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## Area East Committee

**Wednesday 11th December 2019**

**9.00 am**

**Council Offices, Churchfield,  
Wincanton BA9 9AG**

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



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The following members are requested to attend this meeting:

Robin Bastable  
Hayward Burt  
Tony Capozzoli  
Nick Colbert  
Sarah Dyke

Henry Hobhouse  
Charlie Hull  
Mike Lewis  
Kevin Messenger  
Paul Rowsell

Lucy Trimnell  
William Wallace  
Colin Winder

Consideration of planning applications will commence no earlier than 9.30am.

For further information on the items to be discussed, please contact the Case Officer on 01935 462148 or [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

This Agenda was issued on Tuesday 3 December 2019.

**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 East Committee are held monthly, usually at 9.00am, on the second Wednesday of the month in the Council Offices, Churchfield, Wincanton (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)

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## **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%200council%20meetings.pdf>

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# **Area East Committee**

## **Wednesday 11 December 2019**

### **Agenda**

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

#### **1. Apologies for absence**

#### **2. 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 Tony Capozzoli, Henry Hobhouse, Paul Rowsell, William Wallace.

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.

#### **3. Date of Next Meeting**

Members are asked to note that the next scheduled meeting of the committee will be at the Council Offices, Churchfield, Wincanton on Wednesday 15 January 2020 at 9.00 am.

#### **4. Public Question Time**

#### **5. Chairman Announcements**

#### **6. Reports from Members**

#### **7. Planning Appeals (for information only) (Pages 6 - 17)**

*Items for Discussion*

8. **The Balsam Centre - Allocation of Healthy Living Centre Funding for 2019/20 (Executive Decision)** (Pages 18 - 22)
9. **Heart of Wessex Rail Partnership Update (Executive Decision)** (Pages 23 - 29)
10. **Churchfields Offices, Disposal - Inclusion of public car park** (Pages 30 - 33)
11. **Area East Committee Forward Plan** (Pages 34 - 35)
12. **Schedule of Planning Applications to be Determined by Committee** (Pages 36 - 37)
13. **Planning Application 18/03763/COU - Land at West Farm, West Mudford Road, Mudford** (Pages 38 - 47)
14. **Planning Application 19/01996/OUT - Land Adjoining Pilgrims, Weir Lane, Yeovilton** (Pages 48 - 52)
15. **Planning Application 19/02387/FUL - Land Adjoining Keepers, Pyle Lane, Yeovilton** (Pages 53 - 59)
16. **Planning Application 19/02514/HOU - Pond Hill, Pen Selwood, Wincanton** (Pages 60 - 64)

**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 7

## Planning Appeals

*Director:* Martin Woods (Service Delivery)  
*Lead Officer:* Simon Fox, Lead Specialist - Planning  
*Contact Details:* simon.fox@southsomerset.gov.uk or 01935 462509

## Purpose of the Report

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

## Recommendation

That the report be noted.

## Background

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

## Report Detail

### Appeals Received

18/00193/OPERA – Land at Old Embankment and North of Mill Lane, Strutter Hill Mill Lane, Pitcombe Bruton

Without planning permission:

- a) The unauthorised change of use of the land to a storage use by the storing of 2 shipping containers and a touring caravan, plant and machinery.
- b) The unauthorised formation and use of two vehicular accesses on the land those access marked A and B hatched green on the plan by the removal of the native hedgerow and laying of hardstanding and erection of gates and fences.
- c) Unauthorised engineering work by excavating of earth to form a track on the land.

19/00653/PAMB – Barn at Sutton Bridge, Sutton Montis Road, Queen Camel, Yeovil BA22 7NF

Notification for prior approval for the change of use of existing agricultural buildings to a dwellinghouse

### Appeals Allowed

18/04060/S73A – Manor House Manor Farm Road Compton Pauncefoot Yeovil BA22 7EE

Application to vary condition 2 (approved plans) of 18/01835/S73 to incorporate solar photovoltaic panels (officer decision)

### Appeals Dismissed

19/00025/OUT - Land Adj. 26 Throop Road, Templecombe BA8 0HR

Outline application for the erection of a two storey detached dwelling with all matters reserved except for access (officer decision)

**Background Papers:** None



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## Appeal Decisions

Site visit made on 5 November 2019

**by H Porter BA(Hons) MScDip IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 November 2019**

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### **Appeal A Ref: APP/R3325/W/19/3231903**

#### **Manor House, Manor Farm Road, Compton Pauncefoot, Yeovil BA22 7EE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Hopkins Estates Ltd against the decision of South Somerset District Council.
  - The application Ref 18/04060/S73A, dated 21 December 2018, was refused by notice dated 3 May 2019.
  - The application sought planning permission for conversion of agricultural barn to residential dwelling, car port and ancillary works without complying with a condition attached to planning permission Ref 18/01835/S73, dated 4 October 2018.
  - The condition in dispute is No 2 which states that: the development hereby permitted shall be carried out in accordance with the following approved plans: PR01 Rev D, PR11 Rev E, PR20 Rev C and PR50 received 7<sup>th</sup> June 2018; PR02 Rev C, PR10 Rev F, PR12 Rev F, PR13 Rev B, PR14 Rev C and PR15 Rev G received 9<sup>th</sup> August 2018 and BLK01 Rev A received 25<sup>th</sup> September 2018.
  - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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### **Appeal B Ref: APP/R3325/W/19/3231910**

#### **Manor House, Manor Farm Road, Compton Pauncefoot, Yeovil BA22 7EE**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Hopkins Estates Ltd against the decision of South Somerset District Council.
  - The application Ref 18/04056/LBC, dated 21 December 2018, was refused by notice dated 3 May 2019.
  - The works are conversion of agricultural barn to residential dwelling, car port and ancillary works (amendment to 16/02333/LBC to provide Photovoltaic Panels).
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### **Decision – Appeal A**

1. The appeal is allowed and planning permission is granted for conversion of agricultural barn to residential dwelling, car port and ancillary works at Manor House, Manor Farm Road, Compton Pauncefoot, Yeovil BA22 7EE in accordance with the application Ref 18/04060/S73A, dated 21 December 2018, without compliance with condition No 2 previously imposed on planning permission Ref 18/01835/S73 dated 4 October 2018 and subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 802-001 Rev C, PR01 Rev D, PR11

Rev E, PR20 Rev C, PR50, PR02 Rev C, PR10 Rev F, PR12 Rev F, PR13 Rev B, PR14 Rev D, PR15 Rev H, BLK01 Rev B

- 2) Prior to the first occupation of the development hereby permitted, details of nest boxes and swift ledges and their locations shall be submitted to and agreed in writing by the Local Planning Authority, details of which shall be undertaken and provided as part of the approved development and thereafter retained.
- 3) External lighting shall be shielded and directed so as to prevent off-site light pollution.
- 4) All planting, seeding, turfing or earth moulding set out by plans FMH\_113/L001 and FMH\_113.L002 approved by the Local Planning Authority on 20 February 2018 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. 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 Authority gives written consent to any variation.

### **Decision – Appeal B**

2. The appeal is allowed and listed building consent is granted for conversion of agricultural barn to residential dwelling, car port and ancillary works (amendment to 16/02333/LBC to provide Photovoltaic Panels) in accordance with the terms of application Ref 18/04056/LBC dated 21 December 2018 and subject to the following condition:
  - 1) The works hereby permitted shall be carried out in accordance with the following approved plans: 802-001 Rev C, PR01 Rev D, PR11 Rev E, PR20 Rev C, PR50, PR02 Rev C, PR10 Rev F, PR12 Rev F, PR13 Rev B, PR14 Rev D, PR15 Rev H, BLK01 Rev B.

### **Application for costs**

3. An application for costs was made by Hopkins Estates Limited against South Somerset District Council. This application will be the subject of a separate Decision.

### **Background and Main Issues**

4. Permissions were granted in September 2016 to facilitate the conversion of the appeal building to a residential dwelling. Subsequently, a s73 Application (18/01835/S73) was approved by the Council and allowed for variation to the approved plans and landscaping conditions. The works and development at the appeal site are well underway, during the course of which a bank of photovoltaic panels (PVs) has been installed on both the front and rear roof slopes of the main barn building. These fall outside the scope of what has been allowed on the approved plans, which do not benefit from planning permission or listed building consent. The appeals are seeking to regularise this aspect of the works and development through varying the plans condition (condition 2) and gaining separate listed building consent.
5. The main issues common to both appeals are whether the PVs have preserved the listed building, its setting, or any features of special



architectural or historic interest it possesses; whether the character and appearance of the CA have been preserved; and, in respect of Appeal A only, whether the disputed condition is reasonable and necessary.

## **Reasons**

2. The appeal building is a detached former barn and single-storey outbuilding historically associated with Manor Farm and ancillary to Manor House, a Grade II listed building. The appeal building is within the curtilage of the Farmhouse and is therefore covered by the same statutory protection. Both are situated in the Blackford Conservation Area (CA).
3. The main Farmhouse was first listed in 1986 (list entry number 1056518), which the statutory list description identifies as early 19<sup>th</sup> century, constructed of Cary stone ashlar under a hipped slate roof. From the evidence available to me, I consider that the significance of the listed Farmhouse is largely drawn from its historic age, use, form, fabric and architectural features. In addition, its former intrinsic relationship with ancillary outbuildings that denote its agricultural origins are elements that are important to its setting and overall significance.
4. The appeal site is situated immediately adjacent to the listed Farmhouse, which is now in separate ownership. Notwithstanding its residential conversion, the overall form and material treatment of the barn denote its agricultural origins and therefore its former functional relationship with the Farmhouse, which are features of its special architectural and historic interest.
5. The CA covers the core of the small rural village of Blackford and contains a range of different buildings of varying age and designs. The Farmhouse and appeal building are part of the historic built backcloth of the village and provide a link between the area's built development and the surrounding rural landscape and agriculture. As such, they contribute aesthetically and historically to the character and appearance of the CA as a whole and to its significance as a designated heritage asset.
6. At the time of my visit to the appeal site, the conversion of the barn was well underway, which has included the creation of a fully-glazed 'sun-room' on the front elevation, a single-storey flat-roof extension to the rear, and a glazed and tile-roofed link to the outbuilding, to form a bedroom suite. Additionally, a number of original openings have been glazed and new ones inserted, including at roof level. While it is certainly more residential in nature than its previous role as a functional agricultural barn, the appeal building appears as a sensitively converted former farm building that continues to reflect its agricultural origins and historic connection with the Grade II listed Farmhouse.
7. From the evidence submitted, it is apparent that the roof has been stripped and re-tiled, and so the impact on historic fabric has been minimal. The PVs are flush with the roof-slope and, with bands of historic tiles above and below and to either side, allow much of the historic material and form of the barn roof to be legible. Moreover, the PVs are read in the context of relatively extensive new glazing, and, all things considered, are a relatively unobtrusive alteration.
8. Even so, having seen the PVs installed, I cannot deny there has been some physical and visual effect on the listed barn. Portions of the barn's principal

roof have been materially altered, which has reduced the unbroken extent of its tiled roof-slopes with consequential impact on its tiles. Moreover, the PVs are a further incremental adaptation associated with a domestic use and away from the building's historic, agricultural origins. This very slight further dilution of the historic connection between the barn as an agricultural building associated with the Farmhouse has caused some harm to the significance of both.

9. That said, even with the PVs in place, the appeal barn is still distinctly recognisable as a former farm building and, overall, its agricultural character has been retained. Given this, and that there are no contextual views of the barn and PVs from the wider street scene, the character and appearance of the CA as a whole has been preserved. The degree of harm to these as heritage assets, given the scale and nature of the PVs, has therefore been less than substantial.
10. Paragraph 196 of the National Planning Policy Framework, revised February 2019 (the Framework), requires the less than substantial harm be weighed against the public benefits of the proposal. It has been projected that the PVs could achieve around 15% saving in CO<sub>2</sub> emissions, which would be of environmental and wider public benefit. Mindful that any harm to the listed building carries considerable importance and weight, I still consider that the less than substantial harm would be outweighed by the wider public benefits.
11. It has been suggested that the single-storey link could potentially offer a more appropriate location for the PVs. However, such a proposal is not before me to consider and I am satisfied that the extant location offers a sensitive way of realising a meaningful reduction in reliance on fossil fuels at the appeal site.
12. As the less than substantial harm to designated heritage assets has been outweighed by wider public benefits in this case, the works and development have not conflicted with the historic environment policies of the Framework; nor with Policy EQ1 and EQ3 of the South Somerset Local Plan (2006-28). The planning merits of the PVS justify allowing the development to continue without compliance with the disputed condition, which, without modification, is not reasonable and necessary.

### *Conditions*

13. To assist with clarity, I have included the relevant conditions from the original planning permission in the list of conditions for Appeal A. The works and development have been carried out, and so standard time limit conditions are unnecessary, so too is one that clarifies that the development relates to the PVs only. I have included the revised plans list condition for both Appeal A and Appeal B as this provides certainty.

### **Conclusions**

14. For the reasons given above, I conclude that both Appeal A and Appeal B should be allowed.

*H Porter*

INSPECTOR



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## Costs Decision

Site visit made on 5 November 2019

**by H Porter BA(Hons) MScDip IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 November 2019**

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### **Costs application in relation to Appeal Ref: APP/R3325/W/19/3231903 Manor House, Manor Farm Road, Compton Pauncefoot, Yeovil BA22 7EE**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Hopkins Estates for a full award of costs against South Somerset District Council
  - The appeal was against the refusal of planning permission for conversion of agricultural barn to residential dwelling, car port and ancillary works without complying with a condition attached to planning permission Ref 18/01835/S73, dated 4 October 2018.
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Planning Practice guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. An award of costs against a local planning authority may be procedural, relating to the appeal process, or substantive, relating to the planning merits of the appeal. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal, behaviour and actions at the time of the planning application can be taken into account.
3. The main thrust of the applicant's case rests on the Council not making a decision in accordance with relevant development plan policy; that it failed to substantiate the reasons for refusing permission; that it had not determined similar cases in a consistent manner; and that it refused to engage proactively. Therefore, the applicant considers the Council behaved unreasonably in refusing to grant planning permission and that this has resulted in unnecessary wasted expense in pursuing an appeal.
4. The appeal barn is a Grade II listed building, in a Conservation Area, and the PVs were installed prior to any consents being granted. Whilst I have concluded differently in terms of the weight of benefits in favour of the PVs, I did agree with the Council's analysis that the PVs have caused some harm. The issues that were in dispute are matters of judgement, and the Council produced substantive planning reasons to support its decision, backed up by reference to current planning policies and statutory duties.
5. My reading of the evidence is that the Council did enter a constructive engagement and were forthcoming about the nature of the objections. The

planning application was not accompanied by sufficient supporting information to enable the Council to establish the impact of the PVs. Although the appellant wanted to provide supplementary information, the Council made their decision on the merits of the application that was submitted to them.

6. I appreciate the applicant's frustrations regarding delay in some communications with the Council. This is regrettable. I note that the Council have subsequently been minded to grant permission for an application that included a heritage statement. However, this does not indicate to me that the Council behaved unreasonably in the handling of the appeal proposal.
7. I note also that apparently similar proposals in the vicinity cast doubt over whether the Council deal with applications in a consistent manner. I do not know the individual circumstances in those cases, including policy background, planning balance, the size of the PVs, the impact on historic fabric, whether they are similarly located in a conservation area. Indeed, significance and special interest of designated heritage is inevitably nuanced, and the Council were justified to consider the individual merits of the proposal and the site-specific circumstances.
8. All things considered, I do not find that the Council has failed to properly evaluate the development. There were reasonable concerns about the impact of the proposal that justified its decision. The appellant had to address those concerns and the appeal could not therefore have been avoided.

### **Conclusion**

9. I do not find that unreasonable behaviour by the Council, resulting in unnecessary and wasted expense, as described by the PPG, has been demonstrated. As such, there can be no question that the applicant has been put to unnecessary or wasted expense during the appeal process. No award for costs is made.

*H Porter*

INSPECTOR



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## Appeal Decision

Site visit made on 25 September 2019

**by R E Jones BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26<sup>th</sup> November 2019.**

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**Appeal Ref: APP/R3325/W/19/3232601**

**26 Throop Road, Templecombe BA8 0HR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Tom Allcott against the decision of South Somerset District Council.
  - The application Ref 19/00025/OUT, dated 5 January 2019, was refused by notice dated 29 March 2019.
  - The development proposed is for a two-storey detached dwelling house.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The appellant drew my attention to the document 'Local Plan Review 2016 – 2036 Preferred Options for Consultation'. This is a consultation document, as such it currently attracts minimal weight in my consideration of the merits of this appeal.

### Main Issues

3. The main issues of the appeal are;
  - Whether or not the appeal site is a suitable location for a new dwelling having regard to local and national policy for the delivery of housing; and
  - the effect of the proposal on the character and appearance of the area.

### Reasons

#### *Location of Proposed Development*

4. The appeal site is located approximately 1km to the south west of the settlement of Templecombe. The Council Settlement Strategy<sup>1</sup> provides a list of settlements where future growth will be targeted, while all other settlements, such as Templecombe, would be considered to be within the open countryside and identified in generic terms as Rural Settlements.
5. Policy SS2 of the South Somerset Local Plan (2006-2028), adopted March 2015 (SSLP), limits new housing in Rural Settlement to, for instance, where they provide employment opportunities and/or meet identified housing need,

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<sup>1</sup> Policy SS1 of the South Somerset Local Plan (2006-2028), Adopted March 2015

particularly for affordable housing. There is no substantive evidence before me that the proposal meets any of the criteria for new housing outlined. Notwithstanding this, Policy SS2 recognises Templecombe as one of the larger Rural Settlements, which has a relatively strong employment function and good sustainable transport links.

6. The appeal site comprises the side garden area of No 26 Throop Road (No 26), a detached property located within a small cluster of dwellings, farmhouses and associated farm buildings. The land around the group comprises undeveloped fields.
7. My attention has been drawn to a range of services within 850m-1350m of the site that could be reached by walking for 10-16 minutes. The majority of these are approximately 1100m away and include a café, bus stop and surgery. However, the pedestrian route to access these is primarily along a narrow road that is lit only occasionally by street lights and has no pedestrian footway for the majority of its length. Therefore, even if the services and facilities would sufficiently cater for future residents' needs, it would be unlikely that the occupiers of the proposed dwelling would choose to walk or cycle to them on a regular basis, as it would be much easier and more convenient to access them by car.
8. It is acknowledged that Manual for Streets states that walking can replace car trips for journeys up to 2km. However, given the unsuitability of the route to these services the likelihood of this occurring would be rather limited, when journeys by car would be quicker and more convenient.
9. The route to the village has very low volumes of traffic using it and is often used by dog walkers and runners and would be judged an acceptable walking route for children by the Local Education Authority. However, these are examples of one type of journey, whereas local residents would travel along the road for a greater number of reasons to access local services at different times of the day. For instance, the consented but as yet unopened convenience store, would likely involve transporting purchased goods back to the proposed dwelling, but doing so by foot along the partially lit route would be inconvenient and unappealing. Moreover, there are a greater range of services and employment opportunities further afield, making the use of the car by future residents even more likely.
10. In order to access public transport occupants of the proposed dwelling would be required to walk or cycle to the train station or bus stops which are located 1200m and 1100m from the site respectively. This would make choosing to travel by public transport to destinations further afield less likely when compared with the convenience of using a car. This would especially be the case in the dark and in adverse weather conditions. Therefore, occupiers of the dwelling would be likely to be heavily reliant on the use of motor vehicles for many of their journeys.
11. The Council has granted permission for schemes including a barn conversion and others which provided 2, 4 and 12 dwellings. Although I have limited details of these schemes, all were either in other settlements or better related to the centre of Templecombe and are therefore not directly comparable with the Appeal proposal.



12. I have also had regard to the Braintree judgement<sup>2</sup>. The proposed dwelling would not be spatially isolated in the sense that it would be a close distance from other residential development. However, I am not persuaded that the proposal would meet the requirements of paragraph 78 of the National Planning Policy Framework (the Framework) which states that housing in rural areas should enhance or maintain the vitality of local communities.
13. I therefore find that the site would not be a suitable location for a new dwelling, having regard to local and national policy for the delivery of housing. As such the proposal would be contrary to Policies SD1, SS1 and SS2 and EQ2 of the SSLP. These, in part, provide a settlement hierarchy for housing delivery and making the efficient use of land whilst having regard to accessibility. Moreover, it would also be contrary to the Framework where it aims to locate development in accessible and convenient locations and promote walking, cycling and public transport use.

#### *Character and Appearance*

14. The appeal site comprises a roughly rectangular parcel of land between Nos 26 and 28. It is primarily lawned and surrounded by mature boundary trees along its frontage with Throop Road and along the boundary with No 28. A single storey outbuilding close to the flank wall of the host dwelling is located within the site. This outbuilding would require removal to make way for the proposed dwelling. A menage to the rear of the site, sits within a large paddock that is enclosed by hedgerow.
15. The small cluster the appeal site relates to comprises loosely separated dwellings and farm buildings that face Throop Road. The land surrounding the cluster of buildings and the associated curtilage land, consists of large undeveloped fields enclosed by hedgerows and trees. As a group, the cluster of properties is visually and functionally separate from Templecombe.
16. The dwellings in the cluster are primarily set back from the road with mature trees and vegetation occupying the intervening space and often abutting the road. Taking account of the generally spacious arrangement, verdant setting and the prevailing sense of openness around and beyond the buildings, the road has a distinctly rural character and feel. The undeveloped space between and beyond No 26 and No 28 makes a positive contribution towards the rural character of the road.
17. A dwelling of similar size to existing dwellings in a setback position would reduce its prominence from the road and allow the retention of trees to the frontage. However, it would likely be seen rising above and between existing trees and detract from the open setting to the rear of the neighbouring buildings. Along with the other domestic paraphernalia that would be likely to appear, the proposed development would significantly change the appearance of the site, having a harmful urbanising effect upon it. This impact would also be at odds with the intrinsically rural character of the cluster and open landscape beyond, adversely affecting the character of this countryside location.
18. The existing outbuilding has modest proportions and is utilitarian in appearance. It does not dominate the site and is clearly subservient to the host

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<sup>2</sup> Braintree District Council v SSCLG & Ors [2017] EWHC 2743 (Admin), and Court of Appeal judgement: Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin).

property, consequently, it does not appear out of place in its context. By contrast the introduction of a dwelling would be likely to be taller, have more of a domestic appearance and would necessitate new access arrangements and hard surfacing. Therefore, any benefits associated with the removal of the outbuilding would be outweighed by the more significant impact on the rural area of a new dwelling. The existing single storey garage in front of No 28 is ancillary in appearance and scale to the main dwelling. I do not consider that this would be a reasonable comparison to the proposal, which would likely be greater in terms of its scale and as a consequence have a harmful impact on the openness of the area.

19. The appeal site is not within any designated landscape at a local or national level and meets the Framework's definition of previously developed land. However, I do not consider that the proposal responds positively to the local context or character as required to by the development plan.
20. The proposal would have a significant harmful effect on the character and appearance of the area. It would therefore be contrary to Policy EQ2 of the SSLP, in particular where it requires proposals to conserve and enhance the landscape character of the area. The proposal would also be contrary to the aims of the Framework where it requires development to be sympathetic to local character.

### **Other Matter**

21. The Council's submission includes the listing details of the grade II Throop Farmhouse, located on the opposite side of the road to the appeal site. The farmhouse has a landscaped rear garden which is enclosed by wooden fencing, whilst a grassed area surrounded by a stone wall and shrubs sit in front of the farmhouse. The setting of the farmhouse is considered to derive from the existing boundary features that surround it. Given the scale of the proposed development, the separation distance that could be maintained from the listed building, and the prospect of a design that would be consistent with the surroundings, I do not consider that it would harm the farmhouse's setting.

### **Planning Balance**

22. The Council accept that they do not have an up to date 5-year housing land supply. Therefore, Paragraph 11 of the Framework advises that where policies relevant for determining the appeal are considered to be out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.
23. In the context of the development plan I have found that the proposed development would be contrary to policies SD1, SS1, SS2 and EQ2 of the SSLP. For this appeal, I have found these policies to be broadly consistent with the relevant aims of the Framework.
24. I have attached significant weight to the conflict with Policy EQ2 and the harm that would arise in the context of this policy, there would also be an over-reliance of future occupants on private transport. On the other hand, the social and economic benefits that would accrue from the provision of one house would be minimal. As would any benefits arising from sustainable energy efficiency (i.e. car charging points). The fact that the proposed development



would not result in any significant highway safety, biodiversity, heritage and residential amenity impacts, are neutral factors in the planning balance. This would also apply to developer contributions.

25. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not be a sustainable form of development.

### **Conclusion**

26. For the reasons given above, I conclude that the appeal proposal would conflict with the development plan and there are no other considerations that outweigh that conflict. I therefore conclude that the appeal should be dismissed.

*RE Jones*

INSPECTOR

# Agenda Item 8

## **The Balsam Centre – Allocation of Healthy Living Centre Funding for 2019/20 (Executive Decision)**

*Director:* Martin Woods, Service Delivery  
*Manager:* Tim Cook, Locality Manager  
*Lead Officer:* Terena Isaacs, Locality Officer  
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### **Purpose of the Report**

To consider the allocation of funding ring-fenced for Healthy Living Centres.

### **Public Interest**

Supporting and helping the Balsam Centre to improve the work of voluntary community organisations in the town and villages across Area East.

### **Recommendations**

It is recommended that Area East Committee:

- 1) Award the £10,000 ring fenced for Healthy Living Centres to the Balsam Centre for the delivery of the work programme.

### **Background**

The Balsam Centre was established in 1998, with the purchase of the former memorial hospital in the centre of Wincanton. The project was established to specifically meet the needs of Wincanton and the surrounding area (this includes some 40 settlements with a population of 30,000) due to an identified gap in services in the area, particularly in mental health services. Extensive refurbishment of the building and the setting up of services was enabled through a Lottery grant and support from a range of funders, including SSDC.

The Balsam Centre delivers a range of integrated health and wellbeing projects and initiatives, most of which directly link with physical activity, healthy eating and mental health support alongside participation in community based activities, supported social engagement and learning.

SSDC has supported the Balsam Centre through both core funding and project grants, since it began. In the past, core funding has been allocated through the Healthy Living Pooled Fund; a budget set up jointly by SSDC, NHS Somerset and SCC and reported annually to the South Somerset Health and Wellbeing Partnership (SSH&WP).

Members will recall that this budget was originally established to support Healthy Living Centres across the whole of the District but, as the only eligible organisation is based in Area East, the budget was transferred and subject to local monitoring by Area East Committee.

### **Annual Report**

Members have already been updated on the Balsam Centre's position in August 2019. Appendix 1. provides information on the Balsam Centre's outcomes for 2019.

## **Financial Implications**

There is £10,000 transferred to Area East from what was the Healthy Living Pooled fund for allocation in 2019/20. If Members agree the above recommendation this will all be allocated for this year. If the recommendation is not agreed, the money is likely to be returned to corporate balances.

## **Council Plan Implications**

Focus: Healthy, Self-reliant Communities

To enable healthy communities which are cohesive, sustainable and enjoy a high quality of life we will:

- Embed social value into all processes and activities to ensure we maximise the support we give to our communities.
- Work with partners to keep our residents safe and help them to feel safe in their local area.
- Work with partners to reduce the impact of social isolation and create a feeling of community
- Work with partners to support people in improving their own physical and mental health and wellbeing.
- Enable quality cultural, leisure and sport activities.
- Support residents facing hardship.

## **Area East Chapter Implications**

Focus: Healthy, Self-reliant Communities

- Work with the Balsam Centre to develop a local services hub.

## **Carbon Emissions and Climate Change Implications**

The Balsam Centre supports and provides various projects, including health walks, wellbeing/ community/partnership groups along with volunteering projects, which negates the need for travel.

## **Equality and Diversity Implications**

The loss of services designed to meet the needs of the most disadvantaged in target communities is likely to have a significant effect over time.

## **Background Papers**

Report to Area East Committee – August 2019

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## Balsam Centre Outcomes 2019

Activity	Description	Staff	Numbers of clients 2019	Outcomes
<b>Health Walks</b>	Inclusive, accessible walks designed to increase fitness, aerobic activity and access to the countryside. Long walk 3-5 miles x 1 weekly Buggy walk at Stourhead x fortnightly for post natal peer support group	Volunteer co-ordinator and 14 trained volunteer walk leaders	20 + people each week	Improves physical activity and physical health, social networks, peer support
<b>Short Health Walks</b>	Twice weekly walks for people with physical conditions that cause limited mobility; people with learning difficulties or those new to walking for health. One walk leaves from Balsam Centre, one leaves from the Health Centre.	As above.	20 + people each week	Promoting physical activity, social benefits, and led by committed volunteers. In combination with other lifestyle changes, some walkers reduce their BMI significantly
<b>Conkers Nursery</b>	Day Care and Early Education for 0-5's providing high quality wraparound, all year round provision with Forest School ethos.	Nursery Manager and two senior staff, administrator and ten Nursery Nurses	64 children registered and attending	Children have best start in life. Working parents have childcare options. Children are ready for and are eager learners at school
<b>Job Club</b>	Support for people experiencing difficulties gaining and maintaining employment.	Trained Volunteers	2 – 5 people supported weekly	Building personal confidence and skills, volunteering and work experience opportunities & improved employability
<b>Volunteering Project</b>	Recruitment, placement and management of volunteers and provision of a range of volunteering roles/opportunities that support the activities of the centre and the community.	Volunteer Co-ordinator	141 active volunteers.	Volunteers bring and/or gain skills, confidence and experience which can lead to employment. Projects increase capacity and run more effectively with volunteers. Skilled volunteers support individuals and groups.
<b>Like Minds</b>	Support for people with low to moderate mental health conditions, primarily depression and anxiety, using a range of interventions, including counselling, social, therapeutic and creative group activities. Target groups are young people in difficulties, especially those who are self harming and people of any age who are isolated or lonely.	Three Wellbeing Workers, two Project Workers	342 people supported in last 12 months	People with a range of mental health support needs have improved mental health, reduced dependence on medication/NHS and are better able to cope with life. People have improved diet and physical health, greater confidence, improved personal and family relationships, increased independence and hope for the future.

## Balsam Centre Outcomes 2019

Activity	Description	Staff	Numbers of clients 2019	Outcomes
<b>Maternal Mental Health</b>	Family support, specialist counselling and peer support for parents experiencing peri/post natal difficulties/depression.	Counsellor and Family Support Worker	73 families supported in last year.	Improved family relationships and family dynamics. Parental understanding of importance of bonding, attachment and baby and child development. Mums form friendships and peer support groups
<b>Loose Ends Café</b>	Weekly café aimed at older and isolated people. Volunteers of all ages, some with learning difficulties prepare, cook, serve, wash up and socialise with diners.	Volunteer Co-ordinator and volunteers	Average 23 people attend each week	Healthy, affordable lunch for older people and social contact with other people. Volunteering opportunities.
<b>Men's Shed</b>	Creative social project for isolated and older men based on woodworking and activities using natural materials.	Volunteer Co-ordinator	Runs twice weekly with 6 + people per session.	Improved mental health and wellbeing of men who are isolated or alone or who have long term limiting or degenerative condition.
<b>Wellbeing groups</b>	Social and therapeutic groups and activities including outreach to villages. Woolcraft, Dementia support, Drop-In groups, Textiles, Men's cooking group etc.	Volunteer or peer led	100 + people attend groups weekly	Improved socialisation and social networks, increased confidence, skills and resilience
<b>CAB</b>	One day a week	Reception and trained volunteers	295 people in the last year.	Free advice and support from trained advisors for people needing specialist support and advice
<b>Flexercise</b>	2 weekly groups of chair based exercise, Wincanton and Milborne Port	Project worker	20 + people per week	Increased physical activity, improved mobility, social networks
<b>Community groups</b>	Pilates, Yoga, Tai Chi, Textiles, Painting and Drawing, Beginners' IT, Balsam Choir, Games Club, talks and events, WEA courses, Life drawing, Lip reading and Sign Language	Reception, Volunteer Co-ordinator, Volunteers	200 people each week	Physical activity opportunities, creative, learning, cultural, social and community activities.
<b>Partners</b>	Growing Space, Health Visitors, CAT Bus, Midwife team, CAB, Social Services, Child Contact Centre	Reception	250 + people each week	Accessible health and social services.

<b>Young People</b>	Nurture Café, Life Skills and Young People's group – The Hive. Opportunities for young people, especially those who are vulnerable or experiencing difficulties in the home/school to engage in a supportive, creative and nurturing environment.	Project worker, counsellor and trained volunteers	35+ young people each week	Improved personal resilience, social and life skills, social networks. Improved school attendance, exam results, better family relationships and engagement in the community.
<b>Growing Space</b>	Independent 'sister' charity providing social and therapeutic horticulture	Project Manager	60 + regular users, plus groups of primary school children.	Supported mental health work, peer support, focus on additional needs and learning difficulties. Horticultural skills.
<b>Building use/hire</b>	Developing health, social and community use of the centre	Centre Admin, Receptionist, Finance Officer and Centre Manager.	Total weekly 'uses' of Centre 1000 +	Income generation. Development of community hub. Base for multi-agency working.
<b>Tenants</b>	CAT Bus, Health Visitor Team, Heart of Wessex.	Centre Admin, Finance Officer	14 + staff active in the Centre	Income generation. Operational partners in building increase multi-agency working.

# Agenda Item 9

## **Heart of Wessex Rail Partnership Update (Executive Decision)**

*Director:* Netta Meadows, Director, Strategy and Support Services  
*Lead Specialist:* Jan Gamon, Lead Specialist (Strategic Planning)  
*Lead Officer:* Lynda Pincombe, Specialist (Strategic Planning)  
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### **Purpose of the Report**

To receive an annual summary of the work undertaken by the Heart of Wessex Rail Partnership during the last 12 months and the proposed changes to the structure of the Partnership. To consider making a partnership contribution for 2019/20.

### **Public Interest**

The Heart of Wessex Line is an 87 mile route running from Weymouth to Bristol. The Heart of Wessex Rail Partnership actively supports community involvement in improving the stations and encouraging local communities and visitors to utilise the Heart of Wessex line for a wide range of trips and journeys thus supporting cohesive communities and promoting economic growth through tourism. The Partnership is resourced by contributions from local authorities and the rail operator, Great Western Railway, and a large group of community volunteers who offer their time and expertise.

### **Recommendations**

That Area East Committee:

- 1) Note the work undertaken by the Partnership in the last 12 months and the proposed changes to the partnership and that a similar report has been taken to Area South Committee.
- 2) Approve a funding contribution of £2,000 from Area East revenue discretionary projects grants budget for 2019/20.
- 3) Agree in principle that the Council's share of the Heart of Wessex Rail Partnership Reserve and share of any surplus from the 2019/20 revenue budget is transferred to the new Somerset and Dorset CRP to assist with start-up costs and appointment of a new community rail officer.

### **Background**

The current Heart of Wessex Partnership was formed when seven local authorities (Bristol City Council, BANES, Wiltshire Council, Somerset County Council, SSDC and the former Dorset authorities (West Dorset and Dorset County Council)) originally came together with train operators with the objective of increasing rail passenger journeys to contribute to their sustainable transport objectives.

Historically the Partnership has employed a Community Rail Officer to deliver its objectives. South Somerset District Council hosted this post and holds the Partnership budget.

There are three stations along the line in South Somerset; Castle Cary, Bruton and Yeovil Pen Mill. Accountability and financial support for the Heart of Wessex Rail Partnership has historically been shared between Area East and South Committees.

The Partnership supports the dedicated voluntary work of around a hundred local people delivering their own projects to improve the stations and promote local economies.

The Partnership acts as a conduit for the ideas and aspirations of local communities, and almost all of the stations have been adopted by local voluntary groups who have created gardens, help to keep the stations clean and welcoming and have initiated local projects to improve customer facilities, access and information. The Wessex Wanderers attract additional new visitors with their annual programme of free guided walks, and altogether in the region of 13,000 hours of voluntary time and talent are gifted to the line and its stations each year.

The national objectives for community rail development are to increase revenue, manage down costs and encourage greater community involvement in the local railway

## **Report**

### **Current Challenges for Community Rail on the Heart of Wessex Route**

The Community Rail Officer, hosted by SSDC, retired due to ill health in January 2019. This has had an adverse impact on delivery during 2019 not least the temporary halt in the production of the popular Heart of Wessex Line Guide. Chairman of the Partnership (from SCC), the Council's Specialist (Strategic Planning) and GWR Community Rail Officers have however, worked together to help sustain the work of volunteer groups during this period of transition and continue to provide grants to volunteer groups.

The departure of the Community Rail officer and local government reorganisation in Dorset has forced the Heart of Wessex Community Rail Partnership (CRP) to review its structure. The key challenges and issues facing the existing Partnership can be summarised as follows:

- The absence of a Community Rail Officer;
- External funding pressures in local authorities driving a continuing need for efficiency;
- Local government reorganisation, leading to potentially changing priorities and uncertainty over future resources;
- Diverse market profiles and priorities between sections of the route (North/South);
- An absence of an independent Chair/figurehead to drive forward strategic issues and galvanise and co-ordinate the efforts of individual authority partners
- A geographical overlap with other CRP's providing inefficient use of resources

### **Proposed changes to bring greater sustainability**

Partners have agreed to restructure CRP's connected with the Heart of Wessex Line to remove duplication. It is proposed that The Heart of Wessex line will be served by Severside CRP, TransWilts CRP to the north of Westbury with the new Somerset and Dorset CRP covering stations from Westbury to Weymouth. The new partnership will be formed as a Community Interest Company (CIC) so that there are more formal governance arrangements in place and this will allow SSDC to relinquish its role as host authority. This will also allow the new CRP to achieve accreditation to The Association of Community Rail Partnerships (ACoRP) and unlock access to new funding streams.

Again it is anticipated that there will be local authority representation on the new Somerset and Dorset CRP Partnership Board (with independent chair) including representation from South Somerset.

Local stakeholders will be engaged through the establishment of a Heart of Wessex Line Forum which will include volunteer representatives. The new CRP will seek to engage with the Blackmoor Vale CRP (either formally or informally) in order to pool resources.

It is also proposed that a new overarching Heart of Wessex Line Strategy Group is established (meeting twice yearly) to co-ordinate longer term planning for the route. Membership to consist of



local authority partners, GWR, LEP's, WECA and Network Rail. This group along with the new Partnership will help to retain (and grow) the Heart of Wessex brand.

Close collaboration with volunteer groups will be retained through the continued hosting of working party meetings by GWR (2-3 times per year). A summary of the proposed governance structure is outlined in Appendix 1.

Work is underway to complete the paperwork required to transition to a CIC. It is anticipated that the new body will be created by February 2020. The new partnership aspires to appoint a new Community Rail Officer as soon as possible after becoming established.

### **Summary of Local Activity in the last 12 months and Proposed New Activity**

In addition to the restructure and the ongoing excellent gardening work delivered by volunteers, the following local activity has taken place:

#### **Castle Cary Station**

Replacement toilet facilities and a complete modernisation of lighting for the 3 platforms and the pedestrian over-bridge have considerably increased comfort and safety for passengers.

GWR are to expand the station car park in the next few months with nearly 200 extra parking spaces becoming available.

The conversion of a historic building next to the station forecourt into a new visitor attraction is planned, where traditional hand-crafted cheese making operations can be viewed. This complex will form part of the multi-million pound enterprise known as The Newt in Somerset.

Due to an increase in passengers, the local volunteer group will be seeking to secure additional waiting shelters on the island platform, and also for a bus shelter for travellers using interconnected bus services.

#### **Bruton**

As part of GWR's customer Information Project, new information screens have been installed at the station at Bruton.

#### **Wessex Wanderers**

Wessex Wanders provide an annual programme of around 34 free guided walks from stations along the Heart of Wessex line between May and October. The group is financially supported by the Heart of Wessex Partnership. Walks this year have taken place at Yeovil Pen Mill, Castle Cary and Bruton stations.

Next year marks 25 years since the start of the walks and therefore the leaders are currently planning special events to celebrate this remarkable achievement including the production of a special programme (covering all stations) with history, pictures, local information and also celebratory events at some stations

### **GWR Performance during the last 12 months**

Last year Members noted a period of declining performance in the train services on the Bristol – Weymouth line and the response from the Managing Director of GWR. The last few years have seen

an unprecedented programme of infrastructure improvements in the region and across the network, introduction of new train fleets and a substantial programme of recruitment and staff training and investment in stations and depots. Through 2018 punctuality at times averaged less than 70% (and as low as 57% at times) on a line that had previously seen over 80% of trains on time.

This year has seen a steady improvement in punctuality and reliability across the network and on the line, with performance on Bristol – Weymouth services back up towards 80%. GWR has implemented a joint performance plan with Network Rail on the route and the investments in the train fleet and in recruitment and training, combined with better infrastructure is starting to bear fruit. The Bristol – Weymouth line is vulnerable to imported late running from north of Westbury, which can be exacerbated by single line working south of Castle Cary and short turn rounds at Weymouth. Infrastructure improvements such as the re-quadrupling of Filton Bank (last December) has undoubtedly had a large beneficial impact on train times through Bristol and onwards towards Weymouth.

The December 2019 timetable change represents the largest timetable upgrade since the 1970s, with over 75% of train times across the network changing. Castle Cary will benefit from an improved service, with two hourly Exeter – London Paddington semi fast services connecting key towns and settlements across Devon, Somerset and Wiltshire.

The Heart of Wessex line timetable will stay largely the same, although the structure will support the future extension of Metro West services to Westbury, with opportunities for an improved service south thereof.

In terms of passenger numbers, 2019 has seen a return to positive growth, especially through the summer. In the six months from April to October, average growth on the same period in 2018 was 2%, with some periods in the summer over 5%. A summary of passenger numbers can be found at Appendix B.

GWR remain committed to realising the benefits of the investment in the last few years. There will be further benefits from cascaded rolling stock through next year and from modifications to existing trains to improve operation, which is an ongoing programme.

## **Funding Support**

The annual running cost of the Partnership in 2018/19 was £73,722, which covered salary, printing, marketing costs and a local grants scheme to support local community-led station initiatives.

A formal Partnership Agreement sets out annual local authority contributions. Authorities with responsibility for Local Transport Plans put in the greatest contribution and district councils a lesser amount.

Great Western Railway has contributed £34,132 to the partnership for 2019/20.

In addition to the annual funding of £3,000 provided by Area East and South Committees (if agreed), funding of £11,890 is expected for 2019/20 from other local authority partners (of which £5,528 has been received to date).

Any annual revenue budget surpluses have historically gone into a reserve account. As of the end of 2018/2019 there was £27,917.80 being held in reserve for the Partnership. It is likely that this reserve will be split between the 7 local authority partners with the recommendation that the Somerset and Dorset authorities reinvest their share of the reserve (plus any underspend from the 2019/20 revenue budget) in the new Somerset and Dorset CRP. South Somerset's share of the current reserve is expected to be about £2,600.

## **Financial Implications**

If approved, the grant of £2,000, amount can be funded from the Area East revenue discretionary projects grants budget.

## **Corporate Priority Implications**

The Heart of Wessex Community Rail Partnership supports delivery in the following Council Plan focus areas:

Healthy, Self-reliant Communities  
Economy  
Environment

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

Maximising train travel reduces car journeys and congestion and therefore has a beneficial effect on reducing carbon emissions

## **Equality and Diversity Implications**

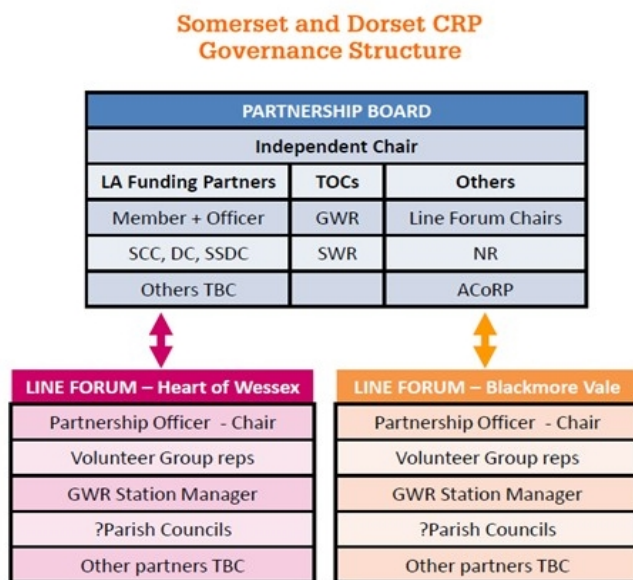
A local train service provides these towns with an alternative to car travel for people without their own independent transport. The Partnership has produced its line guide in large format type for easy reading and this is replicated on its website. The train stations themselves have limited access for those with mobility problems on certain platforms.

## **Background papers**

None

## Appendix 1

Table to illustrate the proposed governance arrangement for the new Somerset and Dorset CRP



## Appendix 2

### GWR journey summary for the Bristol to Weymouth Line

Period	2017/2018 journeys	% increase/ decrease	2018/2019 journeys	% increase/ decrease	2019/20 journeys
1	145,843	-1.90%	143,067	-4.90%	136,052
2	159,833	-4.96%	151,906	-5.36%	143,768
3	165,974	-12.03%	146,002	1.59%	148,326
4	167,761	-8.48%	153,533	4.57%	160,556
5	165,338	-9.86%	149,041	1.88%	151,842
6	159,882	-11.39%	141,666	5.28%	149,143
7	174,225	-15.96%	146,427	5.87%	155,019
8 (4 weeks ending 9 <sup>th</sup> Nov)	170,692	-14.55%	145,857	4.46%	152,364
9	194,059	-15.45%	164,086		
10	121,425	-8.68%	110,889		
11	140,116	-4.92%	133,218		
12	139,545	6.20%	148,200		
13	142,173	6.78%	151,817		
<b>Totals</b>	<b>2,046,866</b>	<b>-7.87%</b>	<b>1,885,709</b>		<b>1,197,070</b>

# Agenda Item 10

## **Churchfields Offices, Disposal – Inclusion of public car park**

*Director:* Clare Pestell, Commercial Services & Income Generation Director  
*Lead Specialist:* Robert Orrett, Commercial Property, Land & Development Manager  
*Lead Officer:* Dan Bennett, Property Development Project Manager  
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### **Purpose of the Report**

This report provides Area East members with an overview of the disposal of the Churchfields offices. This includes the benefits of the potential incorporation of the public car park within the sale. The report compares the options for disposal and the anticipated capital receipts.

### **Public Interest**

Preparatory work has been carried out by officers for the intended disposal of the property comprising a large office building at Churchfields, Wincanton. The capital receipt from the sale of this property may be invested in the Wincanton regeneration project. Adjoining this property is additional council owned land currently used for car parking. A large capital receipt could be achieved if the car parking land is combined with the Churchfields property for redevelopment but this would remove the local parking capacity.

### **Recommendations**

- (1) Members are invited to note the options for disposal and the potential benefits of the inclusion of the public car park within the disposal.
- (2) Members are asked to approve a decision as to whether the public car park land should be included in the property disposal. Marketing to commence in the New Year.

### **Background**

The decision by District Executive March 2018 endorsed the principles for Area presence as set out in the report to that meeting and agreed this would include disposal of and/or redevelopment of its then current Area Offices over the next 2 years in accordance with relevant governance and policies.

### **Disposal Mechanism & Inclusion of car park**

During 2019 the Property Team has been preparing for marketing of the Churchfields property. Staff moves have been implemented. The building is still used for public meetings and staff touch down accommodation. Arrangements are in hand to relocate these requirements to other space in Wincanton. Tenancy arrangements have also been brought to an end so the property sale can proceed.

Property agents have been appointed ready to market the property for sale. The expectation is that the most likely purchaser of Churchfields would be a property developer, and that they would seek to convert the building to residential accommodation. The purchaser would most likely seek to build additional residential units within the upper car park area, and convert the coach house/stables.

Officers review use and ownership of Council owned assets. Fig 1 (below) shows the SSDC ownership of the Churchfields operational property coloured red (circa 1.07 Acres) Adjoining this is the SSDC owned car park coloured blue (circa 0.27 Acres). The car park provides 38 spaces.

Fig 1 – site plan



Also shown, coloured orange is amenity land owned by SSDC. (circa 0.17 Acres) The latter is includes a number of mature trees which is important to the setting of St Peter & St Paul's Church. It is considered that this land should be preserved as amenity land. It is important to note that this area of land is within the conservation area and the trees are therefore protected from unnecessary removal.

From an asset management perspective, it is appropriate to recognise that the land used as public car parking could be combined with the Churchfields property and offered for sale for redevelopment. Inclusion of the public car park would bring two main benefits to the Council:

- 1) That the inclusion of the additional land would substantially enhance the saleability of the property
- 2) That the capital receipt achieved from the sale would be significantly higher if the public car park was included.

If the car park land is to be redeveloped in the foreseeable future, the optimum point for this is in conjunction with the Churchfields property.

Informal contact between the Property Team and Wincanton Town Council regarding the public car park has highlighted a view that the increased potential capital receipt should be given weight, bearing in mind that the car park does not directly serve the town centre parking need but rather provides additional parking space for immediate local residents, many of whom already benefit from extensive off street parking.

Wincanton Town Council has agreed in principle to continue the revenue compensation scheme in place for all SSDC owned car parks in Wincanton whereby SSDC retain ownership and maintenance obligations, allowing free parking to be provided. The compensation amount was based on SSDC predicted net income, after sharing the detailed predictions on expected gross income, current maintenance costs, and predicted costs associated with charging. A new agreement is currently being negotiated between SSDC and the Town Council. If Churchfields car park is not included under the new agreement, the sum payable may be reduced by around 20%.

## **Conclusions**

The disposal of the Churchfields offices provides us with an opportunity to generate a significant capital receipt which may become available to the Wincanton Regeneration Scheme.

Inclusion of the public car parking land would increase the contribution in terms of new housing and boost the capital sum that may be available for regeneration purposes. It would reduce the amount of parking for existing immediate local residents. The Property Team are therefore keen to commence marketing activities early in the New Year to minimise liabilities to SSDC from the vacant property.

The Property Team support the inclusion of the car park land for commercial reasons, however we do recognise that the loss of 38 parking spaces will have an impact at a local level.

Members are invited to debate the merits of the inclusion of the car park land within the sale and formulate a decision to allow marketing of the property to commence.

## **Financial Implications**

The inclusion of the additional land within the Churchfields disposal would increase the value of the capital receipt by circa £250,000. This enhanced capital receipt may be made available for the Wincanton regeneration project.

The removal of the car park from the Wincanton portfolio has two financial implications:

- i) A reduction in business rates and maintenance & repair liabilities
- ii) A modest reduction in the compensation payment received from the Town Council, which would be circa 20% of the overall annual payment.

On balance the net revenue position is expected to be neutral, reflecting the changing dynamics of the car park portfolio.

For information the current compensation received from the Town Council is circa £25,000, and the likely reduction would be in the region of £5,000. As the compensation arrangements are currently being renegotiated these figures are included as a guide only.

## **Council Plan Implications**

This project links to the Council plan under the heading of 'Protecting Core Services'. To ensure a modern, efficient and effective council that delivers for its communities, we will:

- Provide high quality cost effective services and transform customer services through technology.
- Take a more commercial approach to become self-sufficient financially.
- Develop a more cohesive and ambitious, economically efficient organisation.



### **Carbon Emissions and Climate Change Implications**

No implications are identified as a result of the recommendations in this report.

### **Equality and Diversity Implications**

No implications are identified as a result of the recommendations in this report.

### **Background Papers**

District Executive March 2018 – disposal of Area Offices.

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# Agenda Item 11

## Area East Forward Plan

**Service Manager:** Tim Cook, Area Development Lead (East)  
**Lead Officer:** Kelly Wheeler, Case Services Officer (Support Services)  
**Contact Details:** Kelly.wheeler@southsomerset.gov.uk or 01935 462038

## Purpose of the Report

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

## Recommendation

Members are asked to:-

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

## Area East Committee Forward Plan

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

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

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

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

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

**Background Papers:** None

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## Appendix A

### Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
15 January 20	Churchfields Office	To consider options for meeting location	Tim Cook
15 January 20	Council Plan	To consider/agree the Area Chapter	Anna-Maria Lenz

# Agenda Item 12

## Schedule of Planning Applications to be Determined by Committee

Director: Martin Woods, Service Delivery  
Service Manager: Simon Fox, Lead Officer (Development Management)  
Contact Details: simon.fox@southsomerset.gov.uk or 01935 462509

### Purpose of the Report

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

### Recommendation

Members are asked to note the schedule of planning applications.

***Planning Applications will be considered no earlier than 9.30am.***

Members of the public who wish to speak about a particular planning item are recommended to arrive for 9.15am.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
13	NORTHSTONE, IVELCHESTER & ST MICHAELS	18/03763/COU	Extension to yard area	Land at West Farm, West Mudford Road, Mudford	Mr P Gunning
14	NORTHSTONE, IVELCHESTER & ST MICHAELS	19/01996/OUT	Outline application for the erection of a dwelling with all matters reserved apart from access	Land Adjoining Pilgrims, Weir Lane, Yeovilton	Mr R G Wetherall
15	NORTHSTONE, IVELCHESTER & ST MICHAELS	19/02387/FUL	The erection of new dwelling and garage	Land Adjoining Keepers, Pyle Lane, Yeovilton	Mr & Mrs Greg Evans
16	TOWER	19/02514/HOU	Alterations and the erection of single storey rear and side extensions and formation of two dormer windows on west elevation of dwelling	Pond Hill, Pen Selwood, Wincanton	Mr & Mrs Anthony Palmer

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

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

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

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

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

### **Human Rights Act Statement**

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

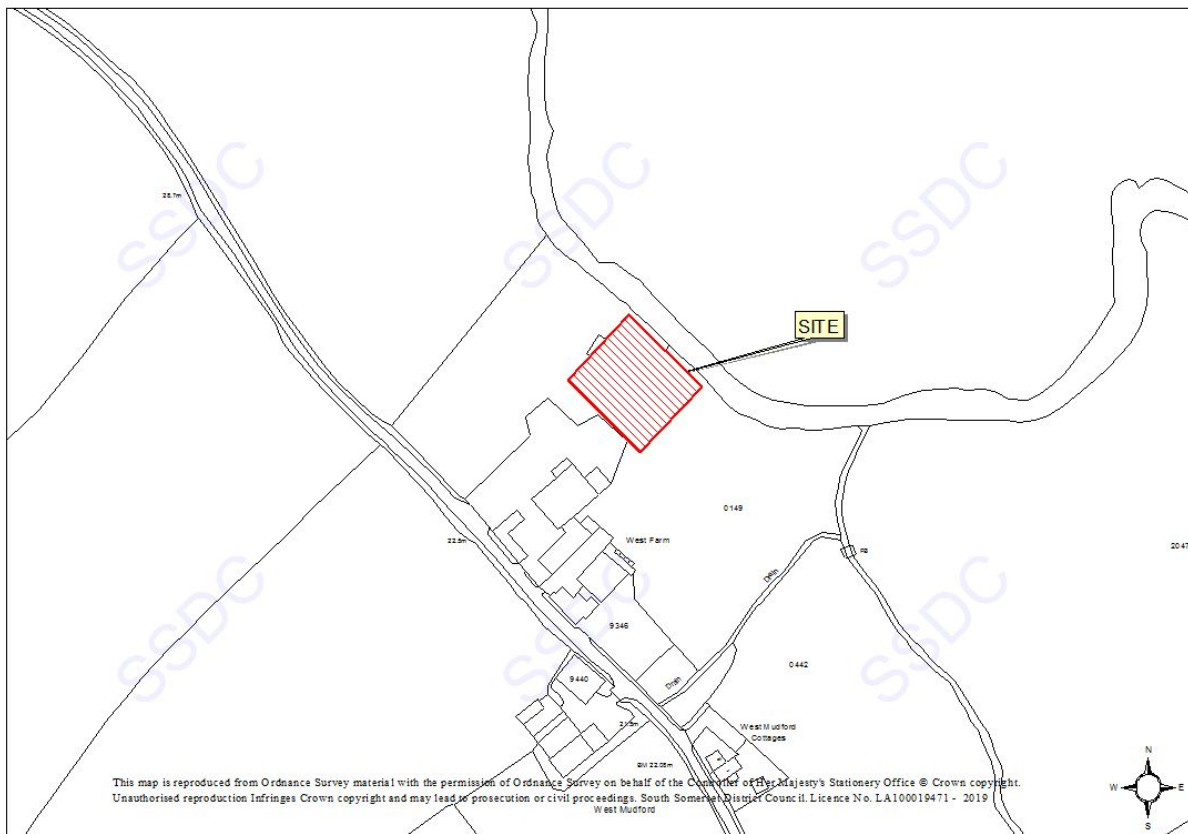
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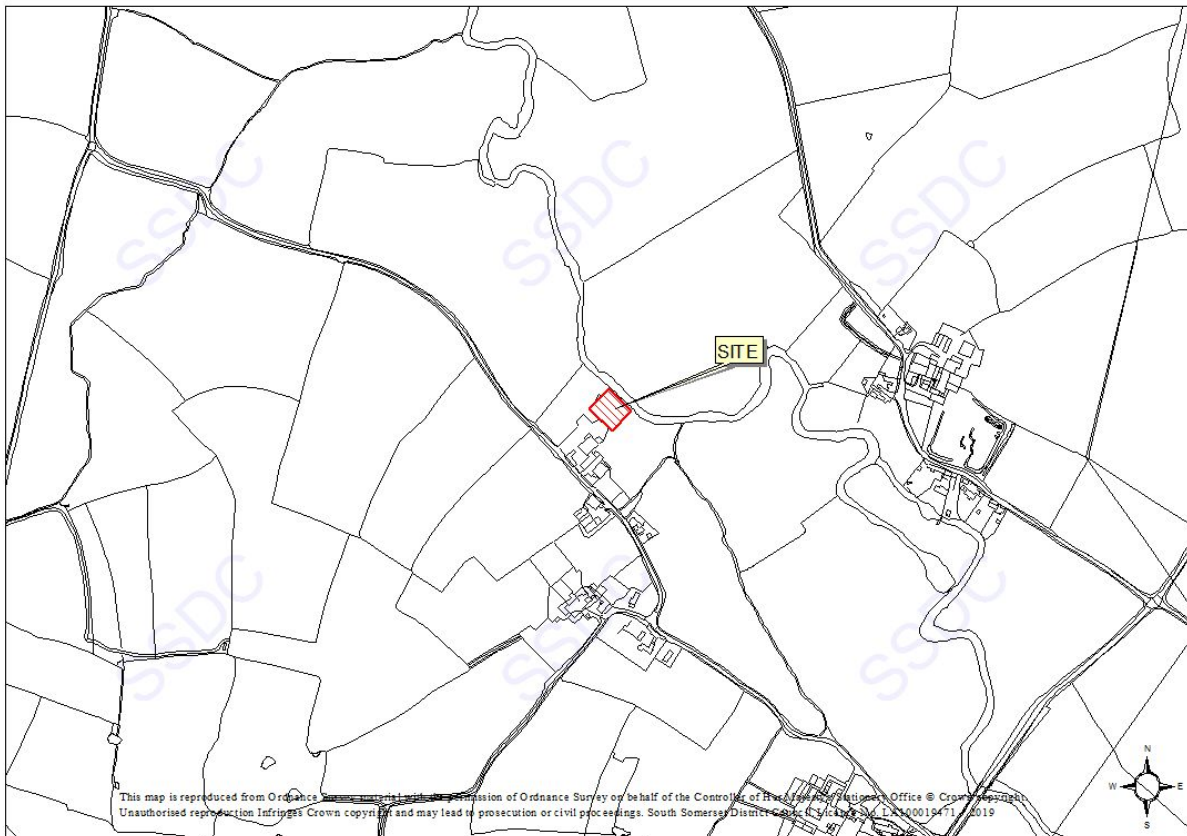
# Agenda Item 13

## Officer Report on Planning Application: 18/03763/COU

<b>Proposal :</b>	Extension to yard area
<b>Site Address:</b>	Land at West Farm, West Mudford Road, Mudford
<b>Parish:</b>	Mudford
<b>IVELCHESTER (SSDC Member)</b>	<b>Ward</b> Cllr A Capozzoli, Councillor Charlie Hull, Councillor Paul Rowsell
<b>Recommending Officer:</b>	<b>Case</b> Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date :</b>	17th January 2019
<b>Applicant :</b>	Mr P Gunning
<b>Agent: (no agent if blank)</b>	Mrs Catherine Knee, Collier Planning Unit 2, Chartfield House Castle Street Taunton TA1 4AS
<b>Application Type :</b>	Other Change Of Use

### SITE DESCRIPTION AND PROPOSAL





The application site relates to the yard area at West Farm, West Mudford Road. There has been no farming operation in the traditional sense on site since at least the mid-1970s. The site accommodates a red brick barn on the roadside (listed by association with the adjacent listed farmhouse) with planning permission for residential conversion with a larger steel portal framed workshop building behind sitting central to the site. The yard area is surfaced with crushed stone to the west and north where the main vehicular access is located.

The site sits on the northern periphery of West Mudford, a cluster of farmsteads, cottages and barn conversions located to the north west of Mudford. The River Yeo runs to the northeast of the site and part of the site is within Flood Zones 2 and 3. The Monarchs Way Footpath runs along West Mudford Road.

The application proposes the retention of the extension of the existing yard area (36 x 36 metres approx.).

There has been a haulage and concrete product manufacturing operating on the site which along with the yard extension was subject to an appealed enforcement notice. That appeal was dismissed and the notice upheld so the lawful use of the site reverts to a mixed contracting business as established by the issuing of a Certificate of Lawfulness in 2016 (16/05094/FUL). Due to the ongoing non-compliance with the enforcement notice, enforcement proceedings were progressed to the Magistrates Court however because of the complexities of the planning law that need to be addressed the court referred the case to the Crown Court. The first hearing in the Crown Court took place on Monday 21st October 2019 and a further hearing is due to take place on 20th December 2019. The Court has required the Council to visit the site and assess compliance with the enforcement notice.

Correspondence has been received from the solicitor acting for the applicant confirming that the unauthorised haulage business has now been relocated to Cary Fitzpaine and that the application for the concrete product manufacturing (16/05094/FUL) should be withdrawn as the applicant is no longer

operating this business.

## **HISTORY**

750856: OUTLINE-Erection of a prefabricated general purpose agricultural building: Conditionally Approved: 17/06/1975

760712: FULL-Erection of workshop: Conditionally Approved: 27/09/1976

*The file for this application is not available. It is assumed this just followed the outline consent granted the year before and was for the large building we see on site today.*

790511: OUTLINE-The erection of a storage building: Conditionally Approved: 28/06/1979

*This application sought a second building for the storage of equipment but it is observed this was never implemented.*

05/02274/COU: The change of use of barn to form 1No. dwellinghouse: Refused: 26/09/2005

05/03026/COU: The change of use of existing barn to 1No. dwellinghouse (resubmission): Conditionally Approved: 24/08/2006

*The accommodation was conditioned to be occupied by somebody associated to the business only, due to residential amenity concerns. There are no records on site to suggest this consent has ever been implemented.*

06/01324/LBC: The change of use of existing barn to 1No. dwellinghouse: Conditionally Approved: 24/08/2006

16/02329/LBC: Retrospective permission is sought for a number of alterations to the house including removal of an internal masonry wall a ground floor level, alterations to three fireplaces, removal of a ceiling and introduction of a rooflight: Withdrawn: 15/07/2016

16/03580/COL: Certificate of Lawfulness application for the existing use of land and buildings for general industrial use of workshop and vehicle haulage contractors use of yard area: Permitted: 21/10/2016

16/03738/FUL: Retention of enlarged site for use as vehicle haulage contractor's yard and retention of use of workshop for manufacture of concrete products and ancillary office space: Application Refused: 18/10/2016.

*Enforcement Notice served - Appeal dismissed; enforcement notice compliance period now in force.*

16/05094/FUL: Retention of use of workshop for manufacture of concrete products and ancillary office space and outdoor storage of aggregates: Application withdrawn 18/11/2019.

17/01460/LBC: Various internal and external alterations to include the insertion of roof light (Part Implemented): Application permitted with conditions 09/06/2017

17/02626/LBC: Conversion of former agricultural barn to dwelling house and changes to access: Approved 12/12/2017.

17/02625/FUL - Conversion of former agricultural barn to dwelling house, elevational changes to workshop premises and changes to access. Approved 12/12/2017.

18/01767/COL - Application for a Lawful Development Certificate for the existing use - Parking on land and servicing within a building of two HGV lorries operating in general haulage, alongside uses specified



in planning application 16/03580/COL dated 21 October 2016. Application refused 17/9/2018, subsequent appeal dismissed.

## **POLICY**

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

On 5th March 2015 South Somerset District Council, as Local Planning Authority, adopted its Local Plan to cover the period 2006 to 2028.

On this basis the following policies are considered relevant:-

### South Somerset Local Plan (2006-2028):

SD1 - Sustainable Development  
SS1 - Settlement Hierarchy  
SS2 - Development in Rural Settlements  
EP4 - Expansion of Existing Businesses in the Countryside  
EQ2 - Design & General Development  
EQ7 - Pollution Control  
TA5 - Transport Impact of New Development

### National Guidance - National Planning Policy Framework:

2. Achieving sustainable development  
4. Decision-making  
6. Building a strong, competitive economy  
8. Promoting healthy and safe communities  
9. Promoting sustainable transport  
12. Achieving well-designed places  
14. Meeting the challenge of climate change, flooding and coastal change

### National Guidance - Planning Practice Guidance

- Design
- Enforcement and post-permission matters
- Flood risk and coastal change
- Healthy and Safe Communities

## **CONSULTATIONS**

### Mudford Parish Council (27/1/2019):

Last night Mudford Parish Council considered the planning application ref. West Farm Mudford 18/03763/COU.

There was a good turnout of Councillors and Parishioners with much disappointment voiced during the open session.

The Council's views remain the same, in so much as this is an unlawful extension currently under enforcement action and a planning decision should not be made until the court case is concluded. The Parish Council unanimously disapproves of the extension to the site and remains trusting in the law and planning process to recognise this unlawful act.

The Parish Council also noted further anomalies in the planning application, Item 11- Assessment of flood risk. If the extension is to be used for storage without any explanation of what is to be stored, it follows that in an area at risk of flooding, displacement of water by storage containers would further increase the flood risk elsewhere. Nearby properties are already at increased risk due to the damage to the banks of the River Yeo by the applicants business. Particular worries around contamination to the river by trade waste, namely concrete remain unanswered.

Also on Item 11 to note that the question 'How will surface water be disposed of?' does not appear to have been answered.

As a general comment, this would appear to be a wholly unsuitable location for a business of this nature.

Please also note the attached photograph taken of the site recently showing the beginning of what is believed to be an unlawful pipe installation.

The Parish Council would also request that this application should be put before Area East Committee for their consideration.'

Highway Authority (Somerset County Council):  
Standing Advice is applicable in this instance.

SSDC Highway Consultant:

Initial comments (16/1/2019):

*'I have commented previously on the approach road to this site especially for HGV's. It would be useful if the reasoning behind the application is made apparent, specifically whether or not it would lead to the generation of additional vehicle movements to and from the site.'*

23/1/2019: Upon receipt of agent's comments that the extended yard would be only used in connection with the lawful use at the site:

*'I am mindful of the previous planning history on this site and the potential generation of additional traffic on the approach road to the site from the village, particularly by large vehicles and HGVs. I note the comments of the agent but if the existing parking and turning area within the site is sufficient to accommodate all vehicles (I am not aware that vehicles park on the highway), it is difficult to understand why an additional hardstanding area is required for this purpose. In addition, if the extended yard is required to allow for a larger storage area that would suggest more items need to be stored on-site which in turn would need to be transported to and from the site; hence additional traffic movements to and from the site.'*

Environment Agency:

Advise that they have no objection to the proposed development subject to a number of informatives relating to pollution and land levels.

In terms of flood risk they commented:

*'The applicant has demonstrated that the majority of the site now lies within Flood Zone 1 (Low Risk), using the Environment Agency's latest flood modelling data from the new Yeo & Cam detailed model. The flood depths on the lowest part of the site are not considered to be sufficient to impact the less vulnerable use proposed under this application.'*

### Environmental Protection:

No comments.

### South West Heritage Trust:

'As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.'

## **REPRESENTATIONS**

The application was publicised by way of a site notice and letters sent to over 80 properties.

14 letters of objection were received making the following comments (summarised):

- Application is a cynical attempt to avoid compliance with the ongoing enforcement action. The Council should pursue compliance with the enforcement notice.
- The yard has already been extended without planning permission.
- The current level of vehicle usage exceeds the historic levels. The business is operating illegally.
- There is no justifiable requirement for the yard.
- Concerned about pollution of water source.
- Vehicles are causing danger to walkers, horse riders and cyclists.

## **CONSIDERATIONS**

### Principle of Development

This application has been submitted on the basis that the existing yard area is used for the parking of vehicles in connection with the existing lawful uses which are set out in the Lawful Development Certificate (LDC) ref: 16/03580/COL, dated 21 October 2016. This established the existing lawful use of the yard for a mixed contracting business and uses ancillary to that said contracting business.

The First Schedule of the LDC 16/03580/COL includes a specific reference to the established use of the existing yard comprising "the outside storage and operation of one heavy goods vehicle, one articulated lorry plus trailer and other smaller vehicles ancillary to" and "the outside storage of drainage materials ancillary to" a mixed contracting business. The planning application proposes to extend the yard into adjoining land to the north east of the land that is the subject of LDC 16/03580/COL.

The applicant's agent advises that *'The extended yard area will simply provide a larger storage, parking and turning area for the vehicles associated with the existing uses at the site and therefore there will be no change to the existing vehicle movements.'*

Given that it has been established that a small mixed contracting business can operate from the site then the proposal can be considered against Policy EP4 'Expansion of Existing Businesses in the Countryside, which states:

- The business has been operating successfully for a minimum of 3 years, and is a viable business;
- It is demonstrated that the proposal is needed in this location;
- The proposal is of a scale appropriate in this location and appropriate to the existing development;
- Existing buildings are reused where possible;
- Firstly, use is made of land within the curtilage of the development where possible, and outside of the curtilage only where it is demonstrated that additional land is essential to the needs of

the business;

- There is no adverse impact on the countryside with regard to scale, character and appearance of new buildings and/or changes of use of land;
- There is no adverse impact upon designations for wildlife and conservation reasons, at either local, national or international level; and
- The proposed development ensures that the expected nature and volume of traffic generated by the development would not have a detrimental impact on the character or amenity of the area and would not compromise the safety and/or function of the road network in terms of both volume and type of traffic generated.

In this case:

- The business has been established through a lawful development certificate and the site visit indicated the additional yard area was needed to allow storage further from the road in order to improve security.
- The scale of the proposal is not significant in terms of the site as a whole and is directly adjacent to the existing yard and workshop building.
- With regard to the potential landscape impact this was considered by the Inspector when considering the appeal against the enforcement notice (APP/R3325/C/16/3164480) :

'...while this has extended the visual profile of the site's development, that is not obvious in views from West Mudford Road, and there are no other public viewpoints from which the extended yard is visible. I note that the Council's Landscape Architect considered that adequate mitigation of the landscape impact could be achieved through supplementation of the existing hedgerow to the east of the yard, riverside plantings to the north, and the creation of a new boundary native-species hedgerow to the west, running between the river and the road. A grant of planning permission could be made subject to a condition requiring the implementation, and future upkeep, of such landscaping work.'

A comprehensive landscaping condition can be imposed to seek the mitigation and enhancement of the landscape as described by the inspector

- There are no ecological designations at the site.
- With regard to traffic generation, the yard is to be used in connection with the existing lawful use and as such there will be no significant additional traffic associated with the development. Counsel's opinion has been sought on the ability to impose a condition to ensure that the use of the yard is restricted to the lawful use and it has been confirmed that a condition can be imposed to ensure that the use is limited to that outlined in the Certificate of Lawfulness. As such, if approved the yard could only be used in association with the existing lawful use of the site and as such there would be no significant increase in vehicular movements at the site.

In the circumstances, it is considered that the proposal complies with Policy EP4 and therefore the principle of the development can be supported.

#### Residential Amenity

With the advice from Counsel that a condition can be imposed to restrict the use of the extended yard area to the lawful activities at the site it is not considered that the application could reasonably be refused on the grounds of impact upon residential amenity as there should be no significant change from the existing lawful use. It is fully appreciated that the unauthorised haulage use that was operating from the site was causing significant concerns to local residents and this has led to the ongoing enforcement action and court proceedings. It has now been confirmed that the unauthorised use has been relocated to a site in Cary Fitzpaine and this has meant a reduction in HGV movements at the site.

Therefore, with the proposed condition to restrict the use of the yard, it is considered that the proposal complies with Policy EQ2 of the South Somerset Local Plan 2006-2028.

### Highway Safety

The use of the site as an unauthorised haulage yard clearly resulted in an unacceptable increase in vehicle movements within the vicinity. The comments of the Highways Consultant are noted but the proposal, if appropriately conditioned, will be restricted to the existing lawful activities at the site and, as such, there would be no significant increase in traffic movements as a result of the proposal. In the circumstances, it is considered that it would be difficult to substantiate a reason for refusal on the grounds of highway safety.

Therefore, with the advice of Counsel regarding a restrictive condition, it is considered that the proposal accords with Policy TA6 of the South Somerset Local Plan 2006-2028.

### Flooding and pollution

The application has been assessed by the Environment Agency who have advised that they have no objection to the grant of permission in this case but have recommended informatives in relation to pollution and land levels. As such, it is not considered that the proposal could be refused on the grounds of flooding or pollution.

### CONCLUSION

The proposal has been very carefully considered and Counsel's opinion was sought on the issues surrounding the proposal. Counsel's advice is that a condition can be imposed that would mitigate any highways harm. Given that there is no landscape objection and no demonstrable harm to residential amenity it is not considered that there are reasonable planning grounds to refuse this application. The application is therefore recommended for approval subject to a number of conditions to include restriction on the use of the yard and the requirement for planting.

### **RECOMMENDATION**

#### **Grant planning permission for the following reason:**

01. The development has a limited landscape impact and appropriate conditions can be imposed to control the use of the yard and the associated vehicle movements. The proposal therefore complies with Policies EP4, EQ2, EQ7 and TA5 of the South Somerset Local Plan 2006-2028.

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

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:12500) received 22/11/2018.

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

03. The yard area hereby approved shall only be used in connection with the lawful use of the yard as defined within the Certificate of Lawful Use dated 21/10/2016, planning ref 16/03580/COL.

Reason: To ensure an appropriate level of activity at the site to respect the rural surroundings and highways in accordance with policies EQ2 and TA6 of the South Somerset Local Plan 2006-2028.

04. Within 3 months of the date of this permission a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. 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 date of the permission; and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

05. No means of external illumination shall be installed on any part of the subject land without the prior written consent of the Local Planning Authority. Any details that may be agreed shall not be subsequently altered unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of residential and visual amenity and to comply with policy EQ2 of the South Somerset Local Plan (2006-2028).

06. No system of public address, loudspeaker, amplifier or other audio equipment shall be operated on any part of the subject land.

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

07. Any materials stored on the subject land shall not exceed 3 metres in height and there shall be no form of racking system installed without the prior grant of planning permission.

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

#### **Informatives:**

01. The Environment Agency advise:

- i) The applicant must ensure that there is no increase in ground levels within the flood zones.
- ii) There must be no vehicles re-fuelled on site, as this would need to be carried out in a designated area positively drained via an interceptor, of suitable standard, to foul sewer, and subject to the consent of the sewerage undertaker.
- iii) There must be no washing of vehicles on this site as vehicle wash facilities must be connected to the foul sewer, with the necessary approval from the relevant sewerage undertaker.
- iv) The applicant should ensure that no pollution occurs from the surface water drainage from the site. All possible steps regarding the operations on site and storage of vehicles should be taken to ensure that this does not result in the pollution of the receiving watercourse. Such a pollution may result in form action from the Environment Agency.
- v) Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:
  - the use of plant and machinery
  - wheel washing and vehicle wash-down
  - oils/chemicals and materials
  - the use and routing of heavy plant and vehicles

- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

02. The Certificate of Lawfulness 16/03580/COL as referred to in Condition 03 is attached to this decision in the interests of clarity.

# Agenda Item 14

## Officer Report on Planning Application: 19/01996/OUT

<b>Proposal :</b>	Outline application for the erection of a dwelling with all matters reserved apart from access.
<b>Site Address:</b>	Land Adjoining Pilgrims, Weir Lane, Yeovilton
<b>Parish:</b>	Yeovilton
<b>IVELCHESTER Ward (SSDC Member)</b>	Cllr A Capozzoli, Councillor Charlie Hull, Councillor Paul Rowsell
<b>Recommending Case Officer:</b>	Ian Cousins Tel: (01935) 462497 Email: stephen.baimbridge@southsomerset.gov.uk
<b>Target date :</b>	14th August 2019
<b>Applicant :</b>	Mr R G Wetherall
<b>Agent: (no agent if blank)</b>	Mr P Dance C/o Symonds And Sampson 11 North Street, Stoke Sub Hamdon Somerset TA14 6QQ
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

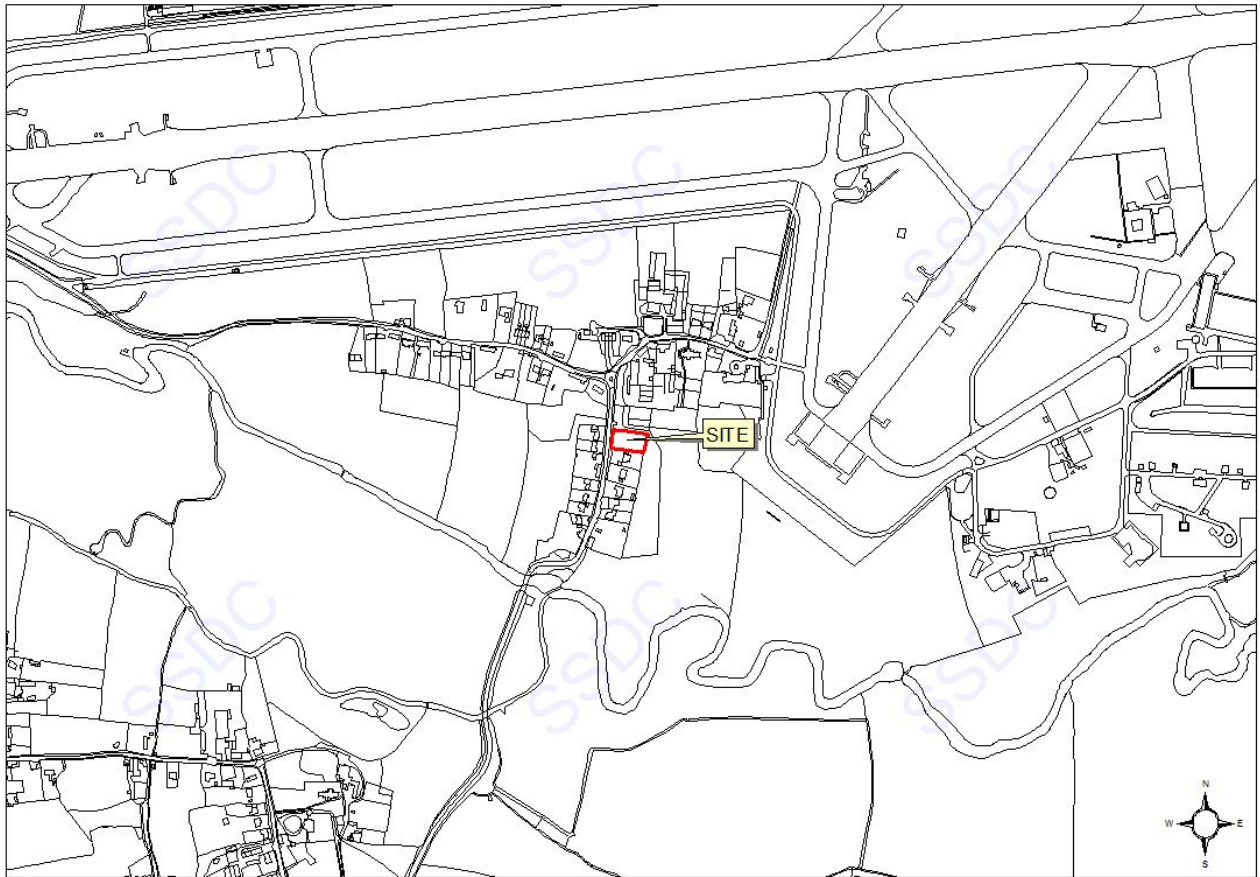
### REASON FOR REFERRAL TO COMMITTEE

As the officer's recommendation is contrary to the opinions of the Parish Council and local people, the application was referred to the Ward Members one of whom disagreed with the officer's recommendation. With the agreement of the Area Chair, the application is referred to the Area East Committee.

### SITE DESCRIPTION AND PROPOSAL







The application site is an open field located within the village of Yeovilton. The site forms a gap within a built-up street scene of predominately residential dwellings. To the south of the site is a residential dwelling with agricultural buildings to the north. To the west of the site are allotments with the Airfield beyond. The site and surrounding land is relatively level.

This is an outline application for the erection of 1 detached dwelling with all matters reserved apart from access. The proposed dwelling will use the existing field gate access.

## **HISTORY**

None

## **POLICY**

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

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

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

SD1	Sustainable Development
SS1	Settlement Strategy
SS2	Development in Rural Settlements

SS4	District Wide Housing Provision
SS5	Delivering New Housing Growth
TA5	Transport Impact of New Development
TA6	Parking Standards
EQ1	Addressing Climate Change in South Somerset
EQ2	General Development

### National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development

Chapter 5 - Delivering a Sufficient Supply of Homes

Chapter 12 - Achieving Well-Designed Places

### Planning Policy Guidance

Climate change

Design

Somerset County Council Parking Strategy (March 2012)

Noise Exposure Category B (RNAS Yeovilton)

(Note: In August 2018 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 73 of the NPPF. In such circumstances paragraph 11 d) In relation to decision taking is engaged, this states:-

*"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

Footnote 7 to Paragraph 11 explains that:

*"This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years."*

### **CONSULTATIONS**

Yeovilton Parish Council:

*"Support the principle of development but would prefer a single storey dwelling."*

County Highway Authority

*"Standing advice applies"*

SSDC Highway consultant

*"The principle of this development scheme must be largely a matter for the planning authority to consider and determine given the location of the site in relation to local services and facilities - accessibility and connectivity by sustainable forms of transport. The traffic impact of the dwelling on the local highway network would not be significant or severe. The proposals to improve the existing means of access are sufficient in terms of visibility. The gradient of the access would need to be reduced to a maximum of*

*1:10. In addition, at least the first 5m of the entrance would need to be properly consolidated and surfaced (not loose stone or gravel) and drained to prevent surface water from discharging onto the public highway. Any gates should be erected a minimum distance of 5m from the edge of the carriageway. On-site parking and turning needs to accord with the appropriate standards. In the event that permission is granted, conditions should be imposed securing the above details."*

#### Environmental Health

A condition would need to be imposed requiring a sound report to be undertaken and submitted given the proximity to the Airfield. There are concerns over the proximity of the proposed dwelling to neighbouring agricultural buildings however, this can be overcome by orientation and layout of the building.

#### **REPRESENTATIONS**

Two representations have been received. 1 representation received supports the application and the other representation further supports the application on the provision the dwelling is single storey.

#### **CONSIDERATIONS**

##### Principle of Development

Yeovilton is defined in the local plan as a Rural Settlement, where development will be strictly controlled. The starting point for considering development in Rural Settlements is policy SS2 of the South Somerset Local Plan. The proposal is contrary to that policy, as it does not provide employment opportunities, create or enhance community facilities and services, or meet an identified housing need.

However, as SSDC cannot currently demonstrate a five year supply of housing land, elements of that policy must be considered out of date. As such, it is considered that the LPA cannot rely on the proscriptions of that policy in regard to what the development must provide (e.g. meeting an identified housing need).

The village of Yeovilton is a very small settlement which is devoid of local facilities or services, with even the Church in the village owned by the Navy. It has been assessed that Yeovilton is not closely related to other settlements in the area and in this regard, it is not considered appropriate to 'cluster' it with other surrounding towns and villages from the point of view of services and contributing towards the sustainability of these neighbouring communities. Given this, it is considered that the village does not meet the criteria of being a Rural Settlement as set out within LP policy SS2, and due to its lack of day to day services and facilities must be considered to be an unsustainable and therefore inappropriate location for new build residential development as prescribed by both the local plan and the NPPF. Whilst it is accepted that one new dwelling may provide economic benefits during construction, these would only be temporary and does not outweigh the environmental harm identified in regard to sustainability of future occupants. The principle of the proposed development is therefore considered to be unacceptable.

##### Highways and parking

Given the consultation response from the SSDC Highway consultant, the proposal is considered to be acceptable from a Highway perspective.

The proposals are therefore considered to be in accordance with the NPPF and local plan policies TA5 and TA6.

##### Other Matters

As the proposal is in the form of an outline application, all other matters (landscaping, siting, external appearance) would be considered at the reserved matters stage which would have followed should this application had been approved.

Furthermore, it is considered that the issue raised regarding the proximity to agricultural buildings could also be dealt with at reserved matters stage by securing an appropriate design and layout.

The site is located in Zone B of the Yeovilton noise contours. The noise impacts to the development could therefore be mitigated through the imposition of a condition as suggested by the Environmental Health Officer.

### Conclusions and Planning Balance

For the reasons set out, the proposed development is considered to constitute an unsustainable form of development where future occupiers will be highly dependent upon driving to get to day to day services and facilities. The proposal is therefore considered to be an unsustainable and inappropriate form of development that is contrary to the aims and objectives of Local Plan policies SD1 and SS2 and the provisions of the National Planning Policy Framework.

### **RECOMMENDATION**

REFUSE

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

01. The location of the proposed development is remote from local services, facilities and local transport and, as a consequence, occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs. The proposal is not sought to meet an identified local need and so will not contribute to increasing the sustainability of this settlement and it is considered that such fostering of growth in the need to travel is contrary to the aims and objectives of sustainable development as set out within policies SD1 and SS2 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

### **Informatives:**

01. In accordance with paragraph 38 of the NPPF, the council, as local planning authority, approaches decisions on proposed development in a positive and creative way, working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area 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

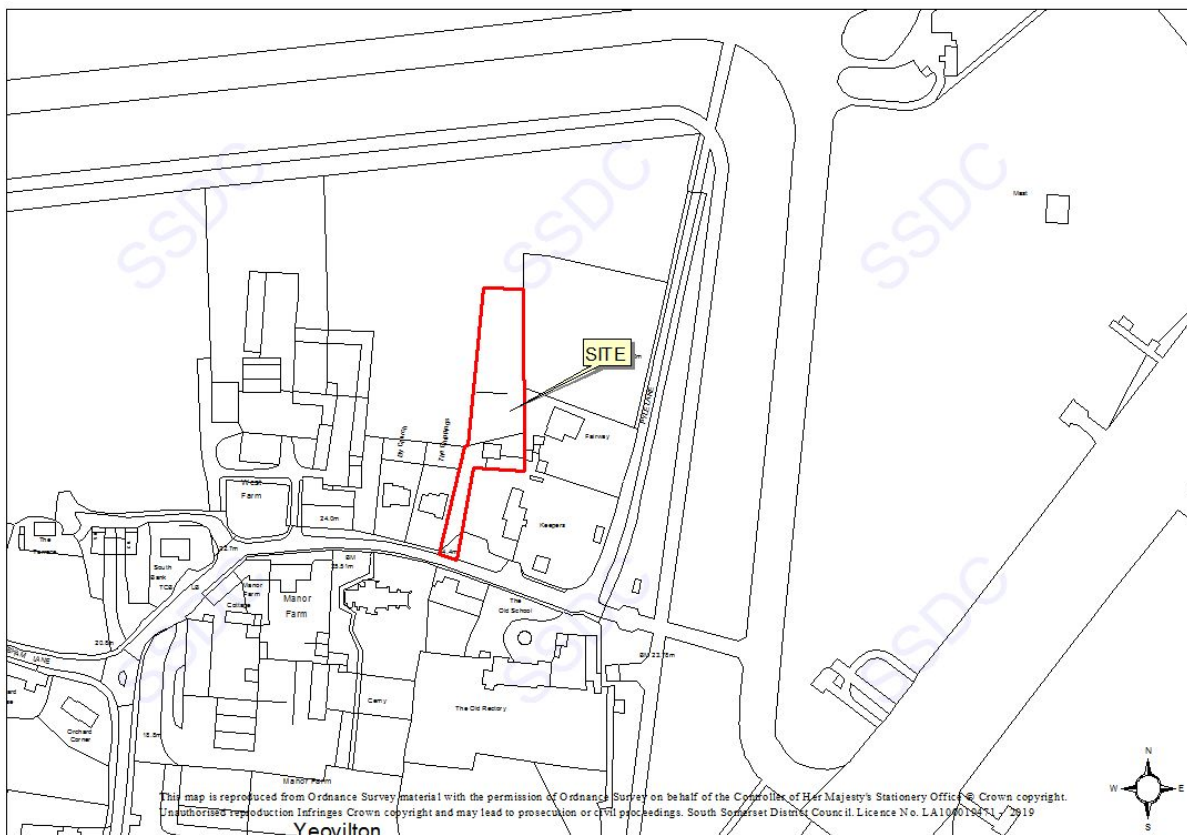
In this case, no pre-application advice was sought nor were there any minor or obvious solutions to overcome the significant concerns caused by the proposals.

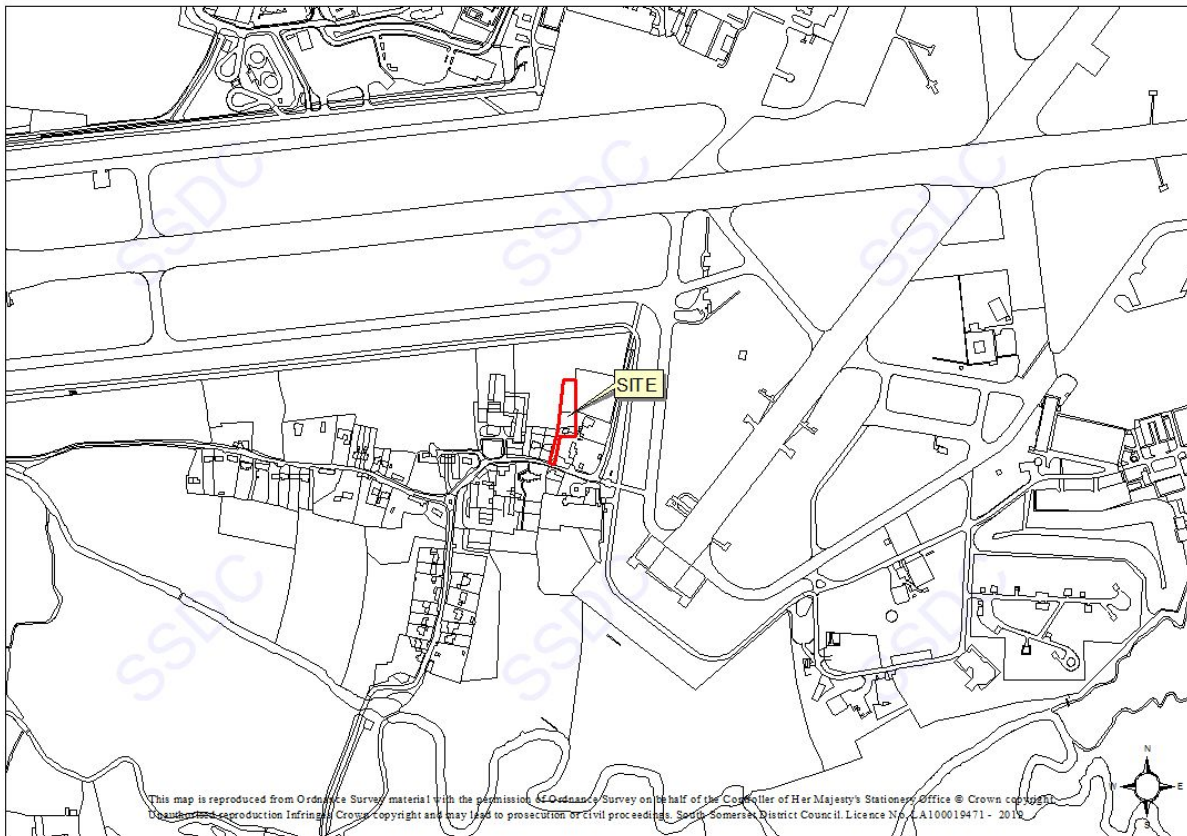
# Agenda Item 15

## Officer Report on Planning Application: 19/02387/FUL

<b>Proposal :</b>	The erection of new dwelling and garage.
<b>Site Address:</b>	Land Adjoining Keepers, Pyle Lane, Yeovilton
<b>Parish:</b>	Yeovilton
<b>NORTHSTONE, IVELCHESTER &amp; ST MICHAEL'S Ward (SSDC Member)</b>	Councillor A Capozzoli, Councillor Charlie Hull, Councillor Paul Rowsell
<b>Recommending Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	4th October 2019
<b>Applicant :</b>	Mr & Mrs Greg Evans
<b>Agent: (no agent if blank)</b>	A R Dalziel M.C.I.A.T. Office 10, Unit 21 Old Yarn Mills Sherborne Dorset DT9 3RQ
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

## SITE DESCRIPTION AND PROPOSAL





This application is seeking full planning permission for the erection of a detached single-storey dwelling and detached double garage.

The application site is situated behind the existing built form that sits alongside Pyle Lane and is located outside any defined development areas. There are a couple of outbuildings on the site which are understood to be used for garaging / domestic workshop, with the wider site used as a kitchen garden in association with the adjacent property known as Keepers Cottage, which is a grade II listed dwellinghouse.

The application site abuts agricultural land to the north with RNAS Yeovilton airfield located just beyond this and within 60 metres of the application site. The main runway at RNAS Yeovilton is approximately 200 metres from the application site. Due to its proximity to RNAS Yeovilton the site is identified as being located within noise exposure zone C where it is inappropriate for new build residential development due to the noise levels arising from the operational activities at the airbase and the impact this would have on the amenities of future residents.

The site is also located in an area of high archaeological potential and within flood zone 1. There are a number of other listed buildings in the vicinity including the Old Rectory to the south, St Bartholomew's Church to the southwest and West Farm and Manor Farm to the west. The site is adjacent to other residential properties to the east, south and southwest.

#### RELEVANT HISTORY:

17/03605/FUL: Erection of a detached dwelling. Refused for the following reasons:

01. The location of the proposed development is remote from local services, facilities and local transport as a consequence occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs. The proposal is not sought to meet an identified local need and so will not contribute to increasing the sustainability of this settlement and it is

considered that such fostering of growth in the need to travel is contrary to the aims and objectives of sustainable development as set out within policies SD1 and SS2 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

02. The proposal is contrary to the linear pattern of development that prevails in the locality and due to its two-storey design is likely to have an incongruous presence in this semi-rural, backland position. For these reasons the proposal is considered to be detrimental to the setting of the listed building known as Keepers and fails to preserve or compliment the key characteristics of the location or to maintain its local distinctiveness and as such is contrary to the aims and objectives of policies EQ2 and EQ3 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.
03. The site is within a very short distance of the runways at RNAS Yeovilton and as a result is located within Noise Contour Zone C (as defined by the South Somerset Local Plan), where it is considered likely that occupiers of the proposed new development will be severely adversely affected by aircraft noise from the airfield and will suffer from a substandard level of amenity. The proposal is therefore contrary to the aims and objectives of policy EQ2 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework."

#### POLICY

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

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

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

SD1 - Sustainable Development  
SS2 - Rural Settlement  
TA1 - Low Carbon Travel  
TA5 - Transport Impact of New Development  
TA6 - Parking Standards  
EQ1 - Addressing Climate Change in South Somerset  
EQ2 - General Development  
EQ4 - Biodiversity  
EQ7 - Pollution Control

#### National Planning Policy Framework

Part 2 - Achieving sustainable development  
Part 5 - Delivering a sufficient supply of homes  
Part 8 - Promoting healthy and safe communities  
Part 9 - Promoting sustainable transport  
Part 11 - Making effective use of land  
Part 12 - Achieving well-designed places  
Part 14 - Meeting the challenge of climate change, flooding and coastal change  
Part 15 - Conserving and enhancing the natural environment  
Part 16 - Conserving and enhancing the historic environment

#### CONSULTATIONS

Yeovilton Parish Council: Unanimously oppose the application on the grounds that the proposal is outside the village boundary line, noise contours and contrary to Policy SS2.



County Highways: Referred to their standing advice

SSDC Highway Consultant:

MOD: No safeguarding objection.

Wessex Water: No objection

County Archaeology: No objection

Historic England: No comment

Environmental Health: Recommends refusal. The proposed development lies within Noise Exposure Category (NEC) C as defined in the Local Plan. This states that new build development should be refused within this zone.

Ecology: No objections subject to a number of conditions to address potential impacts on nesting birds, bats and to provide some biodiversity enhancements in accordance with current legislation.

## REPRESENTATIONS

Written representations have been received from three local households raising the following observations and objections:

- o The dwelling allowed at Weir Cottage should not be viewed as setting a precedent.
- o Policy SS2 states that development in rural settlements should be strictly controlled.
- o The development will not be meeting an identified need.
- o There will be suitable properties coming onto the market in the area in the next few months which could serve the applicants needs.
- o There are 97 properties for sale within 3 miles of Yeovilton.
- o There is plenty of space within Keepers Cottage to accommodate the applicants.
- o Contrary to NPPF (para. 78) which states "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities".
- o Yeovilton is not twinned with Ilchester but a separate settlement.
- o Permission for a house on this plot was refused in 2017, other than the proposed dwelling now being a bungalow nothing has changed since the previous application.
- o Fails to respect local context and pattern of development.
- o Shoehorned development.
- o Scale and proportions are out of character with the surrounding buildings to detriment of area and setting of listed building.
- o Harmful to residential amenity of neighbouring properties including loss of privacy, disturbance from vehicles passing along the driveway.
- o The site is located within noise zone C and very close to zone D. There has been a significant increase in activity at RNAS Yeovilton since the introduction of the Merlin and Wildcat Helicopters, including increased night flying for training reasons.

Additionally a relative of the applicants who resides at the adjacent property, Keepers Cottage, has written in expressing their support for the proposal.

## CONSIDERATIONS

This application is seeking full planning permission for a detached, two-storey dwelling on land to the rear of the applicant's existing property known as Keepers.

### Principle

The village of Yeovilton is a very small settlement which, other than a Church, is completely devoid of



any local facilities or services. Yeovilton is not closely related to other settlements in the area and so it is not considered appropriate to 'cluster' it with other surrounding towns and villages from the point of view of services and contributing towards the sustainability of these neighbouring communities. The village does not therefore meet the criteria of being a Rural Settlement as set out within LP policy SS2, and due to its poor accessibility to day to day services and facilities is considered to be an unsustainable and therefore inappropriate location for new build residential development. The principle of the proposed development is therefore considered to be unacceptable.

Further to this, the site is within a very short distance of the runways at RNAS Yeovilton and as a result is located within Noise Contour Zone C, where new development would be adversely affected by aircraft noise from the nearby airfield and accordingly where the adopted Local Plan states new build development should not be permitted. For this reason the Council's Environmental Health Officer has recommended the application be refused. It is therefore considered that future occupiers of the proposed new dwelling would be significantly adversely affected by noise resulting from the airfield and that this should be a further reason for refusal.

#### Visual amenity and impact on setting of listed building

As noted above, the site is located to the rear of existing development and as such the proposal can accurately be described as backland development. The prevailing pattern of development in Yeovilton is linear in its arrangement with individual properties facing on to the local highway network and backing on to farmland, and there are very few exceptions to this pattern. The manner in which the site sits behind existing built form and projects significantly further north than the adjacent properties is clearly contrary to the prevailing pattern of development and is considered to be intrusive into the local landscape setting.

The proposal is seeking a detached single storey dwelling. Whilst its low height is preferable to the two-storey dwelling previously proposed on this site, its footprint and position does not respond well to the constraints of the site or existing built form, rather it has a shoe-horned arrangement that gives it an unduly cramped form of development. Furthermore, the site sits immediately to the rear of the property known as Keepers, a grade II listed property. The siting and cramped nature of the proposal coupled with its design, which lacks any architectural interest or reference to local vernacular, fails to respect the setting and character of the adjacent heritage asset.

For these reasons the proposal is considered to be contrary to LP policies EQ2 and EQ3.

#### Residential amenity

Given the low height of the proposed bungalow and lack of openings above ground floor level it is accepted that it should not result in any significant loss of light, overbearing or loss of light concerns to neighbouring properties. The scheme includes a triple garage which is significantly higher than the bungalow with a height of over 5.5m. Its orientation and position, however, within the southeast corner of the site is such that whilst it will result in a small amount of over-shadowing of the neighbour's (Fairways) garden it will not result in any loss of light to the neighbour's house and overall it is not considered to result in any demonstrable harm to neighbouring amenity.

#### Highway safety

In respect of the proposed property the proposed parking and turning arrangements accord with the Highway Authority's standing advice and is considered to be acceptable. The development is to be served by an existing separate access and track which currently has a good level of visibility in either direction. The visibility to the west however passes over third party land and so cannot be secured, however, in this instance due to the quiet, no through nature of the road this is not considered to represent a severe highway safety concern. On this basis the proposal is considered to be acceptable from a highway safety perspective.

#### Other matters

- Drainage and flooding - The site is located within flood zone 1 where it is at low risk of flooding and the development of this site should not give rise to increased risk of flooding elsewhere subject to the development being served by a suitable sustainable form of drainage, a matter that can be appropriately conditioned. Wessex Water have raised no objection to the scheme.
- Ecology - Subject to a number of conditions sought by the Council's Ecologist the proposal it is accepted that the proposal should not be detrimental to biodiversity or any protected species.
- CIL - The scheme will be liable for the Community Infrastructure Levy (CIL).

#### Conclusion

For the reasons set out, the proposed development is considered to constitute an unsustainable form of development where future occupiers will be highly dependent upon driving to get to day to day services and facilities. Future occupiers will also be exposed to an unacceptable level of noise resulting from the nearby airfield to the detriment of their amenities and general wellbeing. Furthermore, the siting, layout, size and poor design of the development represents a cramped form of development that fails to respect local context and distinctiveness in regard to the prevailing pattern of development, local landscape features, character and nature of existing built form or the setting and character of the adjacent listed building known as Keepers. The proposal is therefore contrary to the aims and objectives of LP policies SD1, SS2, EQ2 and EQ3 and the provisions of the National Planning Policy Framework and accordingly is recommended for refusal.

#### RECOMMENDATION

Refuse for the following reasons:

#### SUBJECT TO THE FOLLOWING:

01. The location of the proposed development is remote from local services, facilities and local transport as a consequence occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs. The proposal is not sought to meet an identified local need and so will not contribute to increasing the sustainability of this settlement and it is considered that such fostering of growth in the need to travel is contrary to the aims and objectives of sustainable development as set out within policies SD1 and SS2 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.
02. The site is within a very short distance of the runways at RNAS Yeovilton and as a result is located within Noise Contour Zone C (as defined by the South Somerset Local Plan), where it is considered likely that occupiers of the proposed new development will be severely adversely affected by aircraft noise from the airfield and will suffer from a substandard level of amenity and wellbeing. The proposal is therefore contrary to the aims and objectives of policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.
03. The proposal, by reason of its backland position, layout, size and poor design, represents a cramped form of development that fails to respect the prevailing pattern of development, existing local landscape features and the character and nature of existing built form in the area and furthermore fails to respect the character and setting of the adjacent listed building known as Keepers. For these reasons the proposal is not considered to appropriately preserve or compliment the key characteristics of the locality or local distinctiveness or to preserve or enhance the setting of the listed building and as such is contrary to the aims and objectives of policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions 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 no pre-application advice was sought and there were no minor or obvious solutions to overcome the significant concerns caused by the proposal.

02. Please be advised that any subsequent approval of this application by appeal 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.

In the event of an approval at appeal, you would be required to complete and return Form 1 Assumption of Liability as soon as possible after the grant of permission 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 16

## Officer Report on Planning Application: 19/02514/HOU

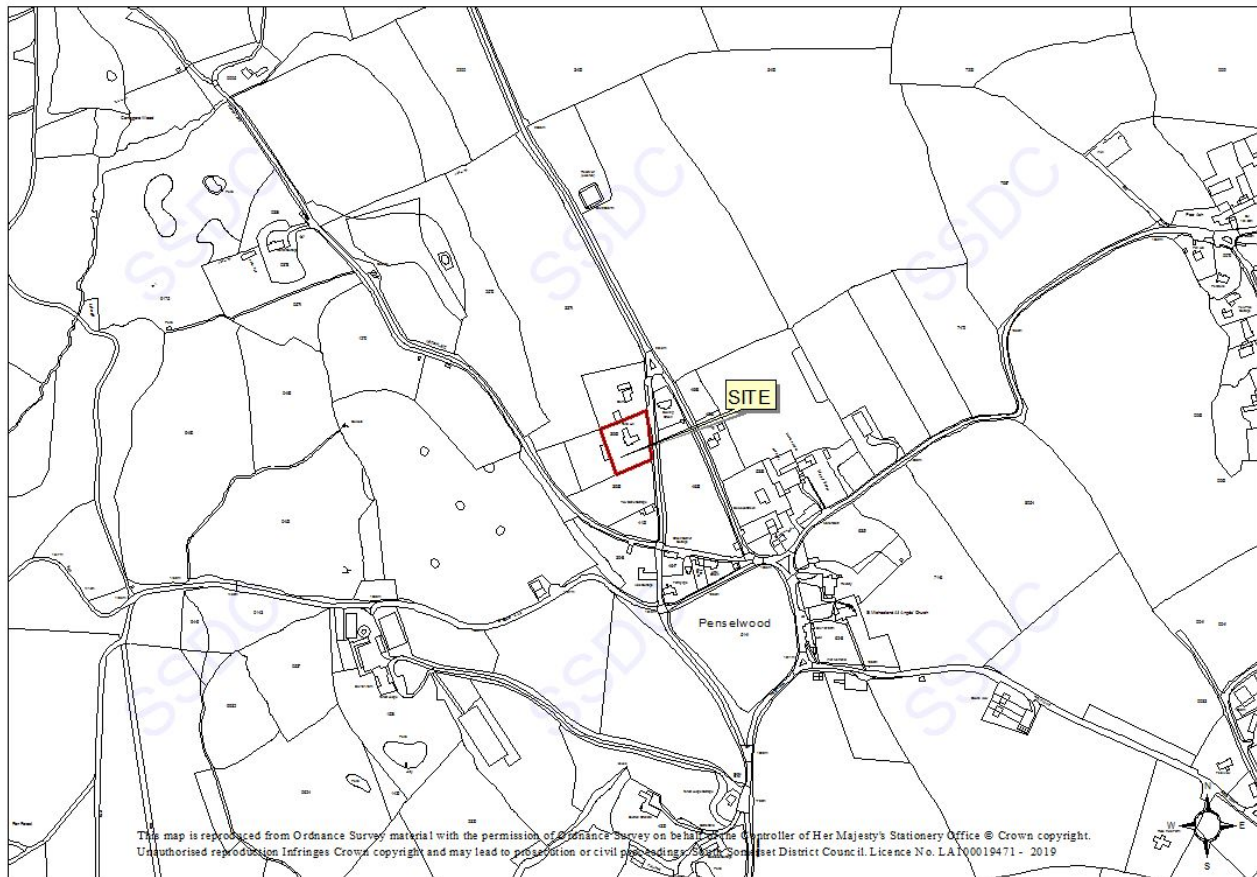
<b>Proposal :</b>	Alterations and the erection of single storey rear and side extensions and formation of two dormer windows on west elevation of dwelling.
<b>Site Address:</b>	Pond Hill Pen Selwood Wincanton
<b>Parish:</b>	Pen Selwood
<b>TOWER Ward (SSDC Member)</b>	Cllr R Bastable
<b>Recommending Case Officer:</b>	Stanley Norris Tel: 01935 462462 Email: <a href="mailto:planningcaseteam@southsomerset.gov.uk">planningcaseteam@southsomerset.gov.uk</a>
<b>Target date :</b>	23rd October 2019
<b>Applicant :</b>	Mr & Mrs Anthony Palmer
<b>Agent: (no agent if blank)</b>	Mr Roger Gallannaugh Plox Studio Plox Bruton Somerset BA10 0EF
<b>Application Type :</b>	Other Householder - not a Change of Use

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to Area East Committee at the request of the Area Chair who has in agreeance with the Elected Ward Member that the proposal would impact the residential amenity of the neighboring occupier.

### SITE DESCRIPTION





Pond Hill is a detached chalet bungalow constructed of Bradstone and render under a plain tiled roof. The dwelling is set within a large plot adjacent to fields to the south and east, and is neighboured to the north, however there is a large distance between the dwellings. The site is also situated within the designated Cranborne Chase Area of Natural Beauty.

## **HISTORY**

Application Number: 14/00115/FUL (Full Application)

Description: Application to apply render to dwelling (GR 375402/131612) Status: Application permitted with conditions

Application Number: 04/02480/FUL (Full Application)

Description: The erection of an extension to north side of bungalow, conservatory to south and porch to east elevation

Status: Application permitted with conditions

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

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

Policy SD1: Sustainable Development

Policy EQ2: General Development

Policy TA5: Transport Impact of New Development

Policy TA6: Parking Standards

## **National Planning Policy Framework**

Chapter 2 - Achieving Sustainable Development

Chapter 12- Achieving well designed places.

## **Other Policy Consideration**

Planning Practice Guidance: Design - March 2014

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

## **CONSULTATIONS**

### **PEN SELWOODCOUNCIL**

Pen Selwood Parish Council notes, with approval, that the amended plans indicate that the proposed lantern roof has been removed and glazing reduced in the proposed music room.

We are, however still concerned that the side extension is two storey and not single storey, as described in the application proposal, and that dormer windows at first floor level would seriously affect and encroach upon the privacy of the adjoining property. However, we would have no objection to the dormer windows if they were on the South Elevation (labelled South East Elevation on the drawings). We also repeat our concern that details of external lighting is imposed as a condition of some developments within this AONB but not all. A standardised policy would be helpful.

### **COUNTY HIGHWAY AUTHORITY**

Standing Advice Applies

### **SSDC HIGHWAYS CONSULTANT**

No highways issues, no objections.

### **CRANBORNE CHASE AONB**

This extensive bungalow is located on a westerly facing slope at Penselwood.

The proposals are not easily understood from your website but it appears that one end would be extended to create larger bedrooms, on one side a glass house would be enlarged, and on the other side of the dwelling a music room is proposed. It also appears that to accommodate changes there needs to be a significant element of re-roofing and raising of the roof. Your Conservation Architect may be able to advise you on how these changes relate to the existing development.

I note that whilst there would be two dormer windows in the new roof arrangement a significant lantern roof light is proposed for the music room. As I am confident you will appreciate, in this area with internationally important dark night skies the potential for light pollution from roof lights has to be closely controlled. If you feel that a lantern roof light is appropriate then it should be fitted with integral blinds or louvres that can be closed at night to prevent light pollution. I also note that the proposed music room has floor to ceiling glass panels on three sides and, again, the scope for contributing to light pollution from this design is quite significant. Again, if these panels are deemed to be appropriate then they should be fitted with integral blinds or louvres to prevent light pollution.

In order to retain control over potential polluting sources of light no external lighting should be permitted at the property that has not been explicitly approved by the Local Planning Authority in compliance with this AONB's Position Statement on Light Pollution, Dark Night Skies criteria, and our Good Practice Guides on Good Lighting.

### **CASE OFFICER RESPONSE**

The issues outlined by the Cranborne Chase AONB have been satisfied with the removal of the lantern and the reduced amount of glazing on the extension. The comments lodged by the parish regarding have been noted and will be discussed below.

## **REPRESENTATIONS**

4 neighbours notified, site notice displayed at site, no representations received.

## **CONSIDERATIONS Visual**

### **Amenity**

The dwelling is will screened from the public realm and the proposed development will not alter the view of the dwelling from the highway. The proposal in terms of materials and scale however are considered acceptable.

### **Residential Amenity**

Within the Parish Council comments it was outlined that the first floor dormer windows would have an adverse impact on the neighbouring property to the north, however, the distance flank to flank between the neighbouring properties is approximately 30 metres, with a well-established boundary consisting of sparsely planted trees and hedging and what appears to be a large garage block, therefore it is not considered the dormers would have an unacceptable impact on the residential amenity of neighbouring occupiers.

It's not considered that the proposed enlargement on the dwelling would have an overbearing nor dominant impact.

Following consultation with the Ward Member, a condition has been added to ensure that the dormer windows are obscure glazed and maintained in this manner to prevent any significant overlooking.

### **Impact on AONB**

The comments made by the Cranborne Chase AONB have been noted, and the agent has since receiving these comments submitted amended plans removing the roof lantern and significantly reduced the glazing of the proposed music room to limit light spill from the proposed development. A condition has also been added regarding external lighting.

### **Highways**

Highways comments have been noted, it is not considered the proposed development would not have any significant highways impact.

### **CIL (Community Infrastructure Levy)**

This authority does not collect CIL on householder development.

## **Conclusion**

Objection has been received from the Parish in regards to potential overlooking, this however has been assessed and a site visit conducted. It is considered that the degree of separation, along with the boundary treatment is sufficient to ensure there is no significant overlooking leading to a demonstrable impact on residential amenity. The proposal is therefore considered acceptable *and recommended for approval*.

## **RECOMMENDATION**

Grant permission for the following reason

01. The proposal, by reason of location, size, scale, materials, design and use does not adversely affect the character of the Listed building, context of the area, visual amenity or residential amenity in accordance with the aims and objectives of policies EQ2, EQ3, SD1, TA5 and TA6 of the South Somerset Local Plan (2006) and the provisions 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 accordance with the details indicated on the following approved drawings and documents;

- 3191/4 A Survey/Elevations
- 3191/5 E Ground Floor Plans as Proposed
- 3191/6 E First Floor and Roof Plans as Proposed
- 3191/7 F Elevations as Proposed
- 3191/17 A Roof Plan Existing and Proposed

Plans received by the Local Planning Authority 28th August 2019 and amended plans received 28th October 2019. The external surfaces of the proposed development shall be as indicated on the referenced approved plans and submitted application form. No other external finishing materials shall be used in the alterations without the prior written agreement of the Local Planning Authority.

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

03. Prior to the installation of any exterior lighting relating to the extension hereby approved, details including measures to prevent light spillage and pollution shall be submitted to and approved in writing by the Local Planning Authority. Once agreed such details shall not be altered without the prior written consent of the local planning authority.

Reason: In the interests of visual amenity and to comply with Policy EQ2 of the South Somerset Local Plan (2006-2028) and to protect the character of the Cranborne Chase AONB.

04. The hereby permitted Dormer windows shall be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level. The windows shall be permanently maintained in this manner.

Reason: To protect the residential amenity of neighbouring occupiers in accordance with policy EQ2 of the South Somerset Local Plan.