but is unlikely to be affected by this proposal.

**Landscape Officer:** Objects.

I recall the earlier application submission relating to this site, to which I raised a landscape objection. My main concerns with that earlier proposal related to the (i) minimal reduction in the overall spread of built form, along with its additions of gardens and parking hardstanding, such that there was no clear reduction in the development footprint, and (ii) the introduction, primarily via the conversions, of a residential character to this distinctly rural setting, which is identified as 'semi-open moorland' within the district's landscape character assessment. Semi-open moor is described as 'a spacious but patterned and punctuated openness created by grass fields, with lines of pollard willows and isolated groups and lines of planting picking out parts of the field boundaries'. This description broadly

describes the landscape context of this site, and generally it is observed that there is minimal development presence in this semi-open moor, other than the occasional farm groups that are dispersed throughout the character area. Consequently I considered the initial proposal with its introduction of domestic elements to be located such that its conversion to a residential use would adversely impact upon the character and appearance of the locality.

Following detailed pre-application discussion, a revised proposal is now before us, which indicates a development layout that is confined to the existing farmyard area, with the built form proposed to be a less amount than the existing buildings, to play down its massing effect within the landscape. The design approach, with its U-shaped plan form, has sought to maintain a traditional farmyard character, to ensure that it has a coherent correspondence with the rural landscape, as well as ensuring parking and lighting elements are contained. As required by LP policy EQ2, the layout suggests landscape enhancement in the form of new hedgerow boundaries, to define and contain the site, along with two traditional orchards, and groups of native tree planting, to soften the outline of the new development, and place it within a credible landscape context.

I view the above refinements as a clear improvement over the initial scheme, and whilst I have some concern over the mass of the proposed main dwelling, I consider the design of this scheme to be better balanced than the original, with an outline landscape approach that addresses not only definition and containment of the site, but also its setting. These are positive elements, to balance against the principle adverse issue of the introduction of a residential complex into the distinctly rural character of the rural moorland that does not traditionally accommodate such residential plots. This remains an incongruous landscape impact, but with the improvements to the overall proposal, I no longer consider the adverse impact to be so great as to provide over-riding landscape grounds for refusal.

## **REPRESENTATIONS**

Written representations have been received from 20 different households expressing support for the proposed development and offering the following comments:

- The proposal is sympathetic to the aesthetics of our beautiful village and surrounding countryside.
- The development would be a very positive enhancement to the area and has been well designed to be entirely in keeping with the area.
- The site is well suited for four dwellings and is in keeping with a farm-like horseshoe design.
- The site is in a good location with plenty of access and the village is in need of new interesting housing.
- This is an attractive development. Its scale and size of properties might attract families, young people are particularly needed in Compton Dundon.
- A lovely design, horseshoe shaping and different levels of roofs will blend in and look stunning.
- This is a very sound and sensible application. It will enhance the approach to the village. Decoy Farm is the first visible building that anyone sees from this direction.
- Much needed homes for the village and will be a vast improvement to the old cattle farm.
- The new houses would complement the existing house.
- This attractive proposal will replace the existing dilapidated redundant buildings.
- If this application was declined then the significant flow of traffic to and from the site would recommence.
- The farm buildings at Decoy Farm are at a stage where they are in need of updating to meet modern farming practices, this would mean being an intensive farm. Should the farm be updated this would mean larger structures together with new slurry stores and would result in increased traffic on the roads.

- The type of traffic resulting from the proposed residential scheme would be more sympathetic to a village than heavy farm machinery.
- If the farm was modernised and brought back into use the farmer would need on-site accommodation. During the winter months lighting is required at night for the safety of cattle and workers.
- The site is within 400 yards of the main B3151 road and a bus stop which can be accessed by one of the many footpaths. You can get to the village hall and church by other footpaths.
- All school children in the village are now collected by bus or parents drive them to school.
- Traffic to and from the site would be less than the current farm use.

## CONSIDERATIONS

This application is seeking the partial re-development of this former dairy and cattle farm and the erection of four new build dwellings. It is proposed to demolish all the existing farm buildings with the exception of one barn located on the south side of the site which they would like to retain for the purpose of machinery and crops storage resulting from the associated 120 acre landholding.

### Principle:

There are a number of local services and facilities within Compton Dundon which means it can be considered a Rural Settlement where, under policy SS2, limited development may be permitted provided it helps to improve the sustainability of the village (i.e. meeting a local housing need, creating new employment opportunities or enhancing local services / facilities).

The application site, which is greenfield land, is however divorced from and some distance from the built up area of the village and between 1.2 and 1.9 km from the main services including the church and village hall / post office with the pub being even more distant. The site does not benefit from any pavement links to these services (or to the nearest bus stop located on the main road), which combined with the distances involved, is considered to be poorly related to these services and to be unsustainable in nature with future residents likely to be dependent on the use of private motor vehicles for the majority of their day to day needs.

The applicant has argued that future residents will be happy to walk into the village along the road or use the local network of unsurfaced public footpaths across the surrounding fields to access the services and facilities in the village. Such a suggestion is quite unrealistic. Such routes are unlit, isolated and mostly muddy and it is highly unlikely that future residents will wish to undertake such practices as a norm during daylight hours in good weather let alone in poor weather or in the dark, especially given the distances involved. It also makes the unreasonable assumption that all future residents will be agile and mobile enough to be able to do this.

The applicant argues that there is an uncomfortable relationship between Old Decoy Farmhouse and the farm because the house is in separate ownership to the farm. The accompanying Planning Statement however goes on to state that the farmhouse was separated from the farm more than 50 years ago. There does not appear to be a history of complaints by the occupiers of the farmhouse to the Council's Environmental Health team in respect of the farm activities and in any case anyone choosing to live in the farmhouse has done so with the knowledge that there is an adjacent farm which is likely to cause odours, noise and other nuisances. It is acknowledged that the removal of the majority of the farming activities from the site is likely to be of some benefit to the occupiers of the farmhouse however such benefits in planning terms for the aforementioned reasons are not considered to be compelling reasons that justify the current proposal.

It is suggested in the accompanying Planning Statement that permitted development rights set out under Class Q of the GPDO, which relates to the conversion of agricultural buildings to dwellings,

should be considered a fall-back position to the redevelopment of this site. Such a statement however is entirely misleading. Class Q restricts the overall number of dwellings to 3 and the amount of resulting residential floor space to a maximum of 450 square metres, it also requires that the buildings be capable of being converted without the introduction of any new loadbearing features or substantial rebuild. The proposed scheme clearly does not meet the requirements of Class Q and neither has it been demonstrated through a prior Class Q application that such a scheme could be achieved on the site, indeed in light of the first reason for refusing the 2015 conversion scheme it is very doubtful that such a scheme could be accepted:

"The application site is in an isolated location where it is remote from day to day services and is considered to be an unsustainable location for new build development. The development, due to the level of works required to facilitate this scheme, does not represent a genuine reuse of these buildings and is instead tantamount to a new build development ..."

For this reason it is not accepted that there is an established precedent to develop this site for residential purposes.

The applicant has claimed that the proposal with the associated landscaping measures will enhance the site and assist in improving the current visual impact of the site within its countryside setting. Whilst this scheme is an improvement to that the previously submitted, the Landscape Officer is clear that he considers the residential development of this site to have an incongruous landscape impact. Whilst he is not seeking the refusal of the application on landscape grounds it is clear that the proposal does not result in the enhancements suggested by the applicant and instead there is a detrimental landscape impact. In essence whilst the existing farm development is visually prominent due to its isolated position within this open moorland setting, such development is to be expected in the countryside. The proposed residential development, whilst it has a smaller overall footprint to the existing farm buildings, is still relatively substantial in scale and due to its design and layout will be unmistakably domestic in character that will be at odds in this remote open moorland context. As such it is not agreed that there is a robust landscape / visual amenity reason for supporting this proposal.

At the heart of the NPPF is a presumption in favour of sustainable development, which is defined as comprising a combination of environmental, social and economic roles that should be considered when determining planning application.

In terms of its social role, the Council is currently unable to demonstrate a five-year housing land supply and it is acknowledged that the four dwellings that this development would provide will make a positive, albeit very modest contribution towards meeting this shortfall. The social role, as set defined within the NPPF, however looks beyond just the crude requirement to build new houses and requires that residential development create a high quality built environment that is accessible to local services. In this instance the proposed development, as identified above, is in an isolated location where access to local services other than by car is extremely poor and in turn future occupiers are likely to feel dislocated from the activities available within the village. Furthermore the scheme will not be meeting any identifiable local or site specific need and offers no other wider benefit that might otherwise weigh in its favour.

The need for future occupiers to drive everywhere for their day to day needs is contrary to the need to minimise pollution and mitigate against climate change. Furthermore, the proposal fails to enhance the natural environment due to the incongruous nature of a residential scheme in this location. The application therefore also fails to make a positive contribution environmentally.

There will be some economic benefit during the construction phase of the development however this again will be modest and very short lived.

In view of the comments above it is concluded that the modest benefits of the development fail to

outweigh the more substantive concerns arising from the site's remote location and that the proposal fails to meet the requirements of sustainable development as set out within the NPPF. As such the proposal is considered to be an unjustified form of development that is unacceptable in principle.

#### Landscape impact / visual amenity

Planning Practice Guidance (PPG) confirms the necessary role of landscape character assessment in planning and sets out that development should not sacrifice local character and distinctiveness. Such advice is reflected in LP policy EQ2 which seeks to conserve and enhance landscape character and to reinforce local distinctiveness and respect local context.

Decoy Farm lies to the south of Peak Lane and at a lower level to the lane in what is semi-open moorland that is characterised as an open landscape patterned by lines and isolated groups of planting. Furthermore, there is minimal development presence in this moorland setting other than occasional farm groups and the site itself is divorced both from the lane and the local settlement pattern. This group of buildings has a prominent presence in the locality, especially when viewed above from Peak Lane.

Whilst the proposed development is an improvement on that previously proposed and offers better mitigation in terms of the proposed orchard planting and reduced footprint it is still nonetheless, because of its residential nature, considered to be an incongruous form of development that is at odds in this isolated and open moorland setting. Such a development is not what is expected to be seen in this context and whilst the design of the proposal is attempting to have the appearance of a farmyard conversion scheme it is not considered that this is entirely convincing.

It is acknowledged that the Landscape Officer has not raised a substantive standalone landscape reason for refusal however he is clear that he considers the residential development of this site to be incongruous in character due to its context. The condition of some of the farm buildings are now in a poor condition, however, the overall condition of the farmyard is not so poor that it causes a blot on the landscape or is at risk of becoming so in the near future. It is therefore considered that the proposal does not represent any identifiable landscape or visual amenity enhancement.

#### Residential amenity:

The general layout and design is such that the scheme should allow the future occupiers of the new units an appropriate level of amenity in terms of privacy and amenity space and the layout and distance of the new dwellings from Old Decoy Farmhouse is such that the development will not lead to any demonstrable harm to the existing dwelling.

The applicant has stated that they intend to use the retained barn for the purpose of general agricultural storage only, i.e. for storing machinery and crops, and not for the keeping of livestock in order to safeguard the amenity of future occupiers. This could be controlled through by way of a legal agreement, which was previously proposed under the 2015 application.

#### Highway safety:

Access to the development will be via the unclassified lane which leads on to Peak Lane to the north. This lane is a narrow single track lane with a single passing place at the sharp bend part way along and also serves as access to the existing adjoining dwelling and the retained agricultural building and as such will be serving a total of five residential properties and a possible ongoing farm business.

The highway authority has also noted the substandard nature of this part of the highway network and raised highway safety concerns on this basis. They state that the development is distant from any settlement and is served by a narrow road that has restricted width and forward visibility and no street lighting and that walking and cycling will not be an attractive or safe option. The introduction of these additional dwellings will result in significant additional vehicular and pedestrian movements onto a substandard part of the network. Whilst the applicant proposes to improve visibility at the Decoy Lane /

Peak Lane junction the proposed development will still lead to additional vehicle and pedestrian traffic on the network which will lead to increased conflicts between vehicles and vulnerable road users to the detriment of highway safety. It is therefore considered that the site will not be served by a safe and suitable means of access and that the proposal is contrary to LP policy TA5 and Section 4 of the NPPF.

Other matters:

The Conservation Officer is satisfied that the development will not affect the setting or interest of any of the nearby archaeological sites.

The Councils Ecologist is also happy that the proposal is unlikely to harm any protected species or lead to any other ecology related issues.

It has been previously noted that a public right of way passes through the farmyard however the layout of the proposal is such that there is no reason to expect the development to obstruct or adversely affect this right of way.

Conclusion

The site is in an isolated location where it is remote from any day to day services and facilities and therefore is unsustainable in nature where new residential development should be strictly controlled and restricted to that which has an over-riding need. The scheme will not be meeting any identifiable local or site specific need and offers no other wider social benefit that might otherwise outweigh the accessibility concerns. The proposal fails to reinforce local distinctiveness or to make a genuine positive enhancement to the setting of the locality, furthermore, the development will not be served by an appropriate and safe means of access and as such will be prejudicial to highway safety. There are no clear identifiable benefits that outweigh these fundamental sustainability, landscape and highway safety concerns and as such the application is recommended for refusal.

## **RECOMMENDATION**

Refuse consent for the following reasons:

01. The site is in an isolated location where it is remote from any day to day services and facilities and where future residents will be dependent on driving to meet their day to day needs and is therefore unsustainable in nature. The scheme will not be meeting any identifiable local or site specific need and offers no other wider social benefit. The proposed development, due to its domestic character and appearance, will have an incongruous presence in this isolated and open moorland setting and therefore fails to reinforce local distinctiveness or to make a genuine positive enhancement to the setting of the locality. No other compelling reason has been identified that might otherwise outweigh these identified harms and as such the proposal is considered to be an unsustainable form of development that is harmful to the rural character and appearance of the site and surrounding area, contrary to the aims and objectives of policies SD1, SS2 and EQ2 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.
02. The proposed development will lead to additional vehicle and pedestrian traffic on the network which will lead to increased conflicts between vehicles and vulnerable road users to the detriment of highway safety. It is therefore considered that the proposed development will not be served by a safe and suitable access contrary to the aims and objectives of policy TA5 of the South Somerset Local Plan and the provisions of Section 4 of the National Planning Policy Framework.



# Agenda Item 18

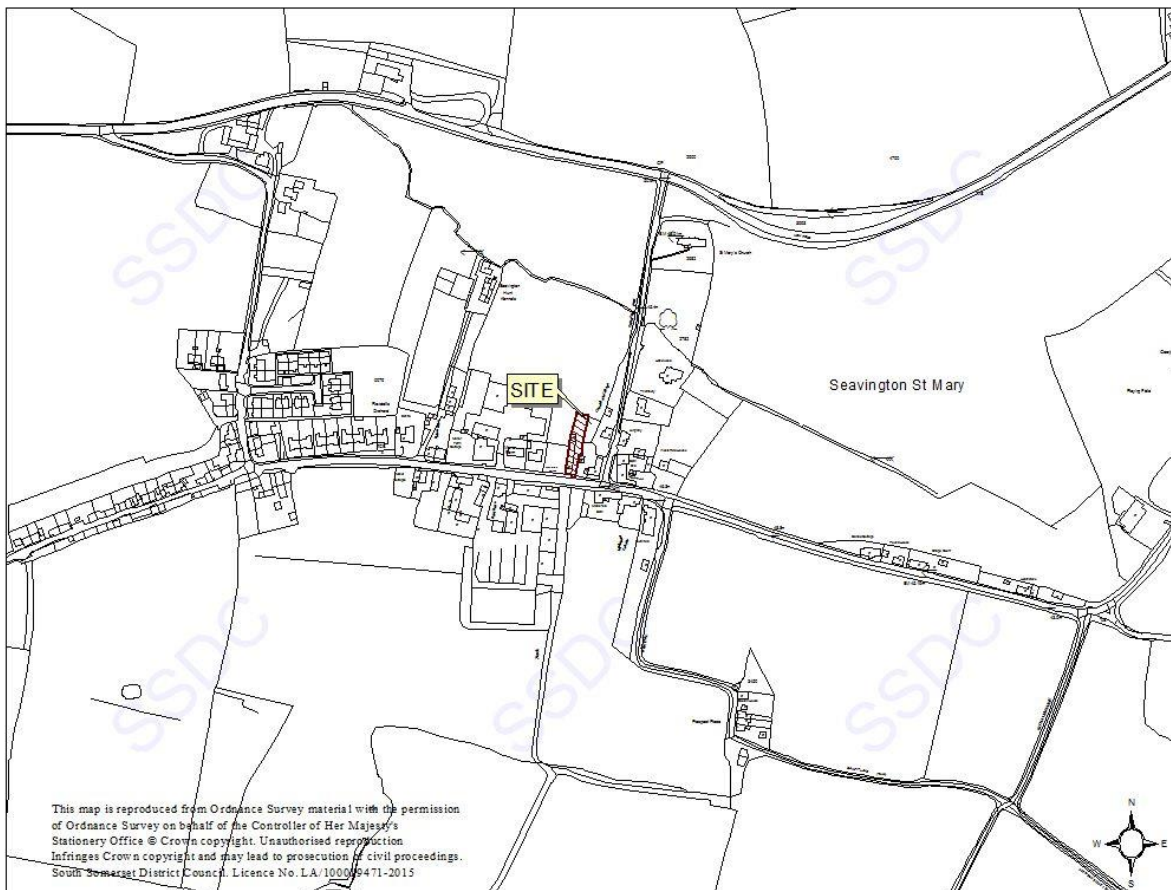
## Officer Report On Planning Application: 17/03728/DPO

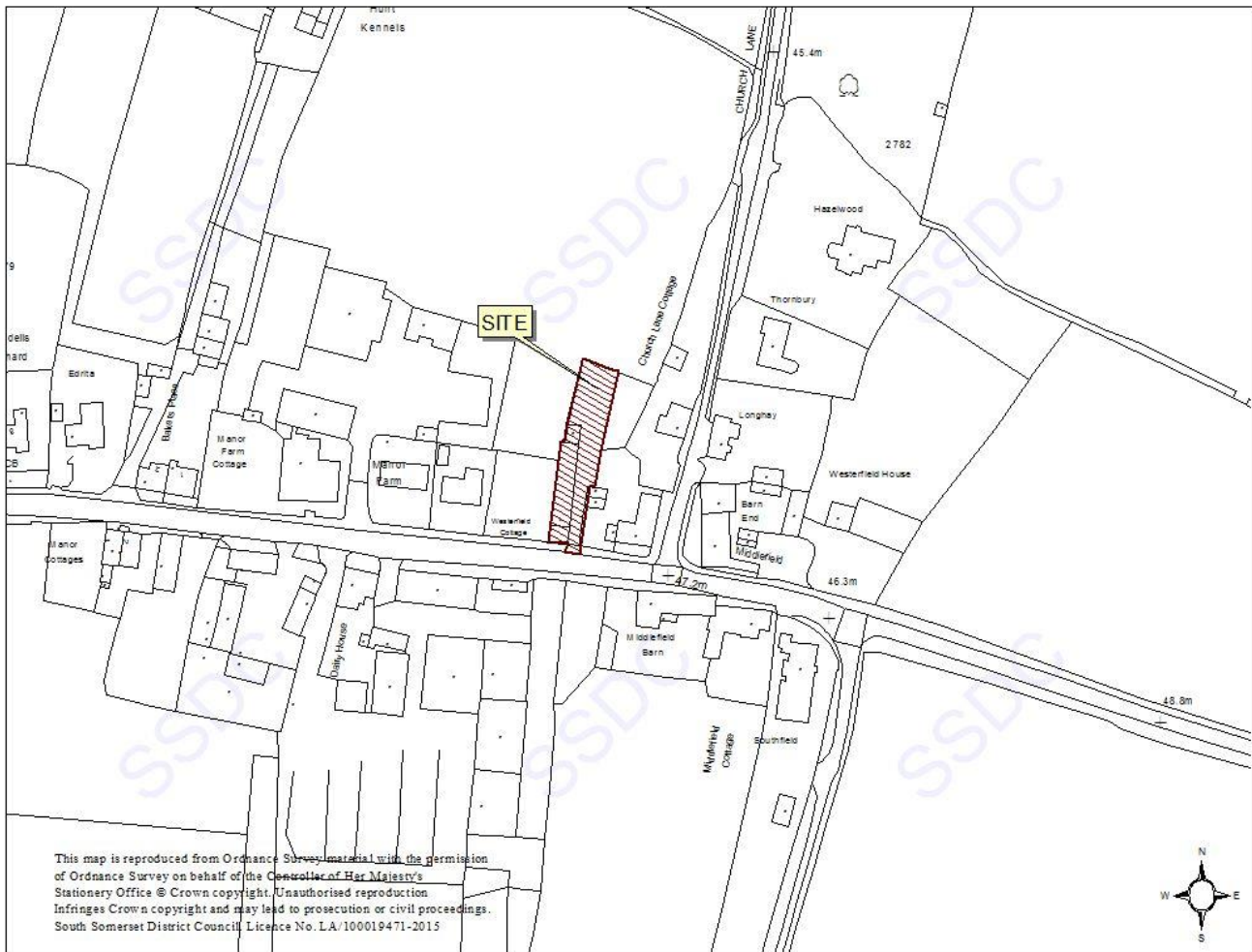
<b>Proposal :</b>	Application to discharge a Section 52 agreement dated 3rd November 1978 between Yeovil District Council and Chetwyn James Hewlett-Parker, Margaret Hewlett-Parker, Christopher Black and Frances Ruby Blake to dispose of land owned separately from remainder.
<b>Site Address:</b>	Westerfield House, Church Lane, Seavington St Mary.
<b>Parish:</b>	Seavington St Mary
<b>SOUTH PETHERTON Ward (SSDC Members)</b>	Cllr Adam Dance Cllr Crispin Raikes
<b>Recommending Case Officer:</b>	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
<b>Target date :</b>	27th October 2017
<b>Applicant :</b>	Ms Annie Robb
<b>Agent: (no agent if blank)</b>	John Wratten Associates, Waggon Shed, Flax Drayton Farm, South Petherton TA13 5LR
<b>Application Type :</b>	Non PS1 and PS2 return applications

### REASON FOR REFERRAL TO COMMITTEE:

To enable discussion of the issues raised in the report by the Planning Committee.

### SITE DESCRIPTION AND PROPOSAL





The site consists of a residential dwelling and adjacent detached annexe located within Seavington St Mary. The site is located on the northern side of a Class C classified highway. There is a vehicular access from the highway in between the annexe and dwelling.

The accommodation within the annexe consists of a kitchen, bathroom and two bedrooms. There is a separate segregated portion of the building comprising a garage and three further storage rooms. All the windows within the annexe face towards Westerfield House. Currently an area of hardstanding adjacent to the annexe is used as parking and turning for the whole residential planning unit. It is understood that the annexe has been let out in the past to tenants.

The application proposes the discharge of the S. 52 planning obligation that was attached to permission ref. 780967. The agreement ties the annexe to the house by ensuring that it is not sold separately. There was a concurrent application under reference 17/03200/FUL for planning permission to change the use of the annexe into a separate dwelling, however this application was withdrawn upon the acceptance by the Council that the proposal does not involve a change of use.

## HISTORY

780967- Additional conversion and alterations to annexe to dwellinghouse - permitted with conditions and S52 non fragmentation agreement.

751827- Determination under S. 53 of the Town and Country Planning Act 1971- Alterations to part of

outbuilding within curtilage of Allanby House- Conditionally approved.

## **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 decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

### Relevant Development Plan Documents

South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS5 - Delivering New housing Growth

Policy TA5 - Transport impact of new development

Policy TA6 - Parking standards

Policy EQ2 - General Development

National Planning Policy Framework

Core Planning Principles

Chapter 6: Delivering a wide choice of high quality homes

## **ENVIRONMENTAL IMPACT ASSESSMENT**

None required

## **CONSULTATIONS**

### **Parish Council:**

No concerns assuming that for the majority of the time vehicles will be parked within the curtilage of the properties.

## **REPRESENTATIONS**

Following consultation, one letter has been received from an adjacent occupier requesting clarification on how the future occupiers of Westerfield House will gain vehicular and pedestrian access.

### **Principle**

The original planning consent gave permission for the building to be converted to self-contained accommodation subject to a non-fragmentation legal agreement. This meant that the accommodation cannot be sold separately from Westerfield House.

Determination of an application to discharge a planning obligation needs to take account of the 'useful purpose' test - i.e. whether the agreement continues to serve any planning purpose. Should the entire agreement no longer serve any useful or necessary purpose in planning terms, it should be discharged.

It is noted that 'the Seavingtons' have sufficient services and facilities for new housing provision, however in this instance, given that it is accepted that the accommodation can be separately occupied without planning permission, these are not relevant considerations to the lifting of the non-fragmentation agreement. Additionally, on the same basis, the highway implications are not relevant considerations for the purposes of determining whether the legal agreement still serves a useful planning purpose.

In principal consideration relates to residential amenity. The close functional relationship between the annexe building and main house are typical of an annexe/main dwelling situation in that there is a high level of intervisibility and overlooking that would not be expected between completely independently owned properties. In terms of specifics, there are several windows in the first floor of the annexe facing towards Westerfield House and its garden. The impact of overlooking from these windows is exacerbated due to the orientation and layout of Westerfield House. Its principal outlook is across its garden towards the annexe, including areas of the garden that would be expected to be afforded a high degree of privacy.

The separation of ownership whilst these overlooking and privacy issues exist would harm the amenities of the occupiers of Westerfield House and would mean that these occupiers have no control over the separate planning unit. If the non-fragmentation agreement remains, whilst overlooking may also exist in the event of the annexe being rented, the situation would nevertheless under the control of the owners of Westerfield House. Accordingly this would allow a choice for the owners in terms of the nature of the occupation which would be of benefit to the amenities of these occupiers.

As such it is considered that the non-fragmentation agreement still serves a useful purpose in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

## **RECOMMENDATION**

Refuse

## **SUBJECT TO THE FOLLOWING:**

01. The discharge of the non-fragmentation Section 52 legal agreement would allow the separation of the main dwelling and annexe into separate ownership. This would allow the annexe to function as an entirely separate planning unit outside the control of the occupiers of Westerfield House. The orientation and siting of the dwellings results in an unacceptably high level of overlooking between the dwellings and if in separate ownership would have a greater potential for harm to the occupiers of Westerfield House. It is therefore considered that the S.52 agreement still serves a useful planning purpose and the proposal is therefore contrary to policy EQ2 of the South Somerset Local Plan (2006-2028).

## **Informatives:**

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;

offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case, the Local Planning Authority was not approached for pre-application advice.