



Informal Discussion by Members of Area East Committee

Wednesday 13th May 2020

9.00 am

**A virtual consultative meeting via
Zoom meeting software**

The following members are requested to attend this virtual consultation 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

Any members of the public wishing to address the virtual consultative meeting during either Public Question Time or regarding a Planning Application, need to email democracy@southsomerset.gov.uk by 9.00am on Tuesday 12th May 2020.

The meeting will be viewable online at: https://youtu.be/lrh9ybtoZ_c

For further information on the items to be discussed, please contact:
democracy@southsomerset.gov.uk

This Agenda was issued on Monday 4th May 2020.

Alex Parmley, Chief Executive Officer

**This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app**

Information for the Public

In light of the Coronavirus (COVID – 19), and the Government’s announcement to avoid social contact to help prevent the spread of the virus, a number of SSDC decision making meetings have been postponed.

At the meeting of Full Council on Thursday 19th March 2020 it was agreed to extend the delegation of all Executive and Quasi Judicial decisions listed in the Constitution to the Chief Executive and to the relevant Director in the Chief Executive’s absence where not already delegated, in consultation with the Leader of the Council (or Deputy) and the relevant Portfolio Holder, Ward Member and Committee Member if practicable to ensure that the Council can continue to operate, if meetings of the relevant committee are unable to be held.

This was the full decision taken:

1. That Council agreed the following changes be made to the Council’s Constitution:
 - a) To amend Part 3, Responsibility for Functions, Sections 3 and 4 of the Council’s Constitution to allow delegated authority to the Chief Executive, and to the relevant Director in the Chief Executive’s absence where not already delegated, to take Executive and Quasi-Judicial decisions in consultation with the Leader of the Council (or Deputy) and the relevant Portfolio Holder, Ward Member and Committee Member if practicable, if meetings of the relevant committee are unable to be held;
 - b) If legislation and technology allows, then enable Councillors to make decisions by remote, virtual meetings using available technology.
 - c) That delegated authority be given to the Monitoring Officer and Chief Executive to amend the Constitution to reflect any further changes that are required as a direct result of Government Legislation /Guidance resulting from the coronavirus (COVID-19) situation.
 - d) These changes in procedure will cease when the Government announces that the coronavirus (COVID-19) crisis is over and when normal meetings can resume.
 - e) That these changes in procedure be reviewed in 3 months time.

To enable the decision making process to continue, it is proposed that Councillors continue to receive decision-making reports and meet using virtual meeting teleconferencing technology and debate the reports. They will form a view which will be communicated to the Chief Executive. The decision will be formally made by the Chief Executive (or relevant Director). This is an interim measure whilst we implement the Local Authorities and Police and Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 as part of the Coronavirus Act 2020.

Area East Committee

Meetings of the Area East Committee are usually held monthly, at 9.00am, on the second Wednesday of the month (unless advised otherwise). However during the coronavirus pandemic these meetings will be held remotely via Zoom, as consultative meetings only, whilst we implement the Local Authorities and Police and Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 as part of the Coronavirus Act 2020.

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

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

Public participation at meetings (held via Zoom)

Public question time

We recognise that these are challenging times but we still value the public's contribution to our virtual consultative meetings. If you would like to participate and contribute in the meeting, please join on-line through Zoom at: <https://zoom.us/join> You will need an internet connection to do this.

Please email democracy@southsomerset.gov.uk for the details to join the meeting.

The meeting will be viewable online at: https://youtu.be/lrh9ybtoZ_c

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

If you would like to address the virtual consultative meeting during either Public Question Time or regarding a Planning Application, please email democracy@southsomerset.gov.uk by 9.00am on Tuesday 12th May 2020. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

Virtual meeting etiquette:

- Consider joining the meeting early to ensure your technology is working correctly.
- Please note that we will mute all public attendees to minimise background noise. If you have registered to speak during the virtual meeting, the Chairman will un-mute your microphone at the appropriate time.
- Each individual speaker shall be restricted to a total of three minutes.
- When speaking, keep your points clear and concise.
- Please speak clearly – the Councillors are interested in your comments.

Planning applications

It is important that you register your request to speak at the virtual meeting by emailing democracy@southsomerset.gov.uk by 9.00am on Tuesday 12th May 2020. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

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 produced 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

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

Recording and photography at council meetings

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

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

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

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

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Informal Discussion by Members of Area East Committee

Wednesday 13 May 2020

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 Henry Hobhouse, Paul Rowsell and 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. Public Question Time**
- 4. Chairman's Announcements**

Items for Discussion

- 5. Area East - Area Chapter 2019/2020 outturn report (Pages 7 - 12)**
- 6. Area East Committee Forward Plan (Pages 13 - 14)**

7. **Schedule of Planning Applications to be Considered by Members of Area East Committee** (Pages 15 - 16)
8. **19/01840/OUT** - Land North of Ansford Hill, Ansford, Castle Cary** (Pages 17 - 29)
9. **18/03296/FUL - Land Adjacent Englands Mead, Queen Camel, Yeovil** (Pages 30 - 46)
10. **20/00251/OUT** - Land South of Chilthorne Knapp, Chilthorne Hill, Chilthorne Domer** (Pages 47 - 61)
11. **19/01725/FUL - 2 South Street, Wincanton BA9 9DL** (Pages 62 - 75)
12. **20/00337/S73 - Land At Burrowfield, Bruton Somerset** (Pages 76 - 87)

Please note that members of the Area Committee will make a recommendation on the above reports. The decision will be taken by the Chief Executive.

Agenda Item 5

Area East – Area Chapter 2019/2020 outturn report

Director: Kirsty Larkins, Strategy & Support Services
Manager: Tim Cook, Locality Manager
Lead Officer: Tim Cook, Locality Manager
Contact Details: tim.cook@southsomerset.gov.uk

Purpose of the Report

To provide Members with an overview of the first year of delivery of the Area Chapter for Area East.

Public Interest

The priorities for Area East have been used to influence the development of the Council Plan for 2019/20. Some priorities identified clearly have an area focus and are better placed in an Area Chapter. The Area Chapter presents key projects and areas of work planned for the coming year by teams from across the whole organisation.

This report provides members with an overview on the 2019/2020 Area Chapter.

Recommendation

That members note and comment on the report.

Background

Area Chapters focus on the priorities of the Area Committee. These priorities were identified by Members and SSDC Area + teams through member workshops, other service plans and data led information. The 2019/2020 Area East Chapter was presented for approval at Committee in February 2019 and formed part of the Council Plan.

Area + teams consist of officers across the council who are best placed to provide the resources necessary (people and financial) in order to delivery each priority set out in the chapter. Each action or project identified in the plan is allocated a lead officer who collaborates with other officers across the council and/or the local community to deliver the project. The overall approach to delivery is based on the principle that we will enable others to deliver where we can, partner where it makes sense and only deliver if absolutely necessary.

Lead Officers supply the quarterly updates, which are collated by the Locality Team Leaders. Members have received the quarterly updates via email and consideration is required on how we appropriately deal with transparency and scrutiny of the Area Chapters moving forward.

Delivery of the Area Chapter

This is the first year of delivery and the approach has slowly developed alongside other competing challenges of delivering transformation. Progress against priorities agreed by members has been made over the year with successful completion of a variety of projects. It is worth noting that some projects identified will require a number of years before delivery is possible.

Appendix A sets out this year's progress and overview of the area Chapter focus priorities for 2019/20.

This is also the first year that there have been new arrangements for budget allocation. The area committees continue to have an allocated budget for Community Grants and for project delivery and there is still some work to do to align the area budgets, service specific budget and any available external funding for future years. Officers will look to recommend notional allocation of area project funds (including revenue and capital reserves) to projects set out under the key areas of focus. This will be agreed by members at the beginning of the year so that spend can be monitored and reported quarterly.

As well as the main key areas of focus, members will note other projects within the Chapter relating to support provided by officers through SSDC's Community Grants programme and Section 106 projects. These S106 projects will have been identified either by SSDC or through the local community and both areas of work can often compete with other key priorities. The majority of S106 projects are community led and therefore can take time to develop and resource, which inevitable will take a number of years from inception to delivery.

Appendix B shows Community Grant awards for Area East. This relates to both revenue and capital community grants awarded (not necessarily paid) throughout 2019/2020. These were awarded through consultation either with Ward Members or through Area Committee decisions.

Area East awarded a total of 12 community grants amounting to **£35,256** in 2019/2020. The total estimated project costs were **£245,620** indicating that for every **£1** invested by SSDC, **£6** of external funding is secured for the voluntary sector and community projects in Area East. Community grants are either for one-off grants or funding agreed under a Service Level Agreement (SLA).

Lessons learnt

This year has been the first full year of Chapter delivery and provides us with an opportunity to review, learn and improve.

It has been clear that some priorities within the Chapter are longer-term projects and cannot be delivered within the one year life span of the Chapter. Looking ahead, we should ensure all identified projects are locally led, have achievable and clear outcomes, milestones, key activities and resources to enable successful delivery. Those projects that are likely to run beyond the current year, will roll forward and be included automatically the following year.

Projects relating to S106 funding can be complicated, time consuming and often reliant on the capacity of the local community to delivery these projects and will often take a number of years of support and guidance.

There are often competing priorities with Chapter work, day to day service delivery, community support and officer workloads. A greater emphasis on monitoring and reporting will help us to actively track issues and keep members informed when other work impacts on project delivery.

There are measures that we can take to ensure better communication, understanding, and transparency of the Chapter work between officers, residents and Members. Members are asked to consider whether quarterly progress should be included on the agenda as an item for noting. A report for discussion could also be included on the forward plan half way through the year to allow for consideration of the priorities agreed at the start of the year.

Successes

It is important to remember that there has been a huge amount of progress, delivery and support made throughout this year's Chapter. Some of Area East highlights include:

- Worked with key Wincanton town centre businesses, Chamber of Commerce and Town Council to produce the Wincanton Town Centre Regeneration Strategy. Also 15 Area East businesses had one to one meetings as part of key account activity.
- Playdays held in Charlton Adam, Castle Cary, Wincanton, Milborne Port, Bruton and Sparkford. Weather was generally good this year and approximately 3,000 children and young people attended the play days.
- Health walks continue to prove popular with engagement sessions held with walk leaders and trainers. Currently 1,500 walkers take part in health walks throughout Area East.
- Moldrams Ground, Pen Selwood - New volunteers recruited and species surveys and listings for the site completed.

Financial Implications

There are no financial implications arising directly from this report.

Corporate Priority Implications

The priorities have been developed taking into account the SSDC Corporate plan priorities.

Carbon Emissions and Climate Change Implications

This is considered on an individual project and programme basis as appropriate. The overall priority is to seek to create more balanced communities where people can live, work and get access to the services and facilities they need on a daily basis. Area working (Area+) helps to improve access to facilities, activities and services, reducing the need to travel.

Equality and Diversity Implications

This is considered on an individual project and programme basis as appropriate. All Area Plans will have an Equality Impact Assessment.

Background Papers

Area Chapter 2019/20

Area East Chapter 2019/20

Green = Completed
Amber = on target
Red = likely to continue into next year

Project description	Lead Officer	Lead Service	Qtr 1 Overview	Qtr 2 Overview	Qtr 3 Overview	End of year overview	Progress
Economy							
Engage the substantial attractions in Area East to develop the overall destination offer for South Somerset and better market this throughout 2019 focusing on unique experiences.	Katy Menday	Leisure and Recreation	Meetings completed with team at The Newt in Somerset and Tourism familiarisation visits being organised for Tourist Information Centre team. Development of walking opportunities discussed and feeding into Tourism service plan.	Tourism visit completed and Newt publicity materials held by TICS. Dialogue with Candide and Newt over Somerset Gardens leaflet 2020.	S W Heritage Trust is reviewing the Roman collection at CHAC with a view to potential loans to the Newt's new garden museum. Poor take up for garden publications adverts from Newt and Hauser and Wirth sadly. Good business visit to Mill on the Brue with positive outcomes.	Joint working on the 2020 Visit Somerset publication to ensure that all attractions covered. S W Heritage Trust advisors have supported local heritage attractions with marketing. Haynes were due to host the 2020 Leaflet Exchange but had to be cancelled due to Covid19. Gardens 2020 publication put on hold and will deliver for end of 2020 and 2021 to help in recovery phase for Gardens attractions.	Green
Work towards providing employment land and business units of appropriate sizes readily available for uptake by business and residents.	Peter Paddon	Economy	Project being scoped to review existing supply (built) and potential (with planning permission/allocations/ Employment Land Review) with demand. Also discussions ongoing with SCC to bring forward designated employment site at Torbay IE in Castle Cary. Plus supported planning application for multiple occupancy office hub and 7 light industrial units in Bruton. Supporting Queen Camel Community Land Trust in their proposal to transform the old primary school into an educational enterprise hub to provide space for businesses to develop with a focus on artisan businesses.	Supported planning application for multiple occupancy office hub and 7 light industrial units in Bruton (permission granted July 19).	Discussions ongoing with SCC to bring forward designated employment land at Torbay IE, Castle Cary.	Supported planning application for multiple occupancy office hub and 7 light industrial units in Bruton (permission granted July 19). Also planning approved for outline application for business industrial use at Cadbury Business Park.	Green
Continue to support key businesses including work with the Chamber of Commerce and other partners.	Peter Paddon	Economy	Included in the new key account management activity which has commenced in Q1.	Worked with key Wincanton town centre businesses, Chamber of Commerce and Town Council to produce the Wincanton Town Centre Regeneration Strategy.	So far 8 Area East businesses had one to one meetings as part of key account activity.	Worked with key Wincanton town centre businesses, Chamber of Commerce and Town Council to produce the Wincanton Town Centre Regeneration Strategy. Also 15 Area East businesses had one to one meetings as part of key account activity.	Green
Environment							
Support the completion of the Neighbourhood Plans in Queen Camel and Castle Cary.	Anna-Maria Lenz	Strategy & Commissioning	Queen Camel Parish Council is consulting on the pre-submission draft of the Queen Camel Neighbourhood Plan and accompanying Strategic Environmental Assessment - closing date for comments is the 14th July. Castle Cary will be holding a referendum on the 30th July	The Castle Cary NHP has now been made, no further update on Queen Camel	Queen Camel have submitted their plan to the District Council in accordance with the Regulation 15. The District Council will publicise the plan for consultation for a period of 6 weeks from 27th January.	Queen Camel Submission Plan publicised for six week period and representations sent, along with the Submission documents, to the Examiner. Awaiting her final report.	Red
Continue to support volunteers at Moldrums Ground.	Katy Menday	Leisure and Recreation	New volunteers recruited and helping with species surveys and listings for the site.	Summer volunteer days arranged and species surveys completed.	Practical and surveying days ongoing at the site.	Volunteers continue to support practical work and surveying at Moldrums Ground. Volunteering suspended in March 2020 due to Covid19 outbreak.	Green
Promote opportunities for enhanced service delivery through SSDC Environmental Services offer including parish warden scheme.	Tim Cook / Chris Cooper	Locality / Environmental Services	Promotion ongoing through conversations with Town and Parish councils and through the Annual Parish Meetings intended for the Autumn	Annual Town & Parish meetings arranged for October 19	No further update	There has been no enquires this year	Green
Housing							
Support existing Community Land Trusts in Queen Camel and Charlton Horethorne.	Jo Calvert	Strategy & Commissioning	Nothing to update on Queen Camel CLT or Charlton Horethorne CLT at the moment	No further update	No further update	Progress has been slow regarding the CLT's and there is no movement to report. Affordable Housing Reports were presented at Committee in February 2020	Red
Complete Housing Needs Surveys when requested.	Tim Cook / Kirsty Larkins	Locality / Case Services	None received to date. Promotion through Parish & Town Council communications and Annual Parish Meetings in the Autumn	None received in Q2. Annual Town & Parish meetings arranged for October 19	None received in Q3.	There were no housing need survey requests this year	Green
Healthy, Self-reliant Communities							
To support work towards provision of an artificial grass pitch available to the community in area east.	Rob Parr	Locality	Work not started. Look at feasibility study in Autumn/Winter	As part of the National Football Facilities Strategy, The Football Association has committed to developing a Local Football Facility Plan (LFFP) for all Local Authorities by 2020. SSDC and other partners will need the LFFP to highlight where and how money can be invested. The first steering group meeting for South Somerset is anticipated in early January 2020, with the LFFP process looking to conclude by Spring 2020. Therefore depending on outcomes of the LFFP, a feasibility study could follow in 2020 should a strategic need be identified through the LFFP process. England Hockey have confirmed that the hockey club in Wincanton now ceases to exist.	No further update	As part of the National Football Facilities Strategy, The Football Association has committed to developing a Local Football Facility Plan (LFFP) for all Local Authorities by 2020. According to the FA's consultants KKP, the early feedback as part of the LFFP process, is a lack of AGP's nationally. SSDC and other partners will need the completed LFFP to highlight where and how money can be invested. The first steering group meeting for South Somerset took place in early January 2020, but due to COVID19 the completion of the LFFP process is likely to be delayed a couple of months and is now expected to conclude in the summer 2020. Therefore depending on outcomes of the LFFP, a feasibility study could follow later in 2020 should a strategic need be identified	Amber
Support a range of improvements to community facilities. - Programme of live schemes to be set out in Appendix A.	Tim Cook	Locality	See appendix A	See appendix A	See appendix A	Reviewed in Appendix A and B	Amber
Work with Wincanton Rec Trust to develop sustainable management model and use of the site	Tim Cook	Locality	Support provided to the group, however there are ongoing issues with governance of Trust.	No further update	No further update	No further progress.	Red
Work with the Balsam Centre to develop a local services hub.	Sharon Jones	Customer Focus	Work ongoing with Customers Access Points	Currently negotiating touchdown space and Customer Access Point. Likely to open in Q3 subject to AEC agreement	Customer Access Point to move from Churchfields to Balsam Centre in Q.4	We are still working towards moving the CAP from Churchfields to the Balsam Centre but this is on hold at the moment due to Covid-19	Red

Improve community transport links	Dave Crisfield	Strategy & Commissioning	We will look at this as part of the needs assessment work for Council Plan Priority 6 - to assess options for improving community transport links. Lynda P to set up a Healthy Self Reliant Community Communities of Practice (COP) sub group to progress as per the Council plan key milestones.	Due to case officer availability, a start on work to audit community transport provision and review best practice was delayed until September 19 but is now underway. Once this work is complete, an assessment of demand/need will be undertaken in Q3.	Audit of current Community Transport provision and of elected members specific concerns currently underway via SMART Survey. Surveys will be completed and analysed in Q4.	Surveys of elected members and Community Transport providers completed. Survey of wider VCS who own vehicles which could be used for Community Transport purposes commenced but due to Covid19 has stalled. Other pieces of desktop research also completed. The original target date of June 2020 to publish report with recommendations now likely to be delayed due to Covid19, as both Specialist and Case Work support to the project have been either redeployed into other service areas or are working directly on Covid19 activities. Furthermore other key stakeholders are either currently focused on Covid19 activity or have been stood down due to the virus. Clearer position will be available by end of Q1 of 2020/21.	
Increase the network of volunteer led health walks through promotion, training and support.	Julia Booth	Locality	27 Health Walks being supported - 4 x Bruton, 1 x Castle Cary, 2 x Milborne Port, 2 x Queen Camel, 1 x Stokehill, 13 x Wincanton, 3 x Wincanton Buggy. Volunteer workshop held in May for existing volunteers. Another workshop planned in late summer to encourage new volunteers leaders.	Healthy Walk leaders celebration event held in September to encourage networking. 50 attendees from across South Somerset, including Mendip, Sedgemoor and Taunton. 1 x new walk at Queen Camel Health centre being developed.	Health walk leader training session held in December. 21 volunteers attended. New walk group starting in January 2020 from Queen Camel Medical Centre.	Full engagement and sessions with health walkers and trainers were held throughout the year, resulting in more health walks being supported in South Somerset than other Somerset areas. There are currently 38 Walk Leaders and 1500 walk participants throughout Area East	
Deliver 8 Play days in towns/villages in Area East.	Steve Barnes	Locality	Play days booked for the Summer in Bruton, Castle Cary, Wincanton, Milborne Port, Sparkford, Charlton Adam, Mudford, Ilchester + 1 x youth day Milborne Port	Successful playdays held in Area East.	Project complete	Playdays within Area East were either organised or supported by SSDC. Weather was generally good this year and approximately 3000 children and young people attended these events.	
Appendix A - Programme of live schemes							
S106 funded projects							
Advice and support to group, facilitate project management and transfer of S106 funding to Wincanton New Barns play area	Rob Parr	Locality	Adoption documents with legal. Sketch design completed.	Conveyance of site is with Legal Services. Sketch design of the Play Area has been produced and a working group from Wincanton Town Council have been consulted. Once the land is secured by SSDC a wider public consultation of the plans will be carried out.	Conveyance of land has been parked by Legal Services on instruction of director.	Conveyance of land has now been recommended.	
Advice and support to group and facilitate transfer of S106 funding and possible community grant to deliver the project to Kingsdon Village Hall project	Rob Parr	Locality	Meetings held to look at different locations for new hall. Project to also include relocation of shop	Preferred location for new village hall identified and now viability being explored in more detail	Planning application has been submitted with a proposed location for a new village hall.	The Planning Application Ref: 19/02888/OUT relates to a residential development to include site provision for a new Village Hall. Awaiting outcome of planning application	
Advice and support to group, facilitate project management and transfer of S106 funding to Milborne Port Springfield Rec play area	Rob Parr	Locality	Waiting to hear from Parish Council to progress project	No change. PC have had a change of clerk which may have delayed progress	Meeting with parish clerk planned for January 2020.	Meetings have been held with representatives of the PC. They have obtained quotes to have sites surveyed and this will hopefully take place in the spring.	
Advice and support to group, facilitate project management and transfer of S106 funding to Donald Pither Pavilion project	Jake Hannis / Rob Parr	Locality	Waiting to hear from Town Council to progress project. Developer to be invoiced for S106 contribution.	Had first project meeting on 18th July with CTC and cricket and bowls club to look at the plans that have been developed by Slade Parry. Feedback provided, concerned about cost, but have agreed that an alternative option of using current pavilion is developed. S106 account updated for CCTC and also project programme example provided. £181,000 has now been received from developer for Well Farm development, which will enable community hall, play, youth facilities, changing room and playing pitch projects to be developed. Met with rep from CC Community Hall and CCTC in September to discuss funding for community hall projects.	An alternative plan has been produced for the pavilion following the last meeting in July, which uses the current pavilion but re-working the internal layout. JH has requested that CTC have another meeting with cricket and football clubs to look at the plans.	Meeting held with representatives of PC and awaiting further updates from them.	
Advice and support to group, facilitate project management and transfer of S106 funding to Milborne Port playing pitch and pavilion Springfield Rec	Rob Parr	Locality	Initial meetings held with Parish Council. Developing plans.	S106 Capital & Revenue Award issued by SSDC and accepted by Parish Council. Works expected to start next spring	Meeting with parish clerk planned for January 2020.	S106 capital awarded and accepted. Works can proceed as and when the Parish are ready.	
Advice and support to Parish Councils and transfer of S106 funding to Community hall provision within Castle Cary and Ansford	Terena Isaacs	Locality	N/A	N/A	CTC and Ansford PC have agreed resolutions that all S106 funding from developments in Castle Cary & Ansford for community halls goes to the extension at Caryford Community Halls. S106 application received and being processed	3 phase project. Phase 1 complete - consisted of kitchen, plant room and cleaner store. Phase 2 - new extension for meeting rooms not yet started. £130,000 external funding secured. £40,000 SSDC Capital grant awarded and £45,000 S106 funding awarded. There is likely to be further S106 funding in the pipeline from some of the big developments in Castle Cary.	
Advice and support to Parish Councils and transfer of S106 funding to equipped play provision within Castle Cary and Ansford	Rob Parr	Locality	N/A	N/A	CTC and Ansford PC work together to produce a joint strategy to cover use of the total amount of S106 funding available for equipped play.	CTC are currently working up proposals for their play area. Meeting held in March 2020 and now waiting for further information from the Parish Councils	
Project support							
Advice and support to group, project manage delivery of permissive path and transfer of capital funding at Wincanton Common Road footpath	Rob Parr	Locality	Economic Development to arrange meeting with stakeholders	Stakeholder meeting not yet held. Detailed plans required to move project forward. Looking to progress project in Q3	Awaiting guidance on whether to progress or not.	Stalled due to local interest. Review requirements and need for the scheme.	
Wayside farm development - play area and open space	Rob Parr	Locality	Instruction to legal for transfer of play area and open space	Ongoing. Legal Services progressing land transfer	Legal services have parked conveyance work following guidance from director	Legal services have been released and are currently working to complete legal transfer of the play area and open space	

Appendix B - Area East Community Grants Awarded 2019/20

Name of applicant	Project Name	Amount awarded	Estimated Project Value	%	Status of application
Wincanton Town Council	SLA - Wincanton LIC	£500			Paid
Castle Cary Town Council	SLA - Castle Cary LIC	£500			Paid
Bruton Town Council	SLA - Bruton LIC	£500			Paid
Wincanton Town Council	Wincanton Skatepark	£12,500	£151,124	8%	Complete
North Vale Parish Council	North Vale Speed Indicator Device	£1,000	£2,110	47%	Complete
North Vale Parish Council	Holton Village 20mph Speed Limit	£750	£1,500	50%	Project completion July 20
South Somerset Community Accessible Transport	SSCAT – Minibus (9-seat wheelchair accessible)	£12,000	£38,729	31%	Project underway
Charlton Horethorne Parish Council	Charlton Horethorne public access defibrillator	£1,000	£2,125	47%	Complete
Castle Cary Methodist Church	Accessibility Lift Project	£1,000	£36,845	2.7%	Awaiting final invoices
Brewham Village Hall Restoration Group	Brewham Village Hall restoration	£3,511	£7,022	50%	Complete
Project Charltons	Project Charltons	£995	£3,465	29%	Project underway
Ilchester Parish Council	VAS Speed sign	£1,000	£2,700	37%	Project underway

Total awards	12
Total amount awarded	£35,256
Total project value	£245,620
Total % awarded	14%

Agenda Item 6

Area East Forward Plan

Lead Specialist: Tim Cook, Locality Team Manager, Service Delivery
Lead Officer: Michelle Mainwaring, Case Services Officer (Strategy and Commissioning)
Contact Details: Michelle.mainwaring@southsomerset.gov.uk or 01935 462319

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; Angela Cox.

Background Papers: None

Appendix A

Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
June 2020	Retail Support Initiative Grant Scheme Overview	Review of the Retail Support Initiative Grant Scheme	Pam Williams
TBC	Appeal Decisions during 2019*	To consider and learn from Appeal decisions during the previous year	Simon Fox
TBC	Update on SSDC Transformation Programme		Toffer Beattie

*Simon Fox has confirmed that this report request will be part of a district wide report which will come forward later in the year following proper assessment

Agenda Item 7

Schedule of Planning Applications to be discussed by Area East Committee

Director: Netta Meadows, 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 discussed by Area East Committee at this virtual meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 9.00 am. There will be a comfort break at some point in between applications.

The meeting will be viewable online at: https://youtu.be/lrh9ybtoZ_c

Any members of the public wishing to address the virtual consultative meeting regarding a Planning Application, need to email democracy@southsomerset.gov.uk by 9.00am on 12 May 2020.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
8	CARY	19/01840/OUT**	Erection of 200 dwellings (70 affordable and 130 open market) with associated highways, drainage, landscaping and public open space.	Land North of Ansford Hill, Ansford, Castle Cary	Wyke Farm Ltd and Andrew Hopkins Concrete Ltd
9	CAMELOT	18/03296/FUL	Proposed development of 9 dwellings with access and landscape planting provision.	Land Adjacent Englands Mead Queen Camel Yeovil Somerset	Mr John Ryall
10	NORTHSTONE, IVELCHESTER, ST MICHAELS	20/00251/OUT**	Outline application with all matters reserved for the erection of a dwelling	Land South of Chilthorne Knapp, Chilthorne Hill, Chilthorne Domer	Mr Mark Warren
11	WINCANTON	19/01725/FUL	Change of use of ground floor/basement from a cafe (Use Class	2 South Street, Wincanton BA9 9DL	Mr Christopher Bristow

			A3) to a residential unit and alterations to rear elevation.		
12	BRUTON	20/00337/S73	Application to vary condition 2 (approved plans) of planning approval 18/03479/FUL to substitute approved drawings with revised drawings to allow changes to layout, design and landscaping.	Land At Burrowfield, Bruton Somerset	Mr Matthew Butler

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

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

Agenda Item 8

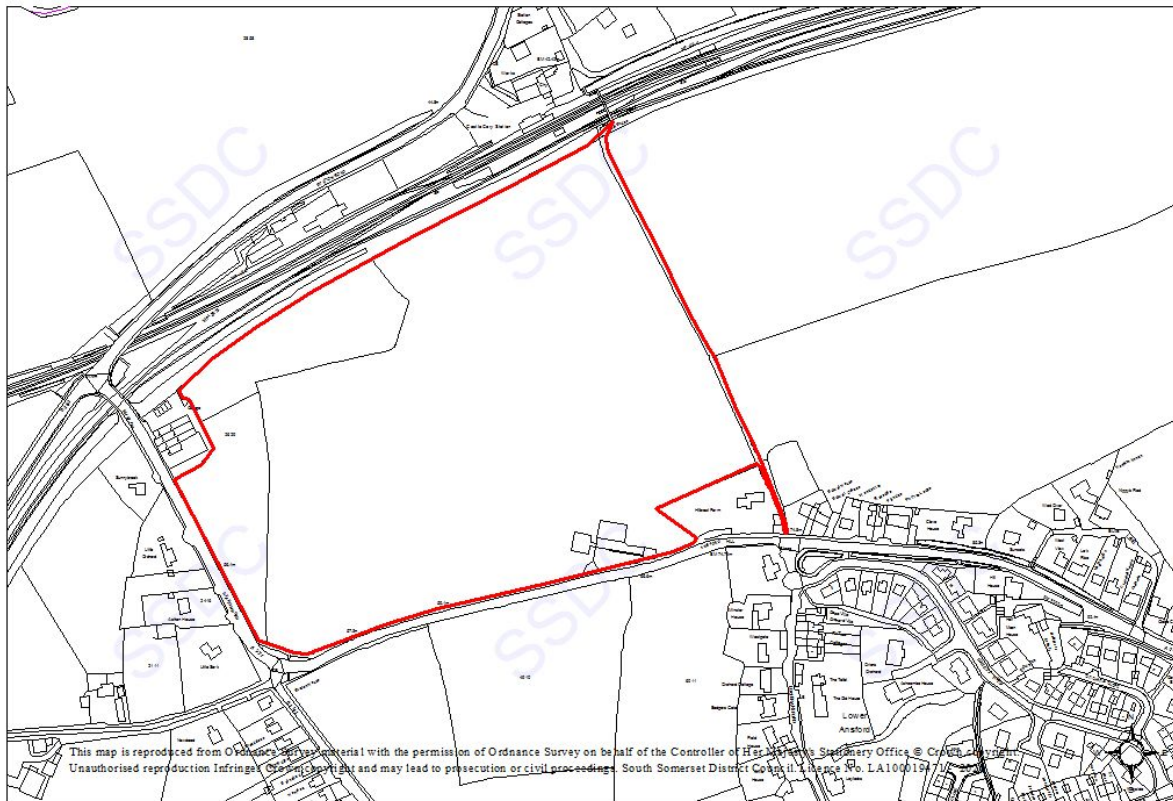
Officer Report on Planning Application: 19/01840/OUT**

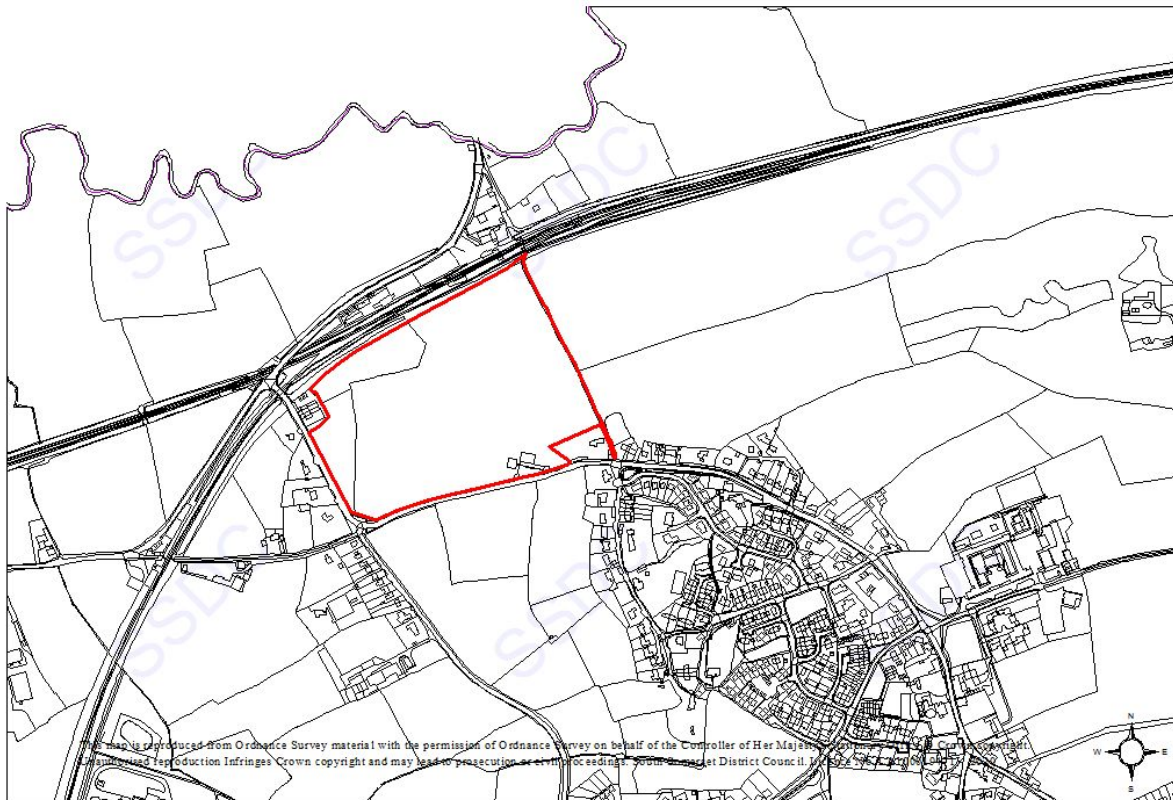
Proposal :	Erection of 200 dwellings (70 affordable and 130 open market) with associated highways, drainage, landscaping and public open space.
Site Address:	Land North of Ansford Hill, Ansford, Castle Cary
Parish:	Ansford
CARY Ward (SSDC Member)	Cllr K Messenger Cllr H Hobhouse
Recommending Case Officer:	Stephen Baimbridge Tel: (01935) 462497 Email: stephen.baimbridge@southsomerset.gov.uk
Target date :	2nd October 2019
Applicant :	Wyke Farm Ltd And Andrew Hopkins Concrete Ltd
Agent: (no agent if blank)	Roach Planning And Environment Ltd, 5 Orchard Gardens Teignmouth TQ14 8DP
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

Reason for referral to Committee

The application is referred to the Area East Committee because, as a scheme of 200 dwellings, it falls under the 'major, major' category.

In collective agreement with the Leader, Portfolio Holder, Area Chairs, Director (Service Delivery), Monitoring Officer, and Lead Specialist (Planning) all major applications will be 2 starred for the immediate future to safeguard the Council's performance, pending a more substantive review. This application is 2-starred under the Scheme of Delegation meaning the application will be referred to the Regulation Committee if the Area Committee resolves that the application should be refused.





Site Description and Proposal

The site lies to the north of Ansford and Castle Cary and is adjacent to the A371, known as Station Road and leading to Ansford Hill to the site's southern boundary. To the immediate north is the railway line and Castle Cary railway station. The land is currently farmland and mainly sown for winter wheat. Topographically, the site slopes down towards the north and northwest. The site is mainly bound by existing hedgerows; there is also an established hedgerow that runs through part of it. The southern boundary is a low hedge affording views into and across the site from the A371 on Ansford Hill. On the south west corner there is a low stone wall (opposite the junction with the B3152), and there are also some dwellings to the west of the site.

On the south side adjacent to the main access there are existing farm buildings and a concrete yard. Overhead power cables run across the site. Public footpath WN 2/16 runs on the eastern side of the site, connecting the A371 to the railway station.

A number of documents have been submitted in support of the application including an indicative layout plan, access plan (access being the only issue of detail to be considered at this stage), highway estate layouts, landscaping plans, flood risk assessment and associated plans, arboricultural assessment, transport assessment and addendum, ecological assessment, geotechnical assessment, landscape and visual impact assessment, affordable housing statement, and noise assessment.

The planning application falls within the scope of Schedule 2 Section 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations'). The Local Planning Authority is required to make a formal screening decision as to the requirement for Environmental Impact Assessment because the proposed development includes more than 200 dwellings, and the site exceeds 5 hectares. The screening opinion was issued on the 25th June 2019 and concluded that an Environmental Statement was not required.

Planning History

There is no relevant planning history on this site to report.

Planning Policy and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2 and 47 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006-2028 (adopted March 2015) and the Castle Cary and Ansford Neighbourhood Plan adopted January 2018.

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS4 - District Wide Housing Provision

Policy SS5 - Delivering New Housing Growth

Policy SS6 - Infrastructure Delivery

Policy LMT1 - Ansford/Castle Cary Direction of Growth

Policy HG3 - Provision of Affordable Housing

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ3 - Historic Environment

Policy EQ4 - Biodiversity

Policy EQ5 - Green Infrastructure

Policy TA1 - Low Carbon Travel

Policy TA4 - Travel Plans

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

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

Castle Cary and Ansford Neighbourhood Plan (adopted 14th November 2019)

Policy DP1 - Development Standards and Design Principles

Policy HOU2 - Housing Development in the Direction of Growth

Policy TRA1 - Opportunities to development the Transport Network

Policy TRA2 - HGV Traffic at Local Hotspots

Policy ENV1 - Protection of Green Corridors and Natural Environment

National Planning Policy Framework (as revised)

Paragraph 11 notes that decisions should be apply the presumption in favour of sustainable development.

Chapter 4 - Decision making

Chapter 5 - Delivering a Wide Choice of High Quality Homes

Chapter 12 - Achieving well-designed places

Chapter 15 - Conserving and Enhancing the Natural Environment

Chapter 15 - Conserving and Enhancing the Historic Environment

National Design Guide (NDG)

The Design Guide sets out how well designed places can be achieved and forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The NDG sets out the ten characteristics of well-designed places.

South Somerset Historic Environment Strategy

The HES is designed to set out a 'positive strategy' to support and supplement the broad policies contained in the South Somerset Local Plan (2006 - 2028) and the NPPF. The HES is to be read alongside the policies in the Local Plan and the guidance in the NPPF and will be a material consideration in decision-taking on planning applications.

Consultations

Ansford Parish Council

Ansford Parish Council cannot therefore support or justify this application, and firmly rejects this opportunistic proposal for the following reasons:

The proposal is non-compliant with various policies of the Local Plan and Neighbourhood Plan. The site is situated beyond the designated housing development area and a prime agricultural field that contributes as a resource and to the rural character of the area. It should be safeguarded from urban sprawl.

The number of new homes currently under construction far exceeds the total amount projected in the Local Plan. Further housing should not be permitted.

There is no evidence to show that this scheme passes appropriate sustainability criteria, in terms of demand for local employment, the ability for the town centre to absorb a substantial increase in the number of new residents, a lack of school places, and limited capacity at doctor & dentist surgeries.

The site is relatively detached, without a direct bus route. There will be a significant increase in car usage causing further congestion within the town centre and compounding an extent under-supply of parking.

Concerns over pedestrian safety between the site and schools and other amenities, with no marked crossing points along the busy A371 main road.

The negative features outweigh the limited benefits for the local community.

Castle Cary Town Council

Object. Unsustainable form of development on a site within the open countryside, outside the boundary of the settlement and not within the direction of growth or within any area proposed for development in any adopted plan or in the preferred options for emerging local plan policy. Wholly inconsistent with national and local policies for protecting the open countryside, and in particular is contrary to the NPPF para 170, policies SD1 and SS1 of the adopted Local Plan and policy HOU2 of the Castle Cary and Ansford Neighbourhood Plan.

Furthermore the site is in a particularly prominent location visible from the railway station and other approaches to the town from the north, thereby constituting an important part of the landscape setting of Castle Cary and Ansford; the proposal would be highly detrimental to this setting of the town and to the landscape character of the area, and is therefore contrary to policy EQ2 of the adopted Local Plan.

Highway Authority

Content that there will not be a major impact on the highway infrastructure as a result of this development. Whilst a certain level of vehicular trips will be generated, the Transport Assessment shows the surrounding highway network can accommodate the level of increase. If conditions are deemed appropriate to secure improvements SCC would be in support. Require conditions to be imposed relating to highway/access construction, drainage, CEMP, gradients, parking provision, Travel Plan, and no obstruction of visibility splay above 600mm.

SCC as Lead Local Flood Authority

Initially objected, following further information the LLFA are in principle happy with the proposals. In the detailed design further consideration must be given to the use of SuDS for multiple benefits not just flood risk; steep sites do not preclude their use. The surface water flood map should form part of the constraints plan for the development, informing the site design. Need to ensure the scheme can be adopted (particularly at this stage). Would be uncomfortable

with dwellings within the areas of risk. Further discussion needed with Network Rail to understand their requirements and how this might impact the drainage going forward. Recommend condition relating to submission of surface water drainage scheme.

Environment Agency

The application does not fall within their consultation parameters so please rely on the comments of the LLFA.

Education Authority

Ansford Academy, which is the secondary school in the catchment, currently has space available to accommodate the children from this development; therefore, we do not require contributions for secondary at this time.

There is a proposed new school with early years setting which has an allocated site approved with application ref 15/02347/OUT. This now has reserved matters submitted on the Torbay Road site. The totals below will go towards the build of that school so that the pupils from this development can be accommodated:

- 10 x 17,074= £170,740 for early years development
- 64 x 17,074= £1,092,736 for primary school development

(Sports, Arts, and Leisure

There is a requirement for:

On site provision of equipped play - centrally located LEAP of minimum size 892 m2 with buffer zones of at least 30 from activity zone to habitable room façade of nearest dwelling.

On site provision of youth facilities of minimum size of 223 sqm adjacent to the proposed LEAP with minimum buffer zones from activity zone to habitable room façade of nearest dwelling shall be at least 40 metres.

Offsite contribution to the provision of new or enhancement of existing changing rooms at Donald Pither Memorial Ground.

Total financial contribution of £474,006.

SCC Public Rights of Way

No objection subject to appropriate surface to accommodate increased future use, secured as part of legal agreement. Connecting link to WN2/16 to be provided. Proposed works should not encroach on the PROW; health and safety of users to be taken into account. Possible temporary diversion/closure to be authorised prior to any interference.

Network Rail

Network Rail can confirm that there are no capacity concerns at the station and a development of this size is unlikely to have a detrimental effect on the station. Network Rail does not object to this development. There is no analysis of the development's impact on the station in the Transport Assessment (updated rail service information was submitted as an addendum).

Somerset Waste Partnership

Vast majority of properties have direct access to an adopted highway with the only exception being plots 182-186 inclusive, 199 & 200, so should this layout move forward then a collection point near the public highway would need to be designed in for these properties. The current documents don't appear to give details of exact gradients across the development, if the application progresses and there are steep gradients or steps to/from some of the plots then we would need to make sure this is acceptable from a collections point of view (knowing the local area here I believe this site might be quite steep in places).

Designing Out Crime Officer

No objection.

SSDC Housing

I am happy that the Housing Associations involved feel comfortable with their tenure mixes and the housing market need for this area. My only comment now would be that the affordable rent levels (inclusive of any service charges) are capped at LHA rates.

Somerset Ecology Services

No objection to this application provided the conditions are applied relating to a Construction Environmental Management Plan (CEMP), Mitigation Compliance, Landscape and Ecological Management Plan (LEMP) to be submitted (condition to provide details of requirements), Trees and Hedgerow protection, Bats/external lighting of boundaries, works to protect badgers/works, invasive non-native species protocol to be submitted, Biodiversity Mitigation and Enhancement Plan (BMEP).

Wessex Water

Capacity within the Castle Cary sewerage treatment catchment is generally limited. There is not enough capacity within the receiving foul network to accommodate the additional 200 dwellings. However Wessex Water will plan and execute capacity improvements to support new approved development in accordance with the new charging arrangements as effective from June 2018. Developers will be required to meet certain infrastructure charges.

South West Heritage

The submitted geophysical survey indicates there is potential for archaeology of local significance on the site that will require recoding before being impacted by the development. This is likely to require some trial trenching and subsequent excavation of certain areas of the site. Recommend programme of works and written scheme of investigation as requested in the National Planning Policy Framework (Paragraph 199), secured by the use of the following conditions attached to any permission granted.

SSDC Environmental Health (Noise)

Without mechanical ventilation there is potential for significant disturbance at night; all properties along the norther boundary will require mechanical ventilation.

SSDC Streetscene

Would prefer a more centrally located green space on the site, but due to the amount of public open space proposed happy for the application to continue.

Strategic Planning

An explanation of policies SS1, SS5, and LMT1. Ansford and Castle Cary is a Local Market Town with a housing target of 374 dwellings in the Plan period. The Local Market Town as at 31st March 2019 had exceeded that target by 291. The direction of growth is the most sustainable area for growth.

The Castle Cary and Ansford Neighbourhood Plan supports the delivery of strategic policies in the Local Plan including the direction of growth for the town. Policy HOU2 was highlighted which seeks to pause further housing proposals within the direction of growth without clear evidence that it will meet an identified local need in the NP area and hinterland that cannot be met elsewhere.

Representations

There have been 50 responders all of whom object to the proposal (mainly local residents but including Campaign to Protect Rural England (CPRE) and Care4Cary). The full submissions can be viewed on the Council's website; they are summarised as follows:

- The proposal will result on development on open farmland and would add to the significant overdevelopment of Castle Cary

- Site is outside the natural and historic boundary of the town, and straddles two distinct local landscape character areas (Upper Cary Vale and Folding Hillsides)
- The development will harm the landscape setting of both the town and the railway station, a much loved heritage asset. The station is identified as a non-designated heritage asset of local significance, and its setting should be fully considered. The location is an entry point to Castle Cary and contributes towards rural tranquillity for visitors to the area, which would be totally spoilt by a development of 200 houses
- There are currently more than 500 new dwellings being built, far exceeding the minimum 374 in the Local Plan. This is unsustainable in a small town. These developments should be completed first so the impact on the town can be assessed
- Would result in insensitive over development and several hundred more dwellings being added to Castle Cary, a progressively overwhelmed market town, putting an unacceptable strain on local infrastructure, facilities and services including schools and medical. There are already three major developments taking place in the town
- The site is too far from the centre of the town, not on a direct bus route, and not in a location where it is practical to walk to local facilities and employment. As a result the development will contribute more cars and congestion, incompatible with reducing emissions
- There will be a huge increase in traffic, and the submitted information is questioned. Ansford Hill unsuited to accommodate the additional traffic generated, a route which is dominated by HGVs
- Crossing the A371 is hazardous and pedestrian safety would be compromised, particularly if further crossing points are added
- The fields in the area are often waterlogged and this winter has seen flooding, including on the A371. Building on the site would impair the flow of water still further, possibly having implications for the rail track. Development could have an impact upon the River Brue
- Site is outside the Neighbourhood Plan and the adopted Local Plan, both of which should dictate planning decisions
- The Council's 5 year land supply is not alone justification to grant permission for this development due to strong landscape issues
- Proposal is not in accordance with paragraph 170 of the National Planning Policy Framework, Policies SD1, SS1 and EQ2 of the Local Plan and policy HOU2 of the Neighbourhood Plan which requires clear evidence for housing to meet a clearly identified local need
- Construction of the scheme will mean it will be more convenient to shop elsewhere
- Will result in loss of prime agricultural land
- The site contains an untouched historical 18th century Turnpike Road which should have a full archaeological investigation
- The development will bring limited or no benefits to the local community

OFFICER REPORT

Principle of Development

The site lies outside the defined settlement area of Ansford and Castle Cary as shown in the adopted Local Plan. It is not identified for further residential development. Policy LMT1 shows a direction of strategic growth for the town however, this site lies beyond this identified area for development.

The proposed development would add two-hundred dwellings to the total number of deliverable dwellings in the Plan period. This would take the total number far in excess of the figure set out by policy SS5 and would take the quantum of development out of kilter with the level of growth envisaged for the Local Market Town in policy SS1.

The extra housing would assist the Council in meeting its total district-wide housing target for the Plan period of 19,950 as set out by policy SS4.

It should also be noted that the Council has been unable to demonstrate a five-year housing land supply, meaning paragraph 11d) of the NPPF and the 'tilted balance' is in play. This means development plan policies most important to the determination of the application are out-of-date and should be afforded them limited weight. It is considered those policies most important are those in the Local Plan policies and Neighbourhood Plan seeking to limit the distribution and quantum of housing growth. The tilted balance also means approving applications for housing unless the harm of doing so would significantly and demonstrably outweigh the benefits of the proposal.

The Council has previously received legal advice from both Counsel and our solicitor that exceedance of the minimum housing figure set out in policy SS5 should not be considered significantly and demonstrably harmful. That is unless that exceedance can be demonstrated to result in tangible planning harm. Otherwise, it amounts to exceedance of a minimum arbitrary figure in an out-of-date policy.

Therefore, the overall quantum of development of this proposal, cumulatively with others completed and committed, is not considered to be significantly and demonstrably harmful.

It should be noted that policy HOU2 of the Neighbourhood Plan is concerned solely with housing growth within the Direction of Growth as defined by Local Plan policy LMT1 of the Local Plan. The proposal falls significantly beyond the area identified as the Direction of Growth.

Landscape and Visual Impact

The impact the development of this large site is a crucial issue to consider when determining this application. The landscape and visual impacts are to be considered carefully before making a decision on this proposal.

A large number of the objections received referred to the fact that the site will harm the landscape setting of the town to the south and the railway station to the north. It is evident that the site is open and clearly visible upon approach from the north. Physically there is a distinction between the location of the site and the settlement to the south; objectors referred to the site being beyond the "natural boundary" of the town and there is a clear transition between urban and rural when approaching the site from both directions. The ridgeline to the south of the site helps to define that transition effectively, and places this site on sloping land outside the containment that the topography provides.

The Council has worked closely with the Parish and the Town Council to best understand local opinion on the value of the site as a landscape resource, and consultants were commissioned to review the heritage impacts and the Landscape and Visual Impact Assessment (LVIA) that was submitted in support of the application. Their response notes that whilst the LVIA broadly follows established methodology there are areas that lack clarity, which brings the judgements subsequently made into question. An important part of an LVIA is ensuring that certain receptors are chosen, and impacts upon them assessed, in a robust manner. The methodology used in defining landscape and visual receptors is questioned by the Council's consultants along with how their sensitivity to change is evaluated.

The impact upon the nature of the site is clearly significant and will change it permanently. The LVIA indicates that landscape mitigation will reduce the impact to "moderate-major adverse". It is clear that with a development of this size on open, sloping farmland that there will be a fundamental change from the current baseline nature of the site. The impact is permanent, and considered to be major adverse.

As well as the on-site impact, the development will have a permanent and adverse impact upon the character of the area. Whilst the LVIA accepts this, the Council's consultants feel it underplays the level of negative impact. The development is deemed to have a permanent, moderate-major effect - a significant effect - on the landscape in this area. The transition northwards from the town to this site is a clear move into a rural area and essentially undeveloped area, where there is a high susceptibility and sensitivity to change. A development of 200 dwellings will impact greatly on the identified character in a locally valued landscape.

In terms of the setting of the town to the south, the LVIA notes a moderate adverse impact but the basis of the judgment is not clearly explained. As noted above there is a clear shift in character when coming out of the town and this development would inevitably add a suburban character to this area, altering the relationship between the rural and urban area. The development would result in considerable harm to the setting of the town, and of the public perceptions of the town and enjoyment of the countryside setting, by allowing development to bleed over the ridgeline onto this site. The impact upon the setting of the railway station has also been noted as a concern.

In terms of visual amenity, the LVIA notes that the impact upon views is relatively localised and that the main impacts will be to people using the highways and public rights of way in the area. The significance of the effects is an area of contention between the LVIA and the Council's consultants. It is considered that there is a permanent, major adverse - significant - effect on the visual amenity of people at the railway station, walkers of the A371 and the public footpath on the eastern edge of the site, and a major-moderate impact upon motorists, rail passengers and users of other public rights of way in the area.

It is evident that the development of this site will have a permanent, significant and demonstrable impact from a visual impact and landscape character perspective. Localised views will be permanently and adversely affected. From a development plan perspective the most relevant policy in the Local Plan is EQ2, which requires development proposals to conserve and enhance the landscape character of the area and consider the local area character and site specific considerations. It is considered that the proposal is contrary to policy EQ2 for the reasons given above.

Historic Environment

As aforementioned, a Heritage Assessment was commissioned. It set out a study area of a 500-metre radius. Within the study area, there are six listed buildings and a greater number of non-designated heritage assets in close proximity and within the site.

The heritage assets most affected are the non-designated heritage assets of the railway station, and the remains of the former turnpike road, which stand as an earthwork within the site.

The assessment identified that the proposed development will result in changes to the setting of the non-designated Castle Cary Station. The sense of the building as a rural station isolated from the settlement will be eroded. However, there will be no direct physical impacts to the station building. Overall, this erosion of the station's isolated rural setting is considered to result in less than substantial harm to the significance of the building, which is a non-designated heritage asset that contributes to the local character and sense of place.

Within the site is remains of the former turnpike road, which survives as an earthwork within the site and has done since the turnpike was diverted for the railway in the 18th Century. The proposed indicative layout shows development that would result in the total loss of this section of historic routeway, a non-designated heritage asset of low importance. An alternative layout could preserve this feature of the historic landscape. A programme of archaeological work was also suggested through the imposition of a condition.

Local Plan Policy EQ3 notes that "heritage assets will be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place.... All new development proposals relating to the historic environment will be expected to safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets..."

The NPPF paragraph 197 states that "in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." The harm to Castle Cary Station is not considered to approach "substantial" (for which greater justification would be required to reflect the additional policy tests that such harm requires for designated heritage assets). However, the proposals are in conflict with the South Somerset Historic Environment Strategy, which notes that "The Council may support development proposals that would affect a local heritage asset or its setting, where it is demonstrated that the development proposal will not harm the historic, architectural, cultural, or landscape interest."

Overall, the proposal is contrary to policy EQ3 and the Council's Historic Environment Strategy but the harm identified is 'less than substantial' and would be outweighed by the public benefits of the scheme. The proposal is not therefore, in respect of the impact of the heritage assets, considered to be contrary to the NPPF.

Site Layout and Design

The application is in outline only and access is the only matter not reserved for future consideration. An indicative layout plan has been submitted along with plans showing the estate road layout and landscaping. These demonstrate that the site can accommodate 200 dwellings with a considerable amount of open space, although it is possible that at detailed design stage some alterations would have to be made to best accommodate the development upon the site's topography.

A number of landscaping plans have been provided based upon this illustrative layout, and show the retention of a large part of the existing hedge and the substantial oak, a number of new native trees (with the potential for additional climbers/shrubs), grassed amenity space, pedestrian paths, and areas of green frontage between dwellings and the estate road.

A plan of the access arrangement with a 4.5m x 90m splay has been submitted for consideration. This will result in the provision of a footway, widened carriageway and the removal/setting back of the existing vegetation (and concrete block wall) on the frontage.

Transport/Access

The application was supported by a number of indicative estate road layouts and a Transport Assessment, which audits the suitability of a number of routes in the locality and provides information relating to the highway use, includes peak time modelling for the site itself based on 200 units. An addendum was also provided which set out the rail services available at Castle Cary Station, along with the view that the development will generate more customers of those services with the majority accessing the station by foot.

The issue of transport is an important one; in particular, the potential impact upon the A371 as the adopted Neighbourhood Plan notes, in Policy TRA2, Ansford Hill as a HGV Hotspot, and therefore an additional access onto it requires careful consideration.

A Walking, Cycling and Horse-riding Assessment Review has been undertaken; this considers collision data (noting six Personal Injury Accidents during the last five year period in the vicinity of the site, only one of which involved a non-motorised vehicle user). It notes the availability of bus and rail services and reviews the multi-modal trip generation information. The report

assesses the "walkability" of a number of local services and assesses the available routes and their quality. A link from the development to public right of way WN2/16, which will allow pedestrians to access the railway station as well as provide an alternative route towards the town.

Whilst the Highway Authority consultation response notes that cycling and walking infrastructure improvements would be welcomed as part of the development, secured via an appropriate condition/ legal agreement, it is considered that the development has suitable connectivity and subject to certain linkages/improvements the development could be considered acceptable from this perspective. It is noted that a travel plan would also be required, secured via obligation. The proposed access from the A371 on Ansford Hill is acceptable (subject to construction and gradient details being submitted and approved).

There has been discussion about provision of a pedestrian/cycle crossing. However, it has been accepted that this is not required from this particular development as it was a requirement of the Wayside Farm planning application (ref. 14/05623/OUT), which was granted on appeal and is underway.

Drainage

The application is supported by a number of documents, including plans and a Flood Risk Assessment, to allow consideration of the potential drainage implications of developing this site. The site is not within a Critical Drainage Area, and is within Flood Zone 1. Some ponding was noted on part of the site, and the FRA indicates this would have been caused by the railway embankment and boundary wall on the site, combined with non-permeable strata. The drainage strategy indicates an attenuated drainage system designed to 1 in 100 years plus 40% for climate change (and would mean the introduction of a drainage system would remove the ponding effect that has been evident).

The proposed solution can provide betterment and would be designed in accordance with best practice, the West of England Sustainable Drainage Developers Guide that the LLFA has adopted, and CIRIA 753 (SUDS manual). The LLFA has recommended a condition if planning permission is granted.

Ecology

An Ecological Impact Assessment was undertaken and records the results of a survey, which noted the existence of habitats and species on the site. It notes the species-poor hedgerow across the site has a value for bats, the existence of a badger sett and latrine, and other species present/using, or potentially using, the site.

The planning system requires biodiversity net gain to be delivered through decision-making. If this application were to be deemed acceptable it would be necessary to ensure measures are implemented that provide for net gain. The Ecological consultee has recommended a number of conditions that should be imposed on any grant of planning permission to manage the construction phase and to provide for biodiversity net gain and ongoing habitat provision.

Noise

As the site is located adjacent to the busy A371 Station Road and in close proximity to the main railway line, a Noise Impact Assessment was undertaken and submitted in support of the application. The northeast aspect was chosen as the most appropriate location to provide a worst-case scenario in terms of potential impact upon the proposed residences.

The Assessment recommends, with reference to British Standard 8233:2014 "Guidance on Sound Insulation and Noise Reduction for Buildings" and WHO guidelines, that mechanical ventilation is installed throughout the proposed development to ensure that residents are not reliant on open windows that may compromise sound insulation performance (as inevitably

windows and trickle vents are a weak point in terms of sound insulation on a façade). Glazing requirements are also proposed to limit noise impacting on residents. The Assessment notes that windows can of course be opened at the occupants' discretion.

Subject to a condition in line with the above, the Environmental Health Officer was satisfied with the scheme.

Obligations

The Education Authority would be seeking £1,263,476 early years and primary school development.

The Heads of Terms submitted suggest it would be willing to pay also for 28 secondary places, amounting to £696,108 based on pre-application advice sought from the Education Authority. However, this application benefits from more up-to-date advice so only the amount give above for early years and primary education could be sought.

Policy HG3 of the adopted Local Plan applies and this requires 35% of the dwellings to be affordable, subject to viability. An Affordable Housing Statement has been submitted with the application and notes that of the 70 affordable units that would be provided, 56 of them would be social or affordable rented (80%) and 20% would be starter homes.

The Heads of Terms states that a local equipped area of play (LEAP) and a youth facility will be provided on-site. The LEAP would be 892m² based on 2m² per person, with 446 people from 200 dwellings), and the on-site youth facility would be 223m² (based on 0.5m² per person).

The agent was originally prepared for the developer to provide the LEAP and youth facility (including the relevant equipment) but later agreed to pay the financial contribution of £474,006 instead.

The Highway Authority proposed that the following be secured through a S106 on grant of outline consent:

- o Travel Plan
- o New access road with right turn lane generally in accordance with drawing number 0720 P2 although the footways should be no less than 2m in width
- o Links to the public footpath to the north east and the station (Please see note below)
- o A range of internal cycleway/footway routes providing site permeability
- o Improvement of the existing footway along the Ansford Hill frontage to no less than 2m wide
- o As appropriate, a suitable formal pedestrian/cyclist crossing point in the South West corner of the site linking to existing infrastructure southwards on B3152 Station Road

As stated above, the latter point regarding a crossing is not deemed to be reasonable given the obligation placed on Wayside Farm planning application (ref. 14/05623/OUT), which was granted on appeal and is underway.

The developer has agreed to resurface the footpath along the eastern boundary of the site, from the railway station gate at the northern end of the footpath to the junction with Ansford Hill at the southern end.

In further discussions with the agent, it has also been agreed that the developer would be willing to provide new street lighting - subject to them being sensitively designed and appropriate to the semi-rural location of the site - to enhance pedestrian and cycle safety.

The scheme would also be liable for CIL at the reserved matters stage.

Conclusion

The site is currently open farmland and lies on sloping land beyond the ridgeline that helps to contain the northern extremity of the settlement. The topography helps to define an obvious distinction between the built development of the town and the open countryside; this site is clearly in the open countryside that frames the setting of the town and as such development of this site for residential purposes would extend into the open countryside in a visually intrusive manner. The application is therefore contrary to Policy EQ2 of the South Somerset Local Plan (2006-2028), Policy DP1 of the Castle Cary and Ansford Neighbourhood Plan, and paragraph 170 of the National Planning Policy Framework.

The development of 200 dwellings on this site would have social and economic benefits including the contribution of affordable housing and open market housing to district-wide housing supply, increased patronage of local services, increased linkages of the Local Market Town to the train station, and those benefits associated with construction. However, the adverse impacts upon the landscape and local character of the town would significantly and demonstrably outweigh the benefits. Permission should therefore be refused.

RECOMMENDATION

Refuse

For the following reason:

The development, by reason of its scale and location, represents a visually obtrusive encroachment beyond the town's obvious physical and topographically informed limits and into the open countryside, to the detriment of local and landscape character. This harm would significantly and demonstrably outweigh the benefits of the proposal and would be contrary to policies SD1, SS1, SS5, EQ2, EQ3, LMT1 of the South Somerset Local Plan (2006-2028), policy DP1 and the aims and objectives of the Castle Cary and Ansford Neighbourhood Plan (2019), and the provisions of the NPPF.

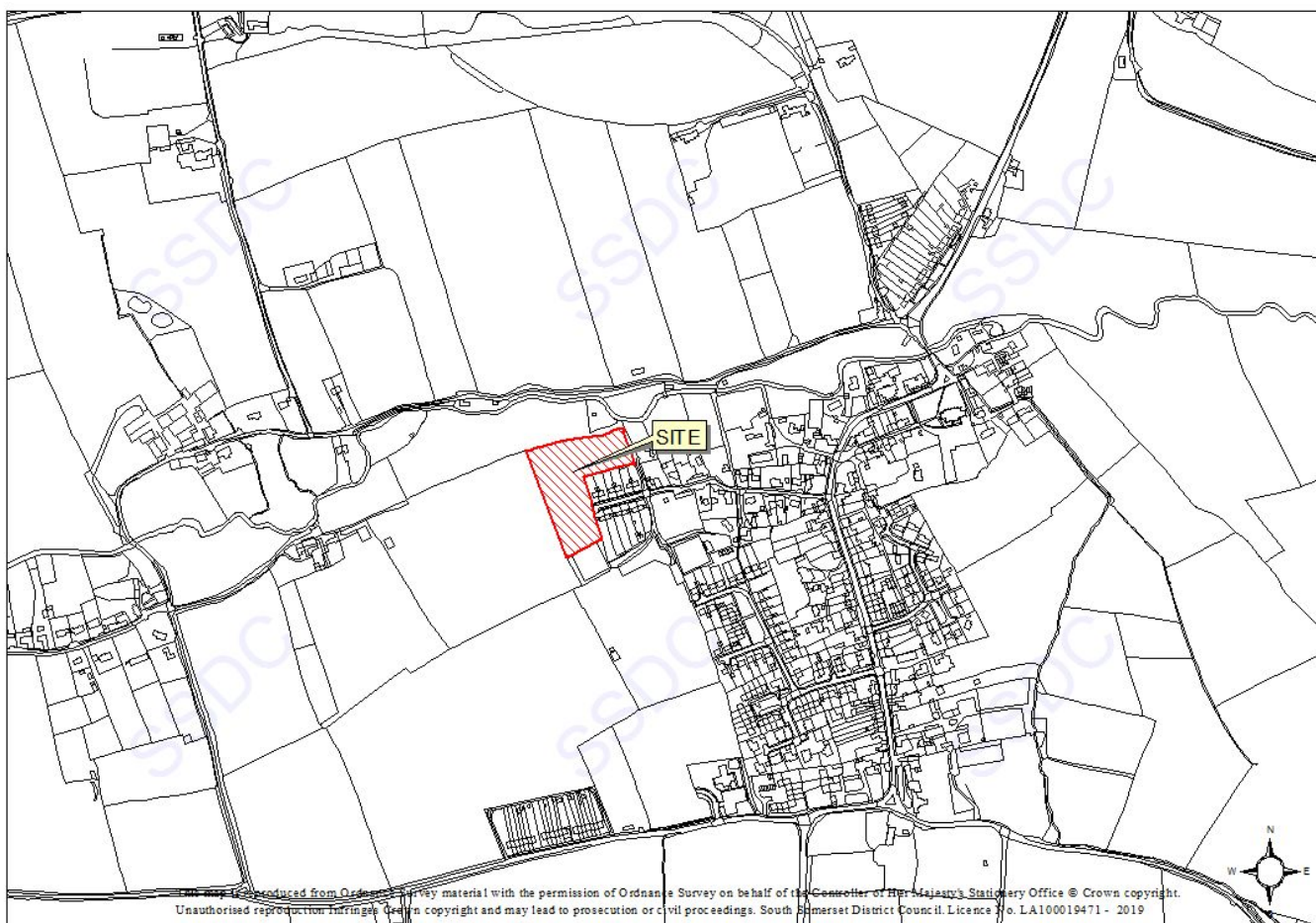
Agenda Item 9

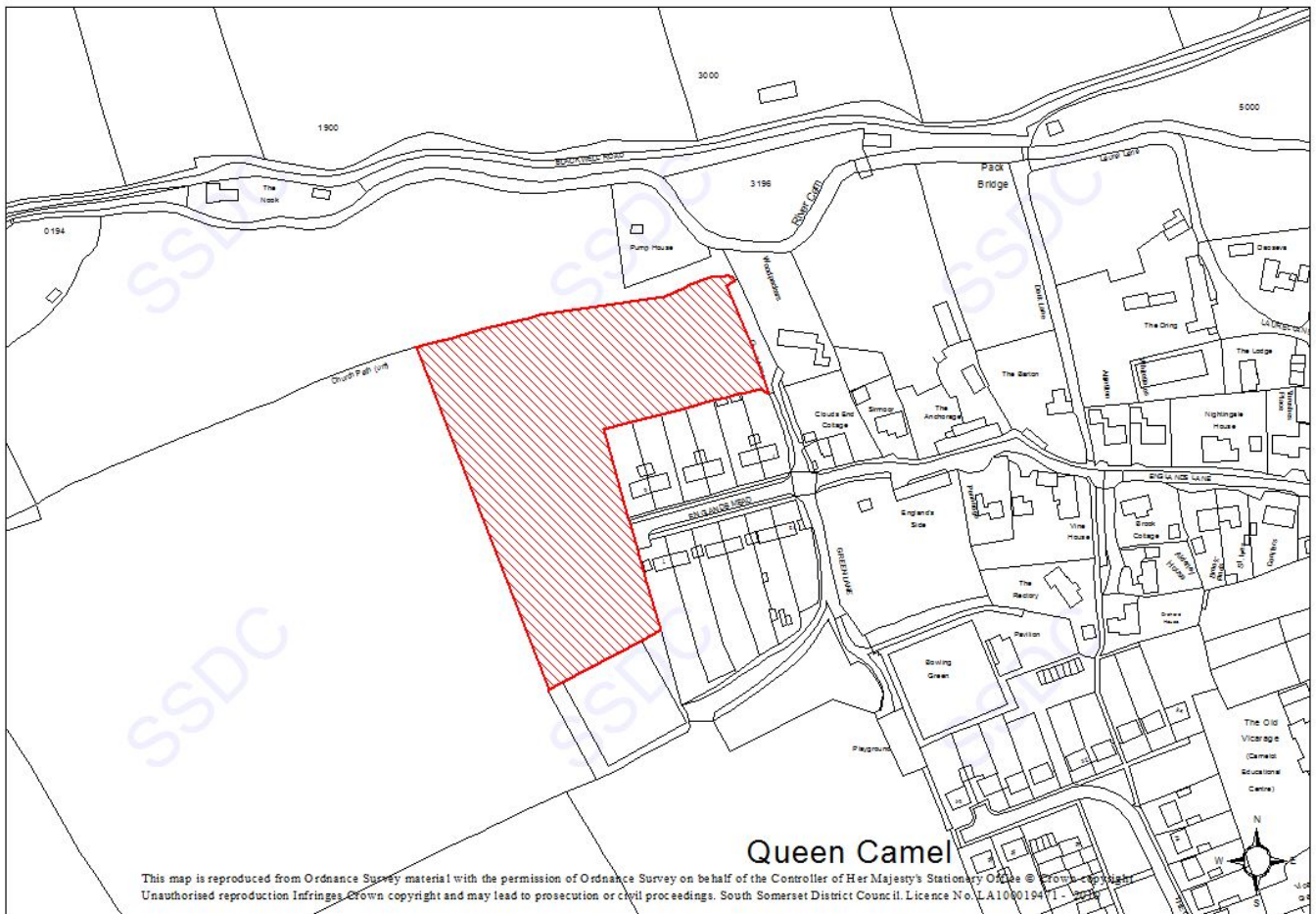
Officer Report on Planning Application: 18/03296/FUL

Proposal:	Proposed development of 9 dwellings with access and landscape planting provision.
Site Address:	Land Adjacent Englands Mead, Queen Camel
Parish:	Queen Camel
CAMELOT Ward (SSDC Member)	Cllr M Lewis
Recommending Case Officer:	Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date:	29th April 2019
Applicant:	Mr John Ryall
Agent: (no agent if blank)	Greenslade Taylor Hunt Winchester House Deane Gate Avenue TAUNTON TA1 2UH
Application Type:	Major Dwlg 10 or more or site 0.5ha+

REASON FOR REFERRAL

The application has been referred to Area East Committee at the request of the Ward Member and with the agreement of the Area Chair to allow for the local concerns to be discussed further.





SITE DESCRIPTION AND PROPOSAL

This application is seeking full planning permission for the residential development of this site. The scheme as originally submitted sought the erection of 10 dwellings but has since been amended to reduce the overall number of dwellings to 9.

The site comprises part of an agricultural field that adjoins the northwest edge of Queen Camel and wraps around the north side of the residential development known as Englands Mead. There is an existing field access that leads directly into Englands Mead which in turn leads in to Englands Lane, which is a narrow, poorly aligned no through lane (unclassified) that egresses on to the A359.

The site adjoins the northwest edge of Queen Camel's designated conservation area and there are a number of listed buildings in the vicinity including Cloudsend Cottage (grade II) which is situated just to the southeast of the site. There is a public right of way (footpath WN 23/7) that passes along the north boundary of the site. The site is located within flood zone 1 (low risk) with the exception of its northern end which is located within flood zone 2 (medium risk). The River Cam is located a short distance to the north. The site is adjacent to an area of high archaeological importance.

HISTORY

No relevant history.

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 - Rural Settlement

SS4 – District Wide Housing Provision

SS5 – Delivering New Housing Growth

SS6 – Infrastructure Delivery

HG3 – Provision of Affordable Housing

TA1 - Low Carbon Travel

TA5 - Transport Impact of New Development

TA6 - Parking Standards

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

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 - Historic Environment

EQ4 – Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

National Planning Policy Framework

Part 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

Planning Practice Guidance (PPG)

Other

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

Queen Camel Neighbourhood Plan (2019-2034) DRAFT

CONSULTATIONS

Queen Camel Parish Council: *Initial comments* - Object for the following reasons:

- Vehicular access to the site is via England's Lane, a narrow lane with bends and limited passing places. The lane already serves circa 40 dwellings plus a busy bowls club, tennis club and playing field, and it would struggle to accommodate any more traffic. The Council is surprised that in a preliminary response to this consultation County Highways expresses reservations about pedestrian access but does not touch on vehicular access. County Highways has previously opposed development likely to increase traffic along the lane by more than 5% and there is no good reason why it would rescind this position.
- Parking provision on England's Lane and England's Mead is limited and many vehicles habitually park on the public highway, further restricting access. Given the tendency of residents (and their visitors) to park as close as possible to their homes it is unlikely that the

- provision by the applicant of further parking would materially reduce this problem.
- Flooding along the River Cam is a serious and recurrent problem in Queen Camel. Parts of the proposed site are less than 100 metres from the river and the Council is concerned that run-off from ten houses and associated paved areas will have a significant impact on river levels. The Nook circa 100 metres from the site (downstream) would be particularly at risk, and also the buildings on the left bank of the Cam near Queen Camel bridge, circa 400 metres from the site (upstream). The Council therefore endorses the Environment Agency's call for a Flood Risk Assessment detailing flood mitigation measures to ensure that the development would not increase the flood risk but ideally reduce it.
 - The draft Queen Camel Neighbourhood Plan reviews the suitability of the site for possible residential development and concludes that it is not suitable for the reasons stated above. The PC recognises that the draft Plan has no legal force but it does represent the fruit of many years of detailed work and local views and interests should not be set aside lightly.

The following subsequent additional concerns were raised:

- Number of four bedroom properties is not supported in neighbourhood plan.
- Concerns over rights of way and conservation area of church Path.
- Layout of houses / repetitive design.
- No local materials being used. There is too much render.

Latest comments in respect of the amended plans – Object for the following reasons:

- Vehicular access along England's Lane which is essentially a single track lane with passing bays and is also used by a large number of pedestrians with increasing numbers of cars and delivery and service vehicles. It was noted that there is increasing traffic with the various popular sports activities accessed by England's Lane. In the past County Highways has only countenanced a potential 5% increase in vehicular traffic but the proposed new development would in itself significantly exceed this limit. The dangers from the significant increase in traffic and more pedestrians, including school children, cannot be over emphasised and the fact that there has not been a significant accident to date does not provide the Council with any comfort.
- Parking. The Council has already commented on this issue but the revised plans do not provide any amelioration and in fact seem to make it rather worse. None of the houses has a garage and the amount of parking at each house looks highly limited. Human nature being what it is residents and visitors will park as near the house they are visiting and so more parking is needed near each house.
- Flooding. The Council notes the addition of an attenuation pond but its position adjacent to the high risk flood zone provides little comfort that the flood risk will not be significantly increased by the development. The attenuation pond will be so close to the natural flood zone that the Council is concerned that it will be counterproductive. Also we have not seen any flood mitigation measures to handle the risk during the construction period.
- Compatibility with the draft Neighbourhood Plan (NP). The draft NP has been submitted to SSDC for examination and, as the Council has already said, this application does not meet the proposals of the draft NP in terms of local support, compatible building styles with the nearby conservation area, or being within the proposed development boundary and it is not needed to meet the housing target numbers, given the other site the Council supports.
- Trees. The Council notes with concern the proposals in the revised plans to remove mature trees along Green Lane which forms part of the historic Leland Way. The Council would not want to see any change in the very rural environment that parts of Green Lane presently provide for walkers.

County Highways: *Latest comments in response to amended plans – No objection subject to conditions.*

These comments should be read in conjunction with the previous Highway Authority consultation

responses and have been written to take the amended site layout into consideration. Referring to the Highway Authority consultation response dated 19 February 2019, no objections were raised, and several planning conditions were requested.

It is noted that a number of objections to the scheme have been received by the Local Planning Authority, many of which citing concerns in relation to the increase of traffic using Englands Lane as a result of the development proposals, as well as the level of parking provision which would be provided within the application site.

Following on from the initial site visit the Highway Authority undertook a full assessment of the proposals which included an assessment of the Englands Lane road alignment, highway geometry and visibility splays onto the A359 High Street. Road collision data was also checked, which confirmed that no accidents had been reported on Englands Lane in the last 3 years. Following on from a review of the TRICS database, the proposed development (9 dwellings) would be expected to generate an average of 6 vehicle trips during the weekday AM/PM peak hours. When taking the existing level of traffic which uses the local highway into account, the proposed development is likely to result in a minor intensification of Englands Lane which is not considered to be severe.

Off-street parking provision at a ratio of three spaces per dwelling is proposed. This level of parking provision meets the recommended optimum parking standards which are set out within the Somerset County Council Parking Strategy.

The latest amended site layout is shown within drawing number 2447-PL02 Rev D and includes the removal of plot 10 and repositioning of Plots 1, 2 and the residents car park. The proposed changes are considered to be minor in nature and the Highway Authority would not wish to raise any objections to the development proposals, subject to the conditions which were recommended within the previous Highway Authority consultation response dated 19 February 2019.

Earlier comments dated 19/02/2019 – Made a number of observations but raised no objection subject to conditions to secure the following matters should the application be approved:

1. Scheme to prevent the disposal of surface water on to the highway;
2. Technical estate road details;
3. Properly consolidated and surfaced footpath, carriageway and turning spaces prior to first occupation;
4. Drives not to be steeper than 1 in 10.
5. Allocated parking areas to be kept free of obstruction.

SSDC Highway Consultant: No comments

SCC Rights of Way: No objection.

There is a public right of way (PROW) that runs through the site at the present time (public footpath WN 23/7). The current proposal will obstruct this footpath due to the proposed fenced boundaries around the development site and attenuation basin. The proposal either needs to be revised to prevent any obstruction or a diversion order applied for. Requested a Grampian condition requiring that no development which will interfere with or compromise the use of the footpath until a path diversion order has been made and confirmed and the diverted route made available for use by the public.

County Education: Requested £68,296 for the cost of four primary school places to meet the need generated by the development.

Leisure Policy: No contribution request received.

Strategic Housing: Policy requires 35% affordable housing split 80:20 affordable: intermediate product based on 10+ dwellings due to recent changes in the NPPF. This new split is evidenced in

the Mendip, Sedgemoor, South Somerset and Taunton Deane Strategic Housing Market Assessment (October 2016).

This would be 4 of the currently proposed 10 units and they would be split: 3 for social rent and 1 for other intermediate affordable housing solutions.

I would like to propose the following property mix:

Social Rent

2 x 2 bed

1 x 3 bed

Other intermediate affordable

1 x 3 bed

County Archaeology: No objections or recommendations.

Initially requested further information on any archaeological remains on the site prior to determination due to the presence of sites of archaeological interest in the area and the lack of information provided to evaluate the impact of the development on archaeology. Following the submission of an archaeological survey of the site they accepted that the site contained nothing of interest archaeologically and confirmed that no further archaeological investigations were required.

Designing out Crime Officer: No comments received in respect of latest plans.

Initial comments - No objection subject to the following comments:

- The parking area for 1-12 England's Mead is isolated with no natural surveillance and would be considered a potential crime generator. It is unlikely to be popular with residents who cannot view their vehicles. It is likely to attract fly tipping / rubbish. Access and escape is easy from the neighbouring field. Please reconsider its placing.

Natural England: No comments

Ecologist: No objection subject to conditions.

Latest comments following receipt of the requested ecology surveys - Further to a Preliminary Ecological Appraisal carried out in March 2019, Quantock Ecology Ltd. undertook a full reptile population survey at an area of land adjacent to England's Mead, Queen Camel, Yeovil, BA22 7NW between the 11th June and the 31st July 2019.

Slow worms were recorded across the north half of the survey area. A maximum count of five slow worms were recorded during the survey. The habitats within the site known to support reptiles will be lost under the current proposals. The proposal may also have a low impact of nesting birds, commuting and foraging bats and badgers.

In accordance with local and national policy, wildlife legislation, and to follow the requirements of the mitigation hierarchy and for biodiversity net gain, please attach conditions to any planning permission granted to secure the following:

- No vegetation removal between 1st March and 31st August in the interests of protecting nesting birds.
- A lighting scheme in the interests of protecting bats.
- Biodiversity Construction Environmental Management Plan.
- Landscape and Ecological Management Plan.

SSDC Tree Officer: No objection subject to a condition requiring a detailed landscaping / tree planting scheme.

Environment Agency: Initially objected but withdrew their objection following the submission of a revised Flood Risk Assessment (FRA).

They went on to note that the revised FRA uses data from the EA's River Cam model (2016) to assess the flood level impacts to the site over the lifetime of the development and that this flood level information confirms that the new dwellings will be situated within the Flood Zone 1 (low risk) part of the site. They further stated that providing the Sequential and Exception tests are positively determined by the LPA they recommended a condition to secure minimum floor levels for the new dwellings.

Lead Local Flood Authority (LLFA): No objection.

They made a number of comments and observations but concluded by stating that they had no objection to the scheme subject to a condition to secure a detailed surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development.

Wessex Water: No objection subject to a condition.

Wessex Water initially objected to the scheme on the basis of the proposed layout but dropped their objection following the submission of amended plans that addressed their concerns. The scheme as originally submitted positioned the dwellings at Plots 3 and 4 over the route of a public water mains that crosses the site, which Wessex Water stated they could not allow. They further requested that no buildings be built within 3 metre easements either side of the public mains and that the easements be detailed on the submitted layout plan in order to demonstrate that the water mains will be protected.

REPRESENTATIONS

Written representations have been received from 13 separate local households all objecting to the proposed scheme. The objections and concerns are summarised in brief below, for full details please refer to the Council's website (www.southsomerset.gov.uk):

- Traffic issues. Englands Lane does not allow for free flowing two way traffic, this includes the junction on to the A359. There are already problems with HGV's and delivery vehicles having difficulties navigating into and along this narrow lane.
- Limited passing places available and no opportunity to widen the road.
- Englands Lane is regularly used by those using the sports facilities at the playing fields. Cars are often parked along Englands Lane on match days due to the limited parking available at the playing field. This can sometimes make it difficult for residents to access their own properties.
- A traffic survey of vehicles using Englands Lane was undertaken on 10 May 2019 and resulted in 297 movements between 07.00 and 18.00. At the time of the survey there were 31 properties that gain access via Englands Lane, two of which were unoccupied. This was repeated the following Saturday when sports clubs were holding matches / practice sessions, when 345 vehicle movements were recorded.
- Insufficient parking to serve the development, displacement of parked vehicles off site.
- The offer of additional parking spaces to serve England's Mead is unlikely to have the desired effect and useful to existing residents.
- The lack of recent accidents is not evidence or argument that significantly increased traffic would not inevitably result in accidents.
- Lack of employment in the village and no public transport that would serve commuters. Add to this additional service and delivery vehicles and Englands Lane would become a dangerous and at times blocked thoroughfare.

- Increased risk to flooding – increased surface water drainage which will put our house, which is in flood zone 3a, along with other properties along Blackwell Lane at greater risk of flooding.
- The attenuation pond for the site is directly opposite my land. Any overflow from the basin would flood my land rendering it unusable or hazardous to my livestock. Where is runoff to be directed?
- The land on which the houses are to be built is situated on a natural bend of the river and is a flood plain for rising water. In order to make the houses safe against flooding the land would have to be built up at least a metre which in turn will redirect flood water to our home which is only 3 metres from the riverbank.
- Harmful to local wildlife.
- The properties are all 3 / 4 bedroom and will not be meeting a local need.
- Not in compliance with the Queen Camel Neighbourhood Plan which has identified other more suitable locations for future development with a balanced mix of houses.
- Conflict with paragraph 63 of the NPPF which requires affordable housing to be provided on sites of 10 or more dwellings
- Conflict with Somerset Minerals safeguarding map.
- Will not deliver any community benefits beyond limited housing provision.
- Who will own and have responsibilities for the public areas.
- Design and finish of the proposed houses is uninspiring and out of character with the village. The houses should be finished in stone and be of a good overall finish with timber windows etc.
- Loss of rural views.
- The photographs submitted as part of the application are out of date and misleading.
- A footpath from the development into Green Lane is suggested together with the removal of several well established trees. This section of Green Lane forms part of the Leyland Trail, the removal of the trees will impact on the sustainability of the path. It is also within a conservation area.
- My property sits next to the site. There will need to be a secure fence along the adjoining boundary to ensure our privacy and security is safeguarded.

A petition has also been submitted, which includes 53 signatures, and objects to the scheme for the following reasons:

- Englands Lane is a very narrow road with few passing places and a blind corner;
- The existing 32 properties along Englands Lane and Englands Mead which use Englands Lane for access account for over 60 vehicles;
- A further 10 properties could increase the traffic by 33%, i.e. a further 20 cars;
- The photographs of cars parked along Englands Mead in the Planning Design & Access Statement are grossly misleading showing only 7 vehicles. In fact, 17 or more can be counted on a daily basis with others parked in gardens or behind house numbers 7-12;
- Englands Lane gives vehicular access to the playing fields and is, therefore, used by different sports clubs (football, cricket, bowls, tennis) for fixtures and regular events. In turn, a considerable volume of additional traffic is generated;
- On match days, cars are frequently parked along Englands Lane as there is insufficient parking on the playing field for players and visitors alike.

CONSIDERATIONS

This application is seeking full planning permission for the residential development of this greenfield site. The scheme as originally submitted sought the erection of 10 dwellings but has since been amended to reduce the overall number of dwellings to 9.

Principle of Development

It is accepted that Queen Camel meets the criteria set out within LP Policy SS2 for being a Rural

Settlement given the level of services and facilities that are available within this village, and that Queen Camel is therefore a suitable location for a modest level of growth provided it is of a scale that is in keeping with the character of the settlement. Policy SS2 also requires that new residential development in Rural Settlements meet an identified housing need, i.e. affordable housing. The current proposal is seeking nine open market houses and so does not technically comply with this requirement.

However, at the present time SSDC cannot demonstrate a five-year housing supply. In these circumstances paragraph 11 of the National Planning Policy Framework states that policies that are relevant to the supply of housing, i.e. Local Plan Policies SS1, SS2, SS4 and SS5, are to be considered to be out of date. It is therefore considered that Policy SS2 should not be applied with regard to restricting residential development in Rural Settlements to only that which is meeting an identified need, instead a more permissible approach should be taken and the principles of sustainable development applied. Only where the following are applicable should the application be refused:

- “1) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- 2) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole”

The latest monitoring figures demonstrate that from the beginning of the adopted Local Plan period (April 2006) to 31st October 2019, 24 dwellings had been completed within Queen Camel. There is also a pending application for a further 43 dwellings (19/01830/FUL) for a site at the southern end of the village. This application is recommended for approval and the decision for this will be issued once the associated S106 agreement has been completed. The addition of nine further dwellings, sought through this current application, would bring the total number of dwellings to 76, a figure that is well below that allocated for Rural Centres, which is the next settlement tier up in the settlement hierarchy. It is therefore accepted that this proposal for nine dwellings along with other sites coming forward in Queen Camel do not challenge the settlement hierarchy as defined within the Local Plan and is an acceptable level of growth for this Rural Settlement.

It is noted that Queen Camel has a draft Neighbourhood Plan (NP) and it is understood that this has recently been submitted for examination by the Planning Inspectorate. As the NP has yet to go through the scrutiny of examination or referendum it does not at this time carry weight in the planning decision making process.

The location of the site at the northwest edge of the village where it sits alongside existing built form and is considered to relate well to the existing settlement, furthermore, the site is within a relatively easy walking distance of the wider village and as such is considered to have good accessibility to local facilities.

Various site specific concerns have been raised by the Parish Council and local residents to the proposed development which will be discussed in the following sections of this report and will form part of the concluding planning balance arguments. However, in terms of principle, it is considered that the scale of development is commensurate with Queen Camel's status as a Rural Settlement and is also commensurate with Queen Camel's scale and character and is well located to be able to access local facilities. For these reasons the principle of the proposed development is considered to be acceptable.

Visual amenity / landscape character / heritage assets

The site forms part of a much larger agricultural field that is located at the northwest edge of the existing village built form. The site wraps around the existing development of Englands Mead to the north and west and seeks to utilise the existing field access that leads directly off Englands Mead. The scale and layout of the development is considered to relate well to existing built form whilst the house designs reflect the traditional character of surrounding development and are considered to be in keeping with local vernacular.

In terms of the local landscape, the site is visible within views from raised ground to the north, including the A303, and there is also a public right of way (footpath WN 23/7) that passes along the north boundary of the site from east to west from which the site is readily visible. As part of the proposal the applicant is proposing a substantial planting scheme including copse type planting around the east, north and west of the site which in time will provide a robust visual buffer for the site from surrounding public vantage points and help to define the built edge on this side of Queen Camel.

It is noted that a small part of the site, the southeast corner where it abuts Green Lane, adjoins Queen Camel's designated conservation area. Given the juxtaposition of the site to the conservation area and the proposed layout and planting scheme it is not considered that the proposal will result in any harm the setting or views into or out of the conservation area. It is noted that there are also a number of listed buildings in the local area, however, it is not considered that the site contributes to the setting of these listed buildings, given the existing intervening built form, as such the proposal is not considered to be harmful to their setting.

For the reasons set out above the proposed development is not considered to raise any substantive visual amenity or landscape concerns and is considered to appropriately respect the setting of the nearby heritage assets.

Residential amenity

The proposed layout is such that future occupiers of each of the proposed dwellings will be served by a good level of private amenity space and will enjoy a good relationship with the neighbouring development. The layout of the development and individual plot design is such that it will not lead to any new demonstrable harm to the residential amenities of existing neighbours. The position and orientation of Plot 4 means that windows in the rear elevation will be quite close to and face towards the rear of 9 Englands Mead, however, any views will be quite oblique and any loss of privacy to that neighbour is not considered to be so significant as to cause demonstrable harm to that neighbour. There are to be no first floor openings within the side gable of Plot 4.

Highway safety

The site is accessed via an existing field access that leads into Englands Mead and in turn Englands Lane which are lightly trafficked no-through roads. It is acknowledged that this access route is poorly aligned and narrow which restricts passing in places which is further hampered by on-street parking, a matter that has raised strong local concerns.

The proposal has been considered by the Highway Authority who raised no objection. Following receipt of the local concerns about highway safety relating to the development and access along Englands Mead and Englands Lane the Highway Authority carried out a further review of the proposal but maintained no objection. Their comments included;

“Following on from the initial site visit the Highway Authority undertook a full assessment of the proposals which included an assessment of the Englands Lane road alignment, highway geometry and visibility splays onto the A359 High Street. Road collision data was also checked, which confirmed that no accidents had been reported on Englands Lane in the last 3 years. Following on from a review of the TRICS database, the proposed development (9 dwellings) would be expected to generate an average of 6 vehicle trips during the weekday AM/PM peak hours. When taking the existing level of traffic which uses the local highway into account, the proposed development is likely to result in a minor intensification of Englands Lane which is not considered to be severe.

Off-street parking provision at a ratio of three spaces per dwelling is proposed. This level of parking provision meets the recommended optimum parking standards which are set out within the Somerset County Council Parking Strategy.”

Bearing in mind these comments and the absence of any evidence to challenge the HA's views, it would be unreasonable to object to the proposed development based on highway safety concerns.

The application is therefore considered to accord with LP Policies TA5 and TA6.

Flooding and drainage

The River Cam passes a short distance to the north of the site and a very small portion of the northeast corner of the site sits within Flood Zones 2 and 3 and is therefore at risk of flooding, however, the remainder of the site is in Flood Zone 1 and therefore at the lowest risk of flooding. This part of the site however forms part of the area to be planted and sits outside the built area (including the associated gardens) of the development. The Environment Agency has raised no objection to the submission of a revised Flood Risk Assessment. It is not considered that the Sequential or Exception Tests apply in this instance given that the part of the site that is within the 'at risk' flood zones.

The development has been amended to include an attenuation feature as part of a future drainage strategy for the development in response to comments made by the Lead Local Flood Authority (LLFA). On the basis of the submitted details the LLFA raise no objection to the scheme subject to a condition to secure a detailed drainage scheme.

In the absence of any evidence to challenge these views, it would be unreasonable to object to the development on drainage or flood risk grounds.

Other matters

- CIL – The development is liable to CIL and the applicant has provided a completed CIL form acknowledging this.
- Obligations – Since the development was amended, reducing the overall house numbers from 10 to 9 it is not possible to seek any planning obligations, such as education or leisure contributions or affordable housing, as part of the scheme.
- Ecology – Following the submission of a Preliminary Ecological Appraisal, the Council's Ecologist has no objection to the development subject to condition.

Planning Balance

The proposal will result in nine additional market houses that will make a positive contribution towards meeting SSDC's five-year housing requirements, a matter that must be given substantial weight in its favour.

The site is well related to existing built form with good access to a range of local services and the proposal is considered to be commensurate in scale and character with Queen Camel.

The local concerns raised regarding this scheme are noted, however, the proposed development is not considered to give rise to any substantive landscape, visual amenity or residential amenity harm, nor is it considered to be harmful the setting of nearby heritage assets, highway safety, flooding or other environmental concerns. No evidence has been provided to undermine / challenge the views of the Council's statutory or professional consultees which might lead to a different point of view and justify withholding planning consent.

In the absence of any clearly identifiable harm, the proposed development is considered to represent an appropriate and sustainable form of development that accords with the aims and objectives of the relevant policies of the South Somerset Local Plan and the National Planning Policy Framework. Accordingly the application is recommended for approval.

RECOMMENDATION

Grant consent for the following reasons:

The proposed development, by reason of its siting, scale, layout and design, is considered to be an appropriate and sustainable form of development that respects the setting of the nearby heritage assets and raises no demonstrable harm to landscape or visual amenity, residential amenity, highway safety, flooding or other environmental concern and therefore accords with the aims and objectives of

policies SD1, TA1, TA5, TA6, EQ1, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan as well as 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 approved plans drawings numbered 2447-PL-02 Revision D (Proposed Site Plan), 2447-PL-08 Revision B (Proposed Elevations Plot 8), 2447-PL-07 Revision C (Proposed Floor Plans and Section Plot 8), 2447-PL-04 Revision B (Proposed Elevations Plots 1-4), 2447-PL-13 Revision B (Floor Plans and Section Plots 3-4), 2447-PL-14 (Site Section C-C Through path and attenuation basin), 2447-PL-11 Revision A (Proposed Floor Plans and Section Plot 9), 2447-PL-09 Revision A (Floor Plans and Section Plot 7), 2447-PL-05 Revision B (Floor Plans and Section Plots 5 & 6), 2447-PL-03 Revision B, 2447-PL-01 Revision A (Location Plan) and 2447-PL-12 (Proposed Elevations Plot 9).

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

03. No works shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;

- a) materials (including the provision of samples where appropriate) to be used for all external walls, roofs and chimneys;
- b) details of the design, materials and external finish for all external doors, windows, boarding, lintels and openings;
- c) details of all roof eaves, verges and abutments, including detailed section drawings, and all new guttering, down pipes and other rainwater goods, and external plumbing;
- d) details of the surface material for the parking and turning areas;
- e) details of boundary details (new and existing).

Reason: In the interest of visual amenity to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

04. The development hereby permitted shall not be commenced unless details of the internal ground floor levels of the building have been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with these details.

Reason: In the interest of visual and residential amenity to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

05. Finished Floor Levels must be set at a minimum of 30.75m AOD (as set out in the revised FRA by GTH dated 28 January 2019 - ref: AJP/2447).

Reason: To protect the development from flooding in accordance with the provisions of the National Planning Policy Framework.

06. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with

the approved details. These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, submitting details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system
- A surface water drainage strategy and model showing, no part of the site flooding during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with Policy EQ1 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF and the associated Technical Guidance.

07. Before any foul drainage pipework is installed, the details of that system and how it will be implemented to ensure it results in a sealed system, must be submitted to and approved in writing by the local planning authority. The system must be installed entirely in accordance with the agreed details and shall be maintained in this fashion in perpetuity thereafter.

Reason: To ensure no groundwater enters the foul water drainage system within the site in order to safeguard against increased risk of sewer flooding and pollution in accordance with Policy EQ7 of the South Somerset Local Plan (2006-2028) and the requirements of the NPPF.

08. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed, the system of interception shall be retained in a good state of repair thereafter at all times.

Reason: To ensure the site is drained appropriate in the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan (2006-2028).

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

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan (2006-2028).

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

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

11. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10.

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

12. The area allocated for parking on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety to accord with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028).

13. No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of any trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of protecting nesting birds, which are afforded protection under the Wildlife and Countryside Act 1981 (as amended) and to accord with policy EQ4 of the South Somerset Local Plan (2006-2028) and the requirements of the NPPF.

14. Prior to occupation, a "lighting design for bats", following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of protecting bats which are afforded protection under the Habitats Regulations 2017 and to accord with policy EQ4 of the South Somerset Local Plan (2006-2028) and the requirements of the NPPF.

15. No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity), incorporating the key mitigation hierarchy requirements set out within section 4.0 *Conclusions and Recommendations of Ecological Impacts* of Land Adjacent to Englands Mead Reptile Presence/Absence Surveys & *Ecological Appraisal* (Quantock Ecology, 2019), has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- Risk assessment of potentially damaging construction activities.
- Identification of “biodiversity protection zones”.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.
- Full details for non-native invasive species removal.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that ecological mitigation measures are delivered and that protected/priority species and habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), The Hedgerow Regulations 1997, Part 3 of the Natural Environment and Rural Communities Act 2006 and to accord with policy EQ4 of the South Somerset Local Plan (2006-2028) and the requirements of the NPPF.

16. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and agreed in writing by the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management. Appropriate management options for achieving aims and objectives.
 - d) Prescriptions for management actions.
 - e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - f) Details of the body or organization responsible for implementation of the plan.
 - g) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Enhancement and compensation measures to be captured within the LEMP will be comprised of:

- An area of rough grassland to be north of the proposed development, including the construction of one reptile hibernaculum.
- One integrated bird or bat box installed into every new dwelling. This is to be comprised of an even number of bird boxes including sparrow, swift, house martin and standard bird boxes, and wood stone bat boxes.

- 1 x integrated bee bricks (<https://www.nhbs.com/bee-brick>) must be built into the external wall space of every new building. The bricks will be placed one meter above ground level on a south facing aspect, vegetation must not block the entrance holes. Solitary bees are harmless and do not sting.
- Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgerows into and out of the site.
- All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native.
- Where the landscaping scheme allows all new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.
- A permanent mixed planted buffer habitat comprised of native trees and species rich meadow grassland will be installed along the north, northwest, south and west boundary

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss and to accord with policy EQ4 of the South Somerset Local Plan (2006-2028) and the requirements of the NPPF.

17. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The scheme of landscaping shall be based upon the approved layout plan (drawing number 2447-PL-02 Revision D).

Reason: In the interests of maintaining the character of this rural area in accordance with policy ST5, ST6 and EC3 of the South Somerset Local Plan.

18. Prior to the first use of the development hereby permitted, one 16amp electric charging point, for electric vehicles, shall be provided within the site. Once installed it shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 and EQ1 of the South Somerset Local Plan (2006-2028).

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no new openings shall be formed above ground floor level within the east elevation of Plot 4 hereby permitted without the prior express grant of planning permission.

Reason: In the interest of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

Informative:

1. Please note the alteration of the access and/or minor works will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the South Somerset Area at The Highways Depot, Mead Avenue, Houndstone Business Park, Yeovil, BA22 8RT, He will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.
2. Please be advised that nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended) no matter the time of year and that some species can breed outside the timeframe specified in condition 13 above.

Agenda Item 10

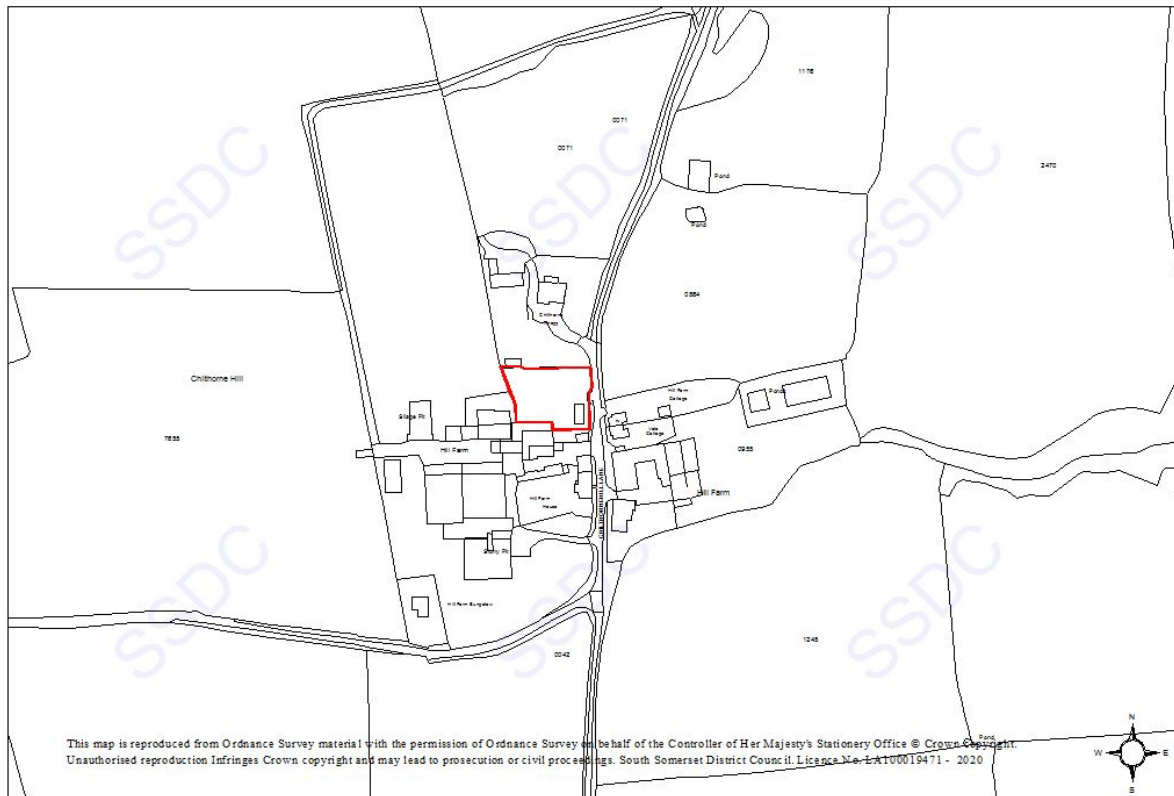
Officer Report on Planning Application: 20/00251/OUT**

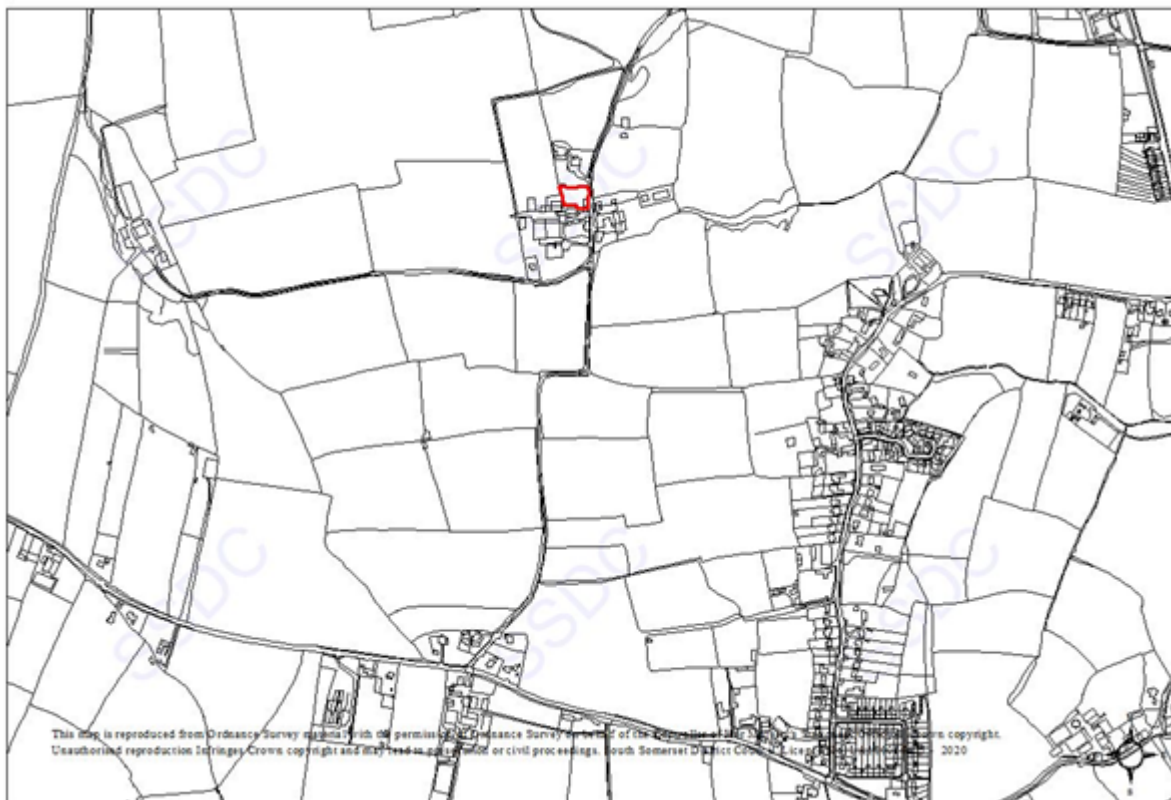
Proposal :	Outline application with all matters reserved for the erection of a dwelling
Site Address:	Land South of Chilthorne Knapp, Chilthorne Hill, Chilthorne Domer
Parish:	Chilthorne Domer
NORTHSTONE, IVELCHESTER & ST MICHAEL'S Ward (SSDC Member)	Cllr A Capozzoli Cllr C Hull Cllr P Rowsell
Recommending Case Officer:	Jane Green Tel: 01935 462462 Email: planning@southsomerset.gov.uk
Target date :	23rd March 2020
Applicant :	Mr Mark Warren
Agent: (no agent if blank)	Mr Peter Smith Hollyfield Hewish Crewkerne TA18 8QR
Application Type :	Minor Dwellings 1-9 site less than 1ha

Reason for referral to Committee

The application has been referred to Committee by the Ward Member with the agreement of the Area Chair to allow discussion of the planning issues.

Due to the potential for district-wide implications should the application be approved it has been two-starred by the Lead Specialist - Planning.





SITE DESCRIPTION AND PROPOSAL

The application site is a parcel of land, approximately 0.14ha, situated to the south of Chilthorne Knapp off Chilthorne Hill beyond the north-west edge of Chilthorne Domer. The site was last used for breeding pigs and there are the remains of several pigsties with associated hardstanding.

To the south is Hill Farm House which is a Grade II listed building. The plot falls within the curtilage of that listed building. The plot is accessed via Chilthorne Hill which is a single track lane running approximately 950m from Tintinhull Road.

This is an outline application with permission with all matters reserved for the erection of a dwelling and single garage.

HISTORY

882753 - Erection of Bungalow and garage - refused 16.11.1988

19/02241/OUT - Outline application with all matters reserved for the erection of a dwelling - Refused

Comment: The application was refused on three grounds. 1) Unsustainable location not justified 2) Unacceptable living conditions due to proximity to farmstead 3) Insufficient information submitted to demonstrate any benefit would outweigh conservation of heritage asset

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)

Policy SD1 - Sustainable Development
Policy SS2 - Development in Rural Settlements
Policy EQ1 - Addressing Climate Change in South Somerset
Policy EQ2 - General Development
Policy EQ3 - Historic Environment
Policy EQ4 - Biodiversity
Policy EQ5 - Green Infrastructure
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards

Planning Practice Guidance (PPG)

National Planning Policy Framework - March 2019

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

Other

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

Chilthorne Domer Parish Council:

In light of there being no changes to the application to that previously submitted the Council wish to make the same comments as at the time of that submission:

'Whilst the Parish Council does not have any objection to the principle of a single new dwelling on this site they do however have a number of concerns as detailed below:

- a. Concerns regarding the run off of water both during and after construction;
- b. There is a potential for overlooking of other residential properties;
- c. What sewage treatment arrangements will be in place;
- d. Appropriate materials should be used.

The Parish Council note that the site is in close proximity to a working farm and there may be potential run-off from the farm to the site and that the quality of the highway to the site is

substandard due to a lack of maintenance by Somerset County Council.'

County Highways:

Standing Advice applies.

SSDC Highways Consultant:

'I refer to the comments I made in response to the previous planning application on this site (19/02241/OUT). I do not understand why the previously requested 2.4m back and parallel splay cannot be provided across the whole site frontage with a maximum height of 600mm. The other normal requirements in terms of annotating the width of the proposed access, ensuring the first 5m is properly consolidated and surfaced, installing drainage measures across the access to prevent surface water from discharging onto the highway, ensuring a maximum gradient of 1:10, and showing the appropriate level of parking with 4.8m x 2.4m delineated bays independent of turning all appear achievable and could easily be shown on the submitted plan'

SSDC Conservation Officer:

The objection to the previous application was based on the lack of a Statement of Heritage Impact. Whilst one has been submitted, it is barely more than a reproduction of the list description and states that there are listed buildings in the vicinity that may or may not be visible. Because all matters are reserved there is great difficulty in testing the statement that '..thus it is submitted that the impact from the proposed development upon the setting of the heritage asset is at worst minimal and falls far short of being significant or substantial'.

This shows a misunderstanding of Chapter 16 of the National Planning Policy Framework. Paragraph 196 makes it clear that significant or substantial harm can only be allowed where there is substantial public benefit. That is not the case here. The harm that they are acknowledging as minimal falls under Paragraph 196 which states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets this harm should be weighed against the public benefits of the proposal including securing its optimal viable use.'

SSC Rights of Way:

'I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs along part of the access to the site at the present time (restricted byway Y 4/20). I have attached a plan for your information.

We have no objections to the proposal, subject to the following:

1. Specific Comments

Restricted byways can be used by members of the public on foot, horseback, pedal cycle and by non-mechanically propelled vehicles such as horse drawn carriages.

The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along path Y 4/20. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority.

2. General Comments

Any proposed works must not encroach onto the width of the PROW.'

MOD:

'The development falls within the Statutory Safeguarding Aerodrome (Any Development), Birdstrike and Technical Zones surrounding RNAS Yeovilton and is 4.42km SW of the Aerodrome.

Aerodrome Safeguarding

'The proposed development site occupies the statutory height and technical safeguarding zones that ensure air traffic approaches and the line of sight of navigational aids and transmitters/receivers are not impeded. The airspace above and around aerodromes is safeguarded to maintain as assured, obstacle free environment for aircraft manoeuvre. This development site sits beneath a piece of protected airspace called the Inner Horizontal beneath the approach and take off climb to RNAS Yeovilton. The approach, take off and Obstacle Limitation surfaces need to be kept free of obstruction from tall structures to ensure that aircraft transiting to and from or circuiting the aerodrome can do so safely.

Technical

The proposed development is also within the area protecting the operation of the Precision Approach Radar (PAR) that surveys the approach to the main runway at RNAS Yeovilton. The site of the proposed development occupies statutory height safeguarding zones that serve to ensure air traffic approaches and the line of sight of transmitters/receivers navigational aids are not impeded.

Birdstrike

Within this zone, the principal concern of the MOD is that the creation of new habitats may attract and support populations of large and or flocking birds close to the aerodrome so detail of: the planting pallet and introduction of berry bearing species would need to be provided.

As this is an outline application and in light of the development falling within the above Statutory Safeguarding Zones, precise detail will be required at Full Planning/Reserve Matters stages relating to the elevations of the dwelling house and garage and specific detail regarding the landscaping scheme in order to carry out the required assessment.'

SSDC Environmental Protection Unit:

The proposed development is immediately adjacent to Hill Farm and there is potential for noise and odours and flies from the farm affecting the occupants of the new property. Any new development should not be prejudicial to the future use of the farm. Environmental Protection would not normally recommend granting permission so close to an agricultural premises but if such permission was granted the following conditions would be required:

1. Before the development commences, a report shall be submitted to the Local Planning Authority for written approval detailing how the residential elements shall be designed and constructed with the aim that habitable rooms comply with the standards set out in BS8233.

Activity	Location	07:00 to 23:00
Resting	Living Room	35 dB LAeq, 16 hour
Dining	Dining room/area	40 dB LAeq, 16 hour
Sleeping (daytime resting)	Bedroom	35 dB LAeq, 16 hour

2. A scheme of ventilation shall be designed that allows whole-house ventilation without the necessity to open windows on the southern aspect of the proposed property. Intakes for the

ventilation system should be on the northern side of the property.

Reason: In order to mitigate the effect of noise, flies, dust and odour on residents of the new property.

The demolition of the existing pig pens, site clearance and construction of the new premises all have the potential to impact on the residential properties directly opposite. Therefore:

3. Noise emissions from the site during the development of the site i.e. the demolition, clearance and redevelopment of the site, shall be limited to the following hours where noise is audible at any point at the boundary of any noise sensitive dwelling:

Mon - Fri	08.00 - 18.00
Sat	08.00 - 13.00

All other times, including Sundays, Bank and Public Holidays there shall be no noisy activities

4. There shall be no burning of materials arising on site during any phase of the demolition, site clearance and redevelopment.

Finally as a former agricultural premises there is potential for contamination from the storage of fuels, and pesticides. Therefore it would be advised to keep a watching brief for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks.

If any unforeseen contamination is found during excavations Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.

NPPF s.178: Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner

Ecology:

'Blackdown Environmental undertook an Ecological Appraisal of land and three buildings located off Chilthorne Hill, Chilthorne Domer, Somerset in May 2019. The results of the survey were as follows:

There are nine records of bats and bat roosts within the 2km search area, the closest record provided is of unidentified bats and is approximately 140m from the site.

The three buildings comprise a Nissen hut, 12 pig sties and a wooden garage/shed. All three buildings were assessed with negligible potential to support roosting bats due to a combination of factors including level of dereliction, absence of suitable roosting opportunities and high internal light levels.

A single bird nest was identified within the garage/shed and the pig sties are suitable for nesting birds although no evidence of nesting was identified.

The land surrounding the buildings has been recently cleared and is currently dominated by bare ground with patches of tall ruderal vegetation such as nettle.

A number of immature and semi-mature trees bound the eastern and northern extents of the survey and several trees have been identified with low potential to support roosting bats due to dense ivy on the trunks.

ENPA recommendations

In accordance with local and national policy, wildlife legislation, and to follow the requirements of the mitigation hierarchy and for biodiversity net gain, please attach the following conditions to any planning permission granted:

Bats

To avoid impacts on bats and their roosts any buildings and trees to be removed will be undertaken when summer roosting bats, associated with the Nissan hut and trees containing a thick covering of ivy, are less likely to be present: 1st November - 31st March.

In the (unlikely) event that a bat is discovered during the course tree felling and building demolition works, works must cease immediately and not recommence until an appropriate strategy has been agreed with the appointed ecologist; and if required, an application made to Natural England for a bat licence. Bats should not be handled or removed in any way unless by a licenced bat worker or ecologist.

Reason: All bats are afforded protection under the Habitats Regulations 2017 by which populations are to be maintained at Favourable Conservation Status as defined under Article 1 of the Habitats Directive 1992

Birds

The commencement of works shall not take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the buildings to be demolished, and vegetation comprised of trees, shrubs, scrub and ruderal vegetation for active birds' nests immediately before works proceed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period - some species can breed outside the time frame given.

Reptiles

Any vegetation above 10cm that is to be cleared as part of the proposal will initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. Once cut vegetation, including existing short vegetation should be maintained at a height of less than 10cm for the duration of the construction period. The rock pile on the eastern boundary should be dismantled by hand by a competent ecologist to allow any sheltering reptiles to naturally disperse. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: Reptile species are afforded protection from intentional and reckless killing or injury under the Wildlife and Countryside Act 1981 (as amended). Outside the period from April to October these species are likely to be in torpor or hibernation when disturbance is likely to pose a risk to survival.

Biodiversity and protected species net gain

As enhancement and compensation measures, and in accordance with National Planning Policy Framework (NPPF), please apply the following conditions to any planning permission

granted, to be captured within a Biodiversity Mitigation and Enhancement Plan (BMEP) to be submitted to the LPA:

- 1 x Build-in WoodStone Bat Box (<https://www.nhbs.com/build-in-woodstone-bat-box>), or similar, to be installed on the southern and/or western elevation of the new building, at a height of over 3m.
- Installation of 2 X standard bird nest box, purchased or built, on to a mature tree on site, facing north or east, at a height above 3m.
- Installation of 1 x RSPB artificial house martin nesting cups (<https://shopping.rspb.org.uk/garden-bird-nest-boxes/house-martin-terracotta-nest-box.html?ClickType=Image&ListType=&ListName=&Position=19>) will be erected onto the external wall surface under the eaves on the north or east elevation on the new dwelling
- 1 x integrated bee bricks (<https://www.nhbs.com/bee-brick>) must be built into the external wall space of the new building. The brick will be placed one meter above ground level on a south facing aspect, vegetation must not block the entrance holes. Solitary bees are harmless and do not sting.
- All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native.
- Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgerows into and out of the site.

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework; ; South Somerset District Council Local Plan - Policy EQ4 Biodiversity; and the authorities obligations for biodiversity under the Natural Environment and Rural Communities Act 2006. To ensure the success of mitigation measures are sustained for the duration of the development and that there is no net biodiversity loss in the long term as per Government and local minerals planning policy. Furthermore, the recently updated National Planning Policy Framework states in section 15, paragraph 170, that "Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'

REPRESENTATIONS

One letter of representation has been received objecting to the proposal.

The comments are summarised briefly, in no particular order, as follows:

- Unsustainable location
- Proposal is next to a working dairy farm with associated noise and smells
- Loss of privacy and overlooking
- Noise nuisance from milking machine which starts at 5am and the milk tanker arriving around midnight
- Issue with flies in the summer
- Presence of water, drainage and slurry irrigation pipes between pigsties and shed to the south. Fracturing the pipes would deny water to cows troughs and slurry pollution
- Proposal on narrow strip sandwiched between an agriculturally tied property and a working dairy farm
- No mains sewage facility - concerns over discharge of water
- Asbestos roofs on existing sheds
- Single access lane with no infrastructure to support anymore dwellings

CONSIDERATIONS

Principle of Development

Section 38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up to date (emphasis added) development plan, permission should not normally be granted.

In October 2019 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 that 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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.'

The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision-making process. The NPPF places great emphasis on the need to plan for and deliver new housing throughout the UK, and local planning authorities (LPAs) are required to support the Government's objective of significantly boosting the supply of homes. The responsibility of local planning authorities in supporting the Government's ambitions include identifying and updating annually a supply of specific deliverable sites to provide five years' worth of housing against their housing requirement.

The application would see the creation of a four bedroom residential dwelling through the erection of a new dwelling on site.

In policy context, national guidance contained within the NPPF sets out a presumption in favour of sustainable development. The NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Paragraphs 60 and 61 states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance - unless exceptional circumstances justify

an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

The Supporting Statement makes reference to paragraph 61 of the NPPF and that '...the LPA are required under Section 1 of the Self Build and Custom Housebuilding Act 2015 to maintain a register of interested parties and to make provisions to satisfy the identified need.' And that there is no policy to address this.

The LPA monitor self-build demand and CIL monitoring data. This demonstrates that the LPA are more than meeting the demand on the Register at present. The LPA are only required to grant planning permission for enough serviced plots to meet the demand on the register. There is no guidance from the MHCLG to LPA's as to how they demonstrate that the demand is being met, but even if it determines that they can only use the data relating to a CIL exemption being issued, then the need is being met. Limited weight is to be afforded to the dwelling being self-build. It should not therefore in itself, be enough to warrant approval of a site that would otherwise be unacceptable.

Policy SD1 of the Local Plan also recognises that, when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the NPPF and seek to secure development that improves the economic, social and environmental conditions within the District. Planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy SS1 highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements are 'Rural Settlements', which Policy SS1 states 'will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in Policy SS2).'

Policy SS2 states:

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

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

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general.'

Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at paragraph 5.41. Those key services referred to in paragraph 5.41 of the Local Plan are local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility and primary school.

Policy guidance clearly encourages new housing to be located with good accessibility to existing or proposed local shops, community facilities and primary schools and with good connection to public transport.

The application proposal would deliver one new residential unit. Policy SS2 states the delivery target that at least 2,242 dwellings built in Rural Settlements over the local plan period. This will be assessed for the contribution that would be made to meeting the housing needs. This proposal would amount to 0.04% of the annual requirement of 2,242 new homes (if it were assumed that annual requirements had continually been met such that no ongoing deficit had to be recovered). This is a very limited contribution, although it is considered that significant weight should be afforded in the determination of this planning application to the scheme's contribution to addressing the identified housing shortfall and meeting the Government's objective of securing a better balance between housing demand and supply.

The Design and Access Statement acknowledges that there are no facilities in the immediate area but goes on to say that Chilthorne Domer has a junior school, public house and a regular bus service into Yeovil. The site is approximately 950m to the main road through Chilthorne Domer and a further 575m to the school and 800m to the public house.

Although the plot is located within the parish of Chilthorne Domer, it is divorced from and some distance from the village itself and as such is located in the open countryside, remote from local services and where SS2 does not apply. It is considered that access to the key local services would be reliant on a vehicle, due to the access road from the village to the site being a single track road which is narrow in places, with no footpath or lighting, making it unreasonable to expect future occupants to walk safely to key services. There are public rights of ways across fields but again, this requires walking some distance to get to the community facilities. The route across the field is neither properly surfaced nor does it benefit from street lighting which makes it inaccessible to anyone with pushchairs or walking difficulties etc to use at night and for much of the year due to ground and weather conditions. Such pedestrian routes would be unsuitable for many and do not offer a safe or suitable means to access local services for future residents.

It is considered that the site is not sustainable as it is not suitable for new residential development due to the lack of safe accessibility for future residents to essential services and would be contrary to the South Somerset Local Plan 2006-28 and paragraph 32 of the NPPF, which seeks safe and stable access to the site for all people.

Therefore, it is considered that the proposed development constitutes unsustainable development that is contrary to policies SD1, SS1 and SS2 of the South Somerset Local Plan and to the aims and objectives of the National Planning Policy Framework 2019.

Visual Amenity, Impact on Setting of Listed Building and Landscape Character

In terms of general visual impact, there are a variety of buildings and uses within the vicinity of the application site. The application plot is on sloping land with the higher levels to the rear of the plot. Although in an elevated position, the proposal is surrounded by farm buildings and dwellinghouse to the north, east and south. As such, notwithstanding the comments received, the proposed development is not considered to have a demonstrably adverse impact on landscape character or visual amenity of the area, in accordance with policy EQ2 of the Local Plan.

However, the site is located immediately to the north of Hill Farm which is a Grade II listed building. Other than a cluster of a few dwellings to the north and east, the site can be characterised as being in a rural location. The proposed development would infill a plot between Chilthorne Knapp and Hill Farm House which is a Grade II Listed building and located

to the south of the application plot. The listed curtilage of Hill Farm House extends across the application site.

The National Planning Policy Framework Chapter 16 'Conserving and enhancing the historic environment' requires us to assess the impact that development will have on a heritage asset. In particular Paragraph 185 states:

'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

Local Plan Policy EQ3 reflects the NPPF guidance. Heritage assets must be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place. In addition Policy EQ2 requires all new development proposals to be designed to achieve a high quality which promotes the District's local distinctiveness and preserves or enhances the character and appearance of the District.

The objection to the previous application was based on the lack of a Statement of Heritage Impact. Whilst one has been submitted, it is barely more than a reproduction of the list description and states that there are listed buildings in the vicinity that may or may not be visible. Because all matters are reserved there is great difficulty in testing the statement that '..thus it is submitted that the impact from the proposed development upon the setting of the heritage asset is at worst minimal and falls far short of being significant or substantial'.

The Conservation Officer makes reference to Chapter 16 of the National Planning Policy Framework and feels that this has been misinterpreted. Paragraph 196 makes it clear that significant or substantial harm can only be allowed where there is substantial public benefit. That is not the case here. The harm that they are acknowledging as minimal falls under Paragraph 196 which states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets this harm should be weighed against the public benefits of the proposal including securing its optimal viable use.'

In this case, the proposed development is highly likely to impact on the setting of the adjacent grade II listed building and the Conservation Officer has not given his support.

Residential Amenity

Concern has been raised by neighbours and Parish Council relating to loss of privacy and overlooking. It is considered that a dwelling could be designed, with the appropriate orientation, window layout and landscaping to limit any adverse overlooking and could also be designed to limit any overbearing and shadowing. The impact on residential amenity in terms of overlooking and loss of privacy could be re-visited at the reserved matters stage once the layout and appearance of the dwelling can be fully assessed.

Whilst the submitted site plan is only indicative, the applicant has demonstrated that a modest private garden area could be provided to serve the proposed dwelling. It is therefore considered that the proposed development could achieve an acceptable level of amenity for future occupants of the development.

The Environmental Protection Unit were consulted and responded that there is potential for noise, odours and flies from the farm affecting the occupants of the proposed property. Any new development should not be prejudicial the future use of farm. Comments were raised stating that they would not normally recommend granting permission so close to an agricultural premises but if such permission was granted conditions relating to noise emissions, ventilation and no burning of materials would be required.

Finally as a former agricultural premises there is potential for contamination from the storage of fuels, and pesticides. Therefore it would be advised to keep a watching brief for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks. If any unforeseen contamination is found during excavations Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.

With the safeguard of several conditions, it is considered that the proposed new dwelling house would be able to put measures in place ensuring there would be no perceived detrimental impact upon surrounding residential amenity and due to disturbance arising from the activities and noise arising from the adjacent farmstead ensuring compliance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

Highway Safety

The County Highway Authority state that their Standing Advice applies.

The plans show a proposed garage, entrance driveway and turning bay. Parking will be considered further in the reserved matters stage. The application form states that the dwelling will have 4+ bedrooms. Parking provision sought by the Parking Strategy for this location would be 3.5 + 1 visitor parking space. At this stage though, the indicative layout suggests that there is sufficient capacity on-site for parking to be provided for the proposed dwelling in addition to on-site turning.

Therefore, it is not considered that the proposal would prejudice highway safety, and it is considered to accord with policies TA5 and TA6 of the Local Plan.

Biodiversity

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). Policy EQ4 of the Local Plan also requires proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.

The application has been supplemented with an Ecological Appraisal which has been reviewed by the Council's Ecologist. The Ecologist has recommended ecological conditions relating to bats, birds, reptiles, biodiversity and net gain. Subject to the imposition of these conditions, it is not considered that the proposal will have an unacceptable impact on biodiversity in accordance with Policy EQ4 or relevant guidance within the NPPF.

PROW

There is a public right of way (PROW) recorded on the Definitive Map that runs along part of the access to the site at the present time (restricted byway Y 4/20). The PROW Officer was

consulted on the application for which the following comments were received:

Restricted byways can be used by members of the public on foot, horseback, pedal cycle and by non-mechanically propelled vehicles such as horse drawn carriages. The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along the Restricted Byway Y 4/20. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority.

Any proposed works must not encroach onto the width of the PROW. An informative note is to be included should permission be granted.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Installing any apparatus within or across the PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.
- If the work involved in carrying out this proposed development would:
 - make a PROW less convenient for continued public use; or
 - create a hazard to users of a PROW, then a temporary closure order will be necessary and a suitable alternative route must be provided.

The supporting statement states that the development will not encroach upon or restrict public use of path Y420 on foot or as authorised for a restricted byway.

Other Matters

The site is not within a flood risk zone. Given the size of the site and the scale of development proposed, it is not considered that the proposal would result in harm to flood risk, nor would a risk be posed to future occupants of the site. Foul drainage will discharge to an underground treatment plant on site. For development of this scale, the development would be subject to building control checks to ensure surface water from the properties is being appropriately managed.

Contributions, Affordable Housing, and CIL

It is noted that the applicant has provided and completed Form 7.

Conclusion

The Council accepts that it cannot currently demonstrate a five-year supply of deliverable housing sites and that, pursuant to paragraph 11 of the Framework, the weighted presumption in favour of sustainable development is engaged.

The proposed development would make a contribution towards meeting the housing shortfall within South Somerset. This would be a social and economic benefit. There would also be a limited and temporary economic benefit during the construction phase. However, due to the small scale of the development, such benefits are considered to be moderate.

The location of the site would lead occupants to be overly dependent on the motor car to access services and facilities. The proposal would introduce harmful impact to the living conditions of future occupiers due to the proximity to the working dairy farm. Furthermore, it is likely that the proposal will introduce harm to the setting of the listed building which, without a comprehensive Statement of Heritage Significance, cannot be properly assessed. These adverse impacts are considered to be significant, and to significantly and demonstrably outweigh the moderate benefits of the proposal. As such, it is considered that the presumption in favour of sustainable development therefore does not apply in this case.

As such, the proposed development is considered to represent an unsustainable form of development which is in an unsustainable location and will affect the setting of the listed building. Notwithstanding the Council's lack of five year land supply, the proposed development would be contrary to the provisions of Policies SD1, SS1, SS2 EQ2 and EQ3 of the South Somerset Local Plan and relevant guidance within the NPPF.

RECOMMENDATION

Refuse

SUBJECT TO THE FOLLOWING:

01. The proposal would provide a new dwelling in an unsustainable location, isolated from key services, which has not been appropriately justified. By reason of distance and the lack of a safe means of access, by foot or cycle, the application site is poorly related to local services and as such will increase the need for journeys to be made by private vehicles. The proposed development therefore constitutes unsustainable development that is contrary to policies SD1 and TA5 of the South Somerset Local Plan and to the aims and objectives of the National Planning Policy Framework 2019
02. With no submission of a comprehensive Statement of Heritage Significance, insufficient information has been provided to demonstrate that any benefit outweighs the great weight to be given to conservation of heritage assets. The proposal is therefore contrary to Section 16 of the Listed Building and Conservation Areas Act, policy EQ3 of the South Somerset Local Plan 2006-28 and Chapter 16 of the National Planning Policy Framework 2019.

Informatives:

01. In accordance with paragraph 39 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these problems.

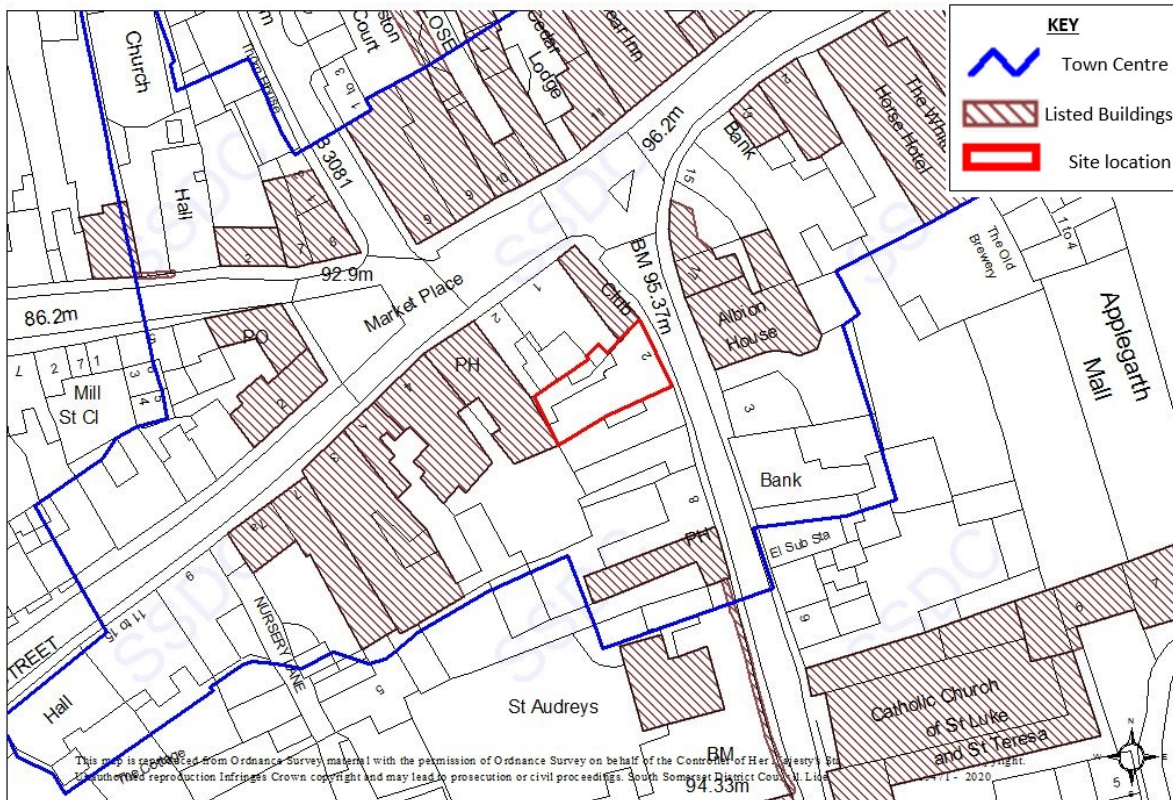
Agenda Item 11

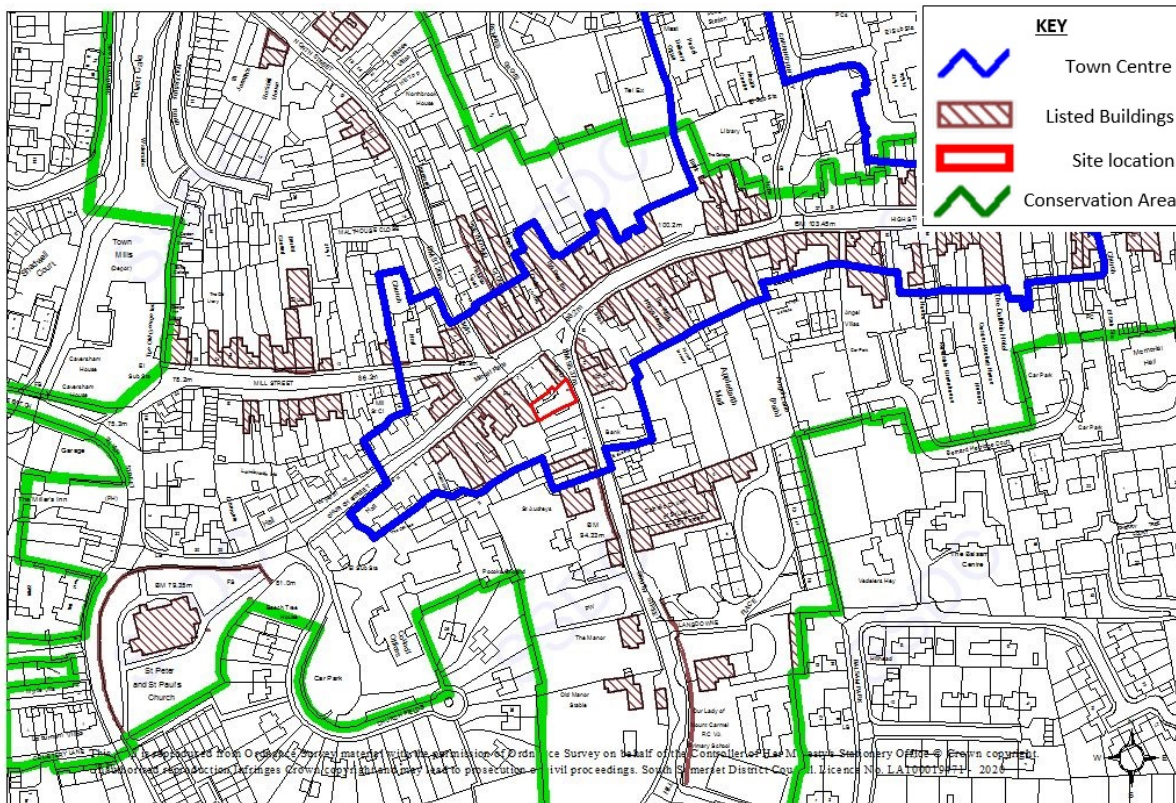
Officer Report on Planning Application: 19/01725/FUL

Proposal:	Change of use of ground floor/basement from a cafe (Use Class A3) to a residential unit and alterations to rear elevation.
Site Address:	2 South Street, Wincanton BA9 9DL
Parish:	Wincanton
WINCANTON Ward (SSDC Member)	Cllr N Colbert Cllr C Winder
Recommending Case Officer:	David Kenyon Tel: 01935 462091 Email: david.kenyon@southsomerset.gov.uk
Target date:	13th September 2019
Applicant:	Mr Christopher Bristow
Agent: (no agent if blank)	Clive Miller Planning, Sanderley Studio Kennel Lane Langport TA10 9SB
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR COMMITTEE REFERRAL

As the officer's recommendation is contrary to the opinion of the Town Council, the application was referred to the Ward Members. One of the Ward Members has expressed disagreement with the officer's recommendation. He has stated that, because the site is in a commercial area, any changes of use of commercial premises in the town centre to residential would destroy the centre of the town and would be against the local desire to support the town centre's regeneration. It has been requested the application be referred to Committee for consideration and determination and, in the absence of any expressed comments from the Area Chair to the contrary, the application is duly referred to the Area East Committee.





SITE DESCRIPTION AND PROPOSAL

The subject premises fronts on to South Street, Wincanton and comprises the ground floor and basement, which is understood to have once accommodated six separate retail units. In the more recent past a charity shop has operated from the premises and planning permission was granted for a café associated with the charity shop. Subsequently it was used as a café/restaurant until February 2018 following which, after the unfortunate demise of the owner, it has remained vacant despite marketing. The first and second floors are in residential use, access to which is from a side door on the front elevation.

The building itself stands within Wincanton's Conservation Area and also adjoins the Town Hall which is a listed Grade II building. The building has an attractive façade constructed in stone and is in a prominent position close to the centre of Wincanton.

Planning permission is sought for the change of use of the ground floor and basement of the property into a 3 bedroom residential unit. The ground floor would accommodate a sitting room and bedroom at the front of the property with kitchen and two en-suite bedrooms to the rear. The basement would be used for ancillary domestic storage. External alterations would be limited to the installation of a new window at the rear to serve one of the bedrooms and the erection of a small single storey bike storage shed in the rear yard. No alterations are proposed to the front elevation except for the removal of the existing fascia.

HISTORY

11/00002/FUL. Change of use of the ground floor from A1 retail to A3 cafe, including some ancillary retail space and external and internal works.
Application permitted with conditions 01.03.2011.

10/04466/S73. The variation of condition 01 of 02/01784/COU to extend opening hours.
Withdrawn.

02/01784/COU. Change of Use of one unit to be a café.
Application permitted on 23.08.2002 subject to restriction on opening hours from 09.00 to 16.00 hours Mondays to Saturdays.

841321. Conversion of the existing shop premises and storage area into seven retail units.
Approved Sept 1984.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12 and 14 of the NPPF 2019 state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a general duty on local planning authorities when determining planning applications as respects listed buildings and states:

"In considering whether to grant planning permission, or permission in principle, for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Similarly, Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a general duty on local planning authorities when determining planning applications as respects conservation areas and states:

"In the exercise, with respect to any buildings or other land in a conservation area.....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

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) and the Wincanton Neighbourhood Plan 2018-2028.

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

SD1 - Sustainable Development
SS1 - Settlement Strategy
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ2 - General development
EQ3 - Historic Environment

Wincanton Neighbourhood Plan

Policy 2 - Key Buildings and Spaces
Policy 7 - Housing Types

National Planning Policy Framework - February 2019

Chapter 5 - Delivering a sufficient supply of homes
Chapter 9 - Promoting sustainable transport
Chapter 12 - Achieving well - designed places
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

National Planning Practise Guidance

Other Relevant Documents

Somerset County Council Parking Strategy (SPS) (September 2013) and Standing Advice (June 2017)

Wincanton Town Centre Strategy and Action Plan (September 2019)

- Chapter 3 sets out the "Vision and Strategic Objectives" for the town centre. Five identified 'visions' are set out and are supported by 6 strategic objectives.
- Chapter 4 "Town Centre Strategy".

CONSULTATIONS

Wincanton Town Council

Unanimous recommendation of refusal. The Council has concerns about the parking, additional bins on the narrow pavement and considers this application overdevelopment. At a recent residents' meeting all agreed these premises should remain as a restaurant.

County Highways - Standing advice applies.

SDDC Highways Consultant

It would appear that the proposed residential unit would not have the benefit of any off-road parking. However, given the location of the site within the town centre, close to public car parks, it is considered to be a sustainable location for a car-free development, particularly as the use of the ground floor/basement as a café would have generated significantly more traffic (by customers, staff and servicing/deliveries) and a higher demand for parking than that associated with a residential unit. Accordingly, no highways objection is raised.

SDDC Environmental Health

Initially, an acoustic report was requested to demonstrate that acceptable noise levels are experienced by the occupants and that the development would not impinge on commercial properties around it. However, following subsequent clarification received from the applicant (set out below), the EHO has now recommended no objections.

Town Centre Regeneration Manager

Makes reference to the aims and objectives of the Wincanton Town Centre Strategy and Action Plan. The Strategy seeks to boost footfall and vitality in the town centre. It promotes residential at specific sites but there is also a desire to preserve commercial at ground floor in the heart of the town.

REPRESENTATIONS

32 neighbouring properties and other third parties have been individually notified, a site notice displayed and an advertisement has been placed in the local newspaper. One representation objecting to the proposal and three representations offering support have been received. Copies of those representations are available for inspection on the website but they are set out in full below, including the addresses of the owners/occupiers who submitted the representations.

Objection

6 Blackmore Chase, Wincanton

This property is near a busy road junction and narrow road. Dangerous congestion is bound to

occur with residents stopping to unload or drop-off / pick up passengers. There is already more than enough housing in Wincanton and this property would be much better as a restaurant or shop.

Support

Flat 1, 2 South Street

Having lived here for many years, the restaurant, although a lovely place, suffered from low foot fall. There have been a few cafes/restaurants here for the last 10 years and appear to change every few years, with new owner. Following the sad passing of the previous restaurant owner the premises has sat for long time close approaching 2 years with no interest. This can only prove that potential restaurateurs could not see any advantage or good business plan in purchasing and re-opening the restaurant.

Although we would love to have a new restaurant, if people within the profession were not tempted who would be? And that limited interest will be even less now with the high possibility of the introduction of parking charges.

As for the conversion into a large flat, I think they have looked logically at the design and shape of the building and rather than fill will lots of small flats, designed a modern spacious functional apartment. Which I believe can only improve South Street rather than a dishevelled building.

4 South Street

To convert a former cafe - of which there are two just around the corner - to a much needed dwelling must be a good move. An application which leaves the present upper floor tenants in situ must also be a bonus. I think this is an admirable application and therefore support it.

Woolfields Farm, Milton on Stour

In my view there is too much empty retail space in Wincanton, and it is likely to stay this way for the foreseeable future; whereas there is always a need for residential space.

This application for a roomy ground floor flat gets my full support as it addresses this need, and would be particularly good for a larger family or elderly couple needing ground floor access. There is also the possibility of use as a living & working space for a home-based worker.

The chance of it opening as a restaurant, or indeed any other business, is minimal at best and so a flexible approach to its future will make great sense.

CONSIDERATIONS

Principle of Development

Adopted South Somerset Local Plan, Wincanton Neighbourhood Plan and NPPF

The site is located within the defined Development Area as identified in the Local Plan and is therefore considered to be, in principle, a sustainable location for new development. The NPPF places an emphasis on there being a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This is reflected in Local Plan Policy SD1.

Policy SS1 defines Wincanton as a primary market town where provision will be made for housing, employment, shopping and other services that increase their self-containment and enhance their roles as service centres. The Local Plan Map for Wincanton identifies the site as being within the "Town Centre". There is no "Primary Shopping Area" and no "Primary Shopping Frontage" identified for the town.

For clarity, various documents, including the Local Plan and the NPPF make reference to "**Main town centre uses.**" Such uses are defined within the National Planning Policy Framework as:

Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

In general, policies applicable to development proposals within the town centre are EP2, EP9, EP11 and EP12. In this particular instance:

Policy EP2 relates to office development so is not applicable in respect of this current application.

Policy EP9 sets out the retail hierarchy of settlements within the District, within which Wincanton is a Market Town in retail terms.

Policy EP11 refers to the sequential approach to the location of main town centre uses. The current proposal is not for a main town centre use and thus this policy is not applicable.

Policy EP12 relates to proposals for retail developments and therefore is of no relevance to the determination of this application.

Also, to avoid any possible ambiguity, Policies EP13 and EP15 do not apply in this instance. Policy EP13 refers to changing the use of ground floor retail (A1) uses to non-retail uses within the defined Primary Shopping Frontages. Wincanton has no defined Primary Shopping Frontage indicated in the Local Plan and the ground floor use of the premises in this instance is A3, not A1.

Policy EP15 relates to the protection and provision of local shops, community facilities and services in Rural Centres and Rural settlements. Wincanton is a Primary Market Town, not a Rural Centre or Rural Settlement.

The former restaurant has been empty for approximately two years following the death of the former owner and has been on the market. There are other restaurants elsewhere in the town centre so the loss of the restaurant would not result in the total loss of such an A3 use from the town centre.

Neither the adopted Local Plan nor the Wincanton Neighbourhood Plan contain any specific policies that prohibit the proposed use of the ground floor of the premises to a residential use.

Chapter 7 of the NPPF relates to "Ensuring the vitality of town centres". Paragraph 85 advises that planning policies should promote the long term vitality and viability of town centres by, amongst other considerations, allowing a suitable mix of uses (including housing) and there should be a recognition that residential development often plays an important role in ensuring the vitality of centres and there should be an encouragement of residential development on appropriate sites.

In addition, the Government's Planning Practise Guidance (PPG) recognises the role that residential development can play in helping the vitality and viability of town centres. "A wide range of complementary uses can, if suitably located, help to support the vitality of town centres, including residential, employment, office, commercial, leisure/entertainment, healthcare and educational development." Paragraph: 001 Reference ID: 2b-001-20190722 Revision date: 22 07 2019.

Wincanton Town Centre Strategy and Action Plan

Reference should also be made to the Wincanton Town Centre Strategy and Action Plan (September 2019).

This Strategy was subject to a public consultation exercise which ran for ten weeks from January 2019. In addition to formal responses the consultation strands included:

- Two well publicised 'drop-ins' attended by around 130 people,
- Town centre business engagement,
- Secondary school tutor group participation using the 'bite-sized' format' and
- Presentations to key organisations such as the Town Council and the Chamber of Commerce

Overall, approximately 250 people engaged in the consultation.

The main issues identified through the consultations were:

- Loss of car parking,
- Charging for use of public car parks,
- The level of proposed residential development,
- The need to enhance the retail offer,
- Limited number of events/markets, and
- Limited mix of uses.

The revisions to the Strategy were informed by the consultations and these were approved (having been discussed with the Town Council) by the Area East Planning Committee. The final document was published during September 2019.

The following extracts from the Wincanton Town Centre Strategy and Action Plan are of relevance.

- Chapter 2 "Setting the Context", on page 9 it states that "*The Council Retail Study identified the town centre had a high vacancy rate of over 18% (at January 2017) which was well above the national average. While the perception of vacancies has fallen, there remain a number of prominent long term vacant and underused units and buildings in the town centre which reduce the quality and perception of the centre. There is strong support from stakeholders to encourage alternative re-use options, particularly for employment and, where appropriate, residential uses where it would not detract from other main town centre uses.*"
- Page 19, Chapter 3 sets out the "Vision and Strategic Objectives" for the town centre. Five identified 'visions' are set out, including for the town centre to become a place that "*is well used and a thriving place to live, work and visit; has an enhanced retail, community and social function that encourages visits during the day and evening; and has a wider mix of uses, including commercial floorspace and quality housing that supports enterprise, creativity and vibrancy.*"
- Page 19, Chapter 3 goes on to point out that the Vision for the town centre is supported by 6 strategic objectives. Objective 2 relates to mixed uses and to "*encourage a wider mix of uses, including new employment, homes, community, leisure and creative enterprises.*"
- Page 20, Chapter 4 "Town Centre Strategy" specifically states that the key strategic objectives concentrate on three inter-related main themes, one of which is "*Broadening the mix of uses to enhance footfall by residents and visitors*" and that "*The main objectives of this Strategy is to promote and emphasise the convenience of Wincanton town centre as an attractive, reliable and mixed-use hub which responds better to the needs of its local community and catchment.*"
- And the same chapter on page 20 goes on to say "*...the Strategy needs to focus beyond retail to generate activity through a wider range of uses and footfall generators*"

such as employment, community, recreational, cultural, entertainment and residential uses."

- Page 28, it states "*Within the town centre,opportunities for the reuse of vacant and underused buildings will be encouraged which support main town centre uses at ground floor level and accord with planning policy. Opportunities for residential use over ground floor uses will also be encouraged where appropriate, subject to development management considerations."*

The aim of the Wincanton Town Centre Strategy is to support the regeneration of the town centre. This includes residential uses within the town centre. This reflects the general guidance offered within the NPPF and the Planning Practise Guidance.

The application site has a prominent frontage in South Street in close proximity to the Market Place, with its primary retail and service sector role for the town. Until early 2018, when the business closed in unexpected circumstances, the premises had operated for a number of years as a café/restaurant with strong local offer and regular clientele.

A key aspiration of the Town Centre Strategy is to achieve a reduction in the town centre vacancy rate through the beneficial reuse of long-term vacant properties. The scope for reoccupation, including temporary uses or appropriate, change of use, can take time but remains an ongoing priority for generating activity and footfall in the town centre. The potential to enhance restaurant uses in the town centre is considered particularly important for supporting the diversification of the evening economy. The limited restaurant provision in the town centre is recognised in the stakeholder SWOT analysis ('Weaknesses') contained in the report

Whilst the Strategy does promote town centre living on a number of new sites, it also seeks to enhance the retail and social function of the town, identifying new sites for retail/ business frontages. Encouragement is given for opportunities to reuse vacant or underused ground floors of buildings in the town centre which support main town centre uses, with residential use over ground floor uses also being encouraged. However, the Strategy does not specifically exclude the reuse of vacant or underused buildings at ground floor level for residential accommodation.

It is acknowledged that the Wincanton Town Centre Strategy and Action Plan has been subject to public consultation and endorsed by the Area East Committee. However, it must also be noted that, unlike Neighbourhood Plans, the Strategy and Action Plan has not undergone independent Examination and therefore does not form part of the statutory Development Plan. Therefore, whilst the Wincanton Town Centre Strategy and Action Plan is a material consideration, it can only be afforded limited weight of the purposes of determining this application. Where any conflicts may occur between the adopted Development Plan and the Wincanton Town Centre Strategy and Action Plan, the adopted Development Plan must prevail.

In this respect legal advice has been sought as to the status and weight to be given to policies contained in the adopted Local Plan and Neighbourhood Plan and also to the Wincanton Town Centre Strategy and Action Plan when considering the merits of the current planning application submission.

The Council's Lawyer agrees that neither the adopted Local Plan nor the Wincanton Neighbourhood Plan appear to contain any specific policies that prohibit the proposed use of the ground floor of the premises to a residential use. The Lawyer also agrees that the Wincanton Town Centre Strategy has not undergone the same scrutiny and outside examination as the Local Plan and Neighbourhood Plan and therefore it does not form part of

the Development Plan documents but nevertheless would be a material consideration to the determination of a planning application.

Further legal advice offered to the Committee is that the weight attributed to the factors making up a decision is a matter for the decision maker. The law requires that decisions should be taken in accordance with the development plan, unless material considerations indicate otherwise (s38A Planning and Compensation Act 2004 and s70 of the Town and Country Planning Act 1990). Material considerations can include those essential factors that still need to be considered outside of the Development Plan documents (these would specifically include the NPPF). These factors must have a planning purpose in order to be a material consideration - so although something might be desirable, it could also be immaterial.

The decision maker must weigh up the appropriate policies in the Development Plan with those other identified material planning considerations to decide where the balance of their decision lies. If a decision maker decides their decision is to refuse contrary to an officer's recommendation for approval, they must be able to justify that decision and provide clear, precise, unambiguous reasons against the development plan and other material consideration, to avoid costs being awarded against the Council should the matter be appealed.

With such legal advice in mind, it is considered that the Town Centre Strategy document cannot be taken as an overriding material consideration to justify the refusal of planning permission for this current proposal which could be reasonably defended at any subsequent appeal. This is because of the limited weight that can be afforded to the Town Centre Strategy document in the planning decision-making process, together with the lack of any policy within the document specifically prohibiting any proposals for change of use within the town centre involving the loss of (ground) floor space used for main town centre uses.

Supporting Information from Landowner

Mindful of the Town Council's objections to the proposal, and following requests from the case officer to the applicant's agent for additional information, the following comments have been made in support of the application by the landowner.

"Marketing. *The previous owner, Geoffrey Redfearn, died in February 2018 and the cafe closed immediately. Executors instructed Hambledon estate agents (01963 340000) in March 2018 who had only one serious enquiry from a client who backed out in February 2019 for the reasons given in the letter which you forwarded to Mr Kenyon last August. Marketing was then passed to Symonds & Sampson estate agents (01258 473766) who auctioned it in March 2019. Only one bid was made before we bought the property, showing the general lack of interest. The restaurant kitchen and contents were offered by separate negotiation but, as we did not want them, they were disposed of after the auction. I am told that the cost of re-fitting out the kitchen would be in the region of £30/40,000.*

Both agents advertised it locally with boards and details in their offices, more widely via the Blackmore Vale magazine and nationally via Rightmove, Zoopla, etc. They did not employ specialist agents as no trading records were available and it was not a going concern. Both mentioned the possibility of other uses, subject to change of use, in their sale particulars. I am forwarding copies of these separately.

Economic development and viability. *In the absence of any trading records it may be helpful to refer to the Comment by Andrew Langley on the SSDC website. As a long term resident of No. 2 and a friend of the late Geoffrey Redfern, he was aware of the very modest success of his, and previous owners', attempts to run a restaurant on this site. A particular problem is the lack of any private parking. Public parking nearby is limited to 30 minutes during the day and occupied by residents in the evenings. Re EP15, there are two existing alternative sites for a restaurant, both in a more central position and with access to parking. The White Horse Hotel, with planning consent for a restaurant since 2017, is on the High Street and has its own car*

park. The Brick House, Carrington Way, also with consent since 2017, is on the edge of the central public car park. The problem, it seems, is not lack of premises but lack of anyone prepared to risk such an investment. We have already pointed out the additional disadvantage of having two competing cafe/restaurants immediately round the corner in Market Place.

South Street has become increasingly residential in recent years. The former bakery at No 4 is now flats with a tiny lock-up shop and Paupers at No 6, another failed restaurant, is now also residential. On the other side of the road No 5, a former butchers, is now flats and the former NatWest bank has six flats on the upper floors while the ground floor has been withdrawn from sale due, presumably, to lack of interest. There are now only two remaining retail premises further along - the Chinese Takeaway and the Nog Inn - and it is rumoured that one of these may close before long.

Strategic Objective No (2) in the Town Strategy is to encourage a wider mix of uses, including new employment, homes, etc. It is our intention, if permission is granted, to market the suggestion that part of the large front area of the flat (shown as a bedroom on the plans) could be used as a studio, office or even a small shop (subject of course to planning) but we did not want to include this in our application as it would restrict the available options."

In summary, it is considered that there are no pertinent policies within the adopted South Somerset Local Plan and the Wincanton Neighbourhood Plan against which any refusal of planning permission could be based. Therefore, there is no overriding planning objection in principle to converting the ground floor and basement of no. 2 South Street, Wincanton from a café/restaurant (Class A3) use to a residential unit (Class C3).

Impact on Designated Heritage Assets

Whilst the application site building is not listed in its own right, nevertheless it adjoins the Town Hall which is a Grade II Listed Building. The site lies within the Wincanton Conservation Area. The application proposal has therefore been advertised by way of site notice and newspaper advertisement as affecting the setting of an adjoining Listed Building and being within a conservation area.

External alterations being proposed are minor, being the insertion of a new window to serve a bedroom at the rear of the property and the erection of a small bike store (3m x 4.8m x 3.8m high) in the rear yard adjoining the end of the building.

The proposed external works would result in no harm being caused to the setting of the adjoining Listed Building and would cause no significant and demonstrable harm to the character and appearance of the Conservation Area.

As such, the proposal does not conflict with the statutory requirements set out in Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, nor does it conflict with Policies EQ2 and EQ3 of the Local Plan, Policy 2 of the Wincanton Neighbourhood Plan or relevant heritage guidance within the NPPF.

Highway Safety

Local Plan Policy TA5 requires all new development to ensure that the expected nature and volume of traffic and parked vehicles 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 local or strategic road networks in terms of both volume and type of traffic generated.

Paragraph 109 of the NPPF states that development should only be prevented or refused on

highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 106 of the NPPF advises that maximum parking standards for residential and non-residential development should only be set where there is clear and compelling justification that they are necessary for managing the local road network.

It is acknowledged that the proposed residential unit would not have the benefit of any on-site parking and therefore future owners/occupiers of that unit would rely on parking on street or in public car parks in the town. Such concern has been raised by Wincanton Town Council as part of its reasons to object to the proposal. However, this was the same scenario for the former café/restaurant use whereby the owner, staff and customers would have had the same parking issues to overcome.

The Highway Consultant has advised that, whilst the proposed residential unit would not have the benefit of any off-road parking, nevertheless given the location of the site within the town centre, close to public car parks, it is considered to be a sustainable location for a car-free development, particularly as the use of the ground floor/basement as a café would have generated significantly more traffic (by customers, staff and servicing/deliveries) and a higher demand for parking than that associated with a residential unit. Accordingly, he has raised no highways objection.

Whilst noting the concern raised by the Town Council about the lack of on-site parking, the Highway Consultant has raised a valid point that the traffic generated to a restaurant/café at the site, and associated parking demands, would potentially be greater than those associated with a new residential flat on the ground/basement levels. The County Council's parking Strategy allows for a flexibility in on-site parking provision in sustainable locations such as this. In addition, the traffic generated to the site would not be 'severe' to use the NPPF terminology.

As such, it is considered that the lack of on-site parking in this sustainable, town centre location would not be an overriding reason to justify a refusal of planning permission. The proposed development would thus accord with Policy TA5 and relevant guidance within the NPPF.

Impact on Residential amenity

The proposal would not adversely affect residential amenity, both in terms of the change of use of the ground floor and basement to a residential use and the external works associated with the development. In this respect, no objections have been raised by any neighbouring properties in terms of potential neighbour detriment.

An initial request was made by the Environmental Health Officer for the submission of an acoustic report to demonstrate that acceptable noise levels are experienced by the occupants and that the development would not impinge on commercial properties around it. In response, the following comments were submitted by the landowner.

The Red Lion pub closed in 2017 and has since turned into the Seed Cafe which is only open in the daytime with occasional small music nights in the evening. The kitchen is in a single storey building which backs onto the yard at the end of No 2 and the extraction is on the far side in an open area. Any music would be in the main building fronting on the Market Place. It may be worth pointing out that the occupants of the 1st and 2nd floor flats of No. 2 have lived there since 2007 and 2001 respectively and have never felt the need to complain about noise or cooking smells. The Bear is approximately 50 yards away from No. 2 on the far side of Market Place. There could be up to 100 existing residents within a 50 yard radius of this pub and I fail to understand why one new resident should pose a threat to their business. The plans for the flat include wide-space supplementary glazing to minimise noise from the street and a positive

input ventilation system to introduce filtered air from the south side of the building which appear to satisfy Building Control.

Mindful of such comments, the EHO has accepted that the proposed development would not cause unacceptable detriment to residential amenity and has raised no objections.

As such the proposal does not conflict with Policy EQ2 of the Local Plan.

Other Matters

Wincanton Town Council has raised concerns in respect of additional bins on the narrow pavement and it considers this application to be overdevelopment.

On the first matter, the landowner has advised that a domestic wheelie bin can be accommodated in the recessed front entrance and would not be put on the pavement. Also a restaurant would have to put one or more commercial bins on the pavement on a regular basis. Noting such comments, it is considered the proposed use as a residential unit would not exacerbate the situation regard wheelie bins when compared to the former restaurant use and its need for wheelie bins. This would not be a demonstrable and significant reason to refuse this application proposal.

On the second issue of overdevelopment the Town Council has not clarified what it means by 'overdevelopment'. The ground floor and basement areas are sufficiently large enough to provide for a single residential unit of accommodation and it is not uncommon in town centre locations for buildings to be sub-divided into various flats and maisonettes. Again it is not considered that this objection advanced by the Town Council is of such an overriding nature as to justify a refusal of planning permission.

In support of the proposal, there would be a very modest social benefit in the provision of one house and the contribution one household may make to the local community. In economic terms, there would be jobs generated during conversion works and to the local economy from one new household. In addition the proposal would help boost the supply of housing, albeit in a minor way.

Planning obligations and CIL

As this proposal is for less than 10 units the LPA will not be seeking any contributions towards leisure and recreational facilities or other local or district wide obligations, in accordance with the High Court of Appeal decision (SoS CLG vs West Berks/Reading) made in May 2016, which clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less. For the same reason the LPA does not seek any affordable housing obligation.

The scheme will be liable for the Community Infrastructure Levy (CIL) at £40 per m² and it is noted that the applicant has submitted a completed Form. It must be for the developer to establish, at the appropriate juncture, whether any exemptions or relief applies.

Conclusions

The proposal is considered to be acceptable in this sustainable town centre location, and would help compliment a broader mix of uses in the town centre as advocated by Government guidance within the NPPF and associated Planning Practise Guidance. There are no specific policy objections within the adopted South Somerset Local Plan and Wincanton Neighbourhood Plan to residential uses at ground floor level of buildings within the town centre.

The Wincanton Town Centre Strategy and Action Plan provides encouragement to reuse vacant or underused ground floors of buildings in the town centre which support main town centre uses, with residential use over ground floor uses also being encouraged. However, the Strategy does not specifically exclude the reuse of vacant or underused buildings at ground floor level for residential accommodation. In any event, this document has only limited weight in the planning decision-making process.

In terms of other material planning considerations, the proposal would cause no demonstrable harm to the setting of the adjoining Listed Building or to the character and appearance of the Conservation Area or visual amenity in general. Likewise there would be no adverse impact on residential amenity or highway safety to justify a refusal of planning permission.

As such, the proposed development accords with Policies SD1, SS1, EQ2, EQ3 and TA5 of the South Somerset Local Plan and relevant guidance in the NPPF and its associated Planning Practise Guidance and is recommended for approval.

RECOMMENDATION

Permission be granted for the following reason:

01. The proposal is considered to be acceptable in this sustainable town centre location, and would help compliment a broader mix of uses in the town centre as advocated by Government guidance within the NPPF and associated Planning Practise Guidance. There are no specific policy objections within the adopted South Somerset Local Plan and Wincanton Neighbourhood Plan to residential uses at ground floor level of buildings within the town centre. The Wincanton Town Centre Strategy and Action Plan provides encouragement to reuse vacant or underused ground floors of buildings in the town centre which support main town centre uses, with residential use over ground floor uses also being encouraged. However, the Strategy does not specifically exclude the reuse of vacant or underused buildings at ground floor level for residential accommodation. In any event, this document has only limited weight in the planning decision-making process.

In terms of other material planning considerations, the proposal would cause no demonstrable harm to the setting of the adjoining Listed Building or to the character and appearance of the Conservation Area or visual amenity in general. Likewise there would be no adverse impact on residential amenity or highway safety to justify a refusal of planning permission.

As such, the proposed development accords with Policies SD1, SS1, EQ2, EQ3 and TA5 of the South Somerset Local Plan and relevant guidance in the NPPF and its associated Planning Practise Guidance.

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 drawings:

Site Location Plan,
Drawing no. ARD/01/04: Existing Basement and Ground Floor Layout,
Drawing no. ARD/04/07: Proposed Ground and Basement Layout,
Drawing no. ARD/06/07: Existing and Proposed Elevations,

and the external surfaces of the new window and extension shall be of materials as indicated on the submitted application form. No other external finishing materials shall be used without the prior written approval of the Local Planning Authority.

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

Informatives:

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

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

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

Agenda Item 12

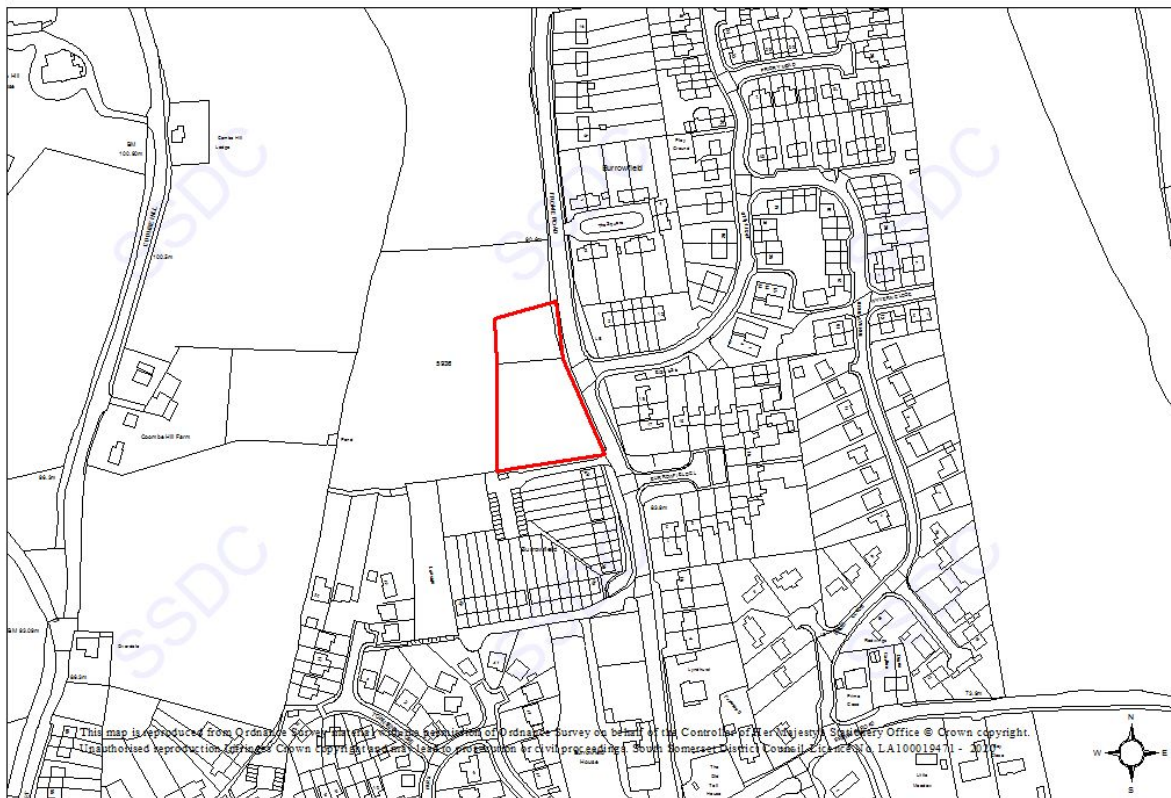
Officer Report on Planning Application: 20/00337/S73

Proposal:	Application to vary condition 2 (approved plans) of planning approval 18/03479/FUL to substitute approved drawings with revised drawings to allow changes to layout, design and landscaping.
Site Address:	Land at Burrowfield, Bruton
Parish:	Bruton
BRUTON Ward (SSDC Member)	Cllr L Trimmell
Recommending Case Officer:	Stanley Norris Tel: 01935 462462 Email: planningcaseteam@southsomerset.gov.uk
Target date:	31st March 2020
Applicant:	Mr Matthew Butler
Agent: (no agent if blank)	Grainge Architects Grainge Architects The Boat Shed Michael Browning Way EXETER EX2 8DD
Application Type:	Minor Other less than 1,000 sq.m or 1ha

Reason for referral to Committee

This application is presented to the Area East Committee following comments from the Ward Member and Committee Chair who were not in agreement with the officer recommendation.





Site Context/Description and Proposal:

The application site is located on Frome Road at the north-eastern boundary of Bruton.

The site is currently in agricultural use and slopes upwardly from east to west. The eastern boundary of the site is bound with mature hedging, with Frome Road running parallel. To the southern boundary is mature hedging with residential properties side-on to the site, facing onto Frome Road. To the west and north is agricultural land.

The application seeks permission to vary the layout, design and landscaping of the previously approved 18/0379/FUL which was granted permission for the erection of a single storey office building and a light industrial building.

Relevant History

18/03479/FUL

Description: The erection of a single storey multiple occupancy office hub building and a light industrial building consisting of 7 No. light industrial spaces with associated parking and a new vehicular access.

Status: Permitted with conditions

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.

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the

adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

Relevant policies of the plan:

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS3 - Delivering New Employment Land

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy TA1 - Low Carbon Travel

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

National Planning Policy Framework:

Chapter 6 - Building a Strong, Competitive Economy

Chapter 12 - Achieving Well Designed Places

Chapter 14 - Meeting the Challenge of Climate Change...

Planning Practice Guidance, 2014. (As Amended)

Bruton Town Council

At a meeting on 11th March 2020 the Planning Committee of Bruton Town Council resolved to recommend APPROVAL of this application but asked the Planning Authority to ensure that the applicant does not resile from the following four provisions in the approved scheme (18/03479/FUL) which have been omitted or changed in the S73(revised) application (20/00337/S73):

1. Photo Voltaic (PV) panels on the Office Hub roof:

-The approved scheme features 49 PV panels, covering c.75sq.m. of roof space.

-The S73 application does not show the PV panels as discrete units but the area of roof space covered appears to be c.53sq.m. Which is only c.70% of the area covered in the approved scheme.

-The Committee requests the LPA to ensure that acceptance of the S73 proposals does not permit any reduction in the output of renewable energy from the level agreed in the approved scheme, and to ensure that the scheme remains fully compliant with policy EQ1 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

2. Rooflights on the Office Hub roof:

-The approved scheme features 19 rooflights.

-The S73 application features no rooflights at all.

-Given the health benefits of natural light (over electrical lighting) in the workplace, and SSDC's commitment to health and well-being, the Committee requests the LPA to require the rooflights in the approved scheme to be restored in the S73 application.

-The Committee requests the LPA to ensure that acceptance of the S73 application does not permit any reduction in the levels of natural light provided in the approved scheme since this would lead to an increased use of electric lighting contrary to the provisions of policy EQ1 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

3. Cladding:

-The S73 application specifies "Metal Vertical Cladding" for the Industrial Unit elevations and

"Microrib Horizontal Cladding" for the Office Hub elevations.

- The Design and Access Statement of the S73 application states, "The Industrial Unit has a similar appearance and massing to the Approved Scheme (18/03479/FUL)"
- However Condition 20 of the approved scheme specifies, "Prior to first occupation of the development hereby permitted, a scheme of timber cladding of the buildings shall be fully implemented in accordance with the details which shall have been submitted to and agreed in writing by the Local Planning Authority" (my emphasis).
- The Committee requests the LPA to obtain an explanation of this anomaly and to confirm that Condition 20 of the approved scheme will be adhered to.

4. Cycleway and footpath:

- The Site Plan of the approved scheme shows a walkway leading from the entrance of the Office Hub across the front of the Industrial Unit to a footway beside the access road terminating in a marked road crossing on the Frome Road.
- The S73 application shows a similar Pedestrian Walkway and linked footway but does not show any road crossing.
- The Committee requests the LPA to ensure that the S73 application conforms to Condition 7 of the approved scheme which prescribes "a new cycleway and footpath...constructed within the development site to the south eastern corner linking to a suitable crossing point of Frome Road in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority" (my emphasis).
- In addition to this formal submission (above) the Planning Committee has asked me to draw your attention to another important matter associated with this application.

In Bruton Town Council's response to application 18/03479/FUL the LPA was asked to impose a condition stipulating that "The operating hours of the light industrial units should be limited to normal working hours so as to reduce the impact of noise and traffic on the adjacent residential area."

Unfortunately the LPA chose not to impose this condition and this has led to great local concern about the likely impact of early-morning, late-night and weekend industrial noise on the lives of the many residents living just across the road - the nearest gardens are barely 20 metres away.

You might take the view that such matters can be easily resolved by SSDC's Environmental Health Enforcement Team but this has not been our experience. This should not be taken as a criticism of the Enforcement Team: it has made valiant efforts over the years to address the nuisance of out-of-hours noise from an established light-industrial business in another part of Bruton. Unfortunately the Team is hampered by legal constraints and limited resources, and any progress has been hard won.

It is obviously easier to deal with such problems in anticipation rather than reactively. We would therefore be most grateful if you could reconsider this matter when you are reviewing any Planning Conditions attached to 20/00337/S73. And I might add we trust that the Conditions already attached to 18/03479/FUL will be replicated if the S73 application is granted, other those Conditions which have been explicitly excepted.

Other Consultees

SSDC Highways Consultant:

It would appear that the reasons for imposing Condition 4 of the previous consent were based on planning grounds. Therefore, no highways objection is raised to the current S73 application.

County Highways:

In terms of highway safety concerns this scheme does not have any detrimental impact and as such I would refer you to the comments and recommended conditions submitted for 18/03479/FUL as they apply equally to this application.

Environmental Protection:

I have reviewed this application and have no comments to make from an Environmental Health point of view. The comments submitted by my colleague in relation to the original application still stand.

Somerset Ecology:

In order to provide better gains to pollinators and biodiversity I would like to see the plans amended to include:

- Proposed wildlife meadow, to include species that are native and locally occurring, with a management plan proposed for establishment and long term management including a maximum of two cuts a year (early spring and late summer) with all airings remove from site.
- All new shrubs to include high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators " provides a list of suitable plants both native and non-native.
- Creation of minibeast hotel along the western boundary.
- I would also like to see 3 trees on site that would benefit pollinators to include cherry and apple of local provenance.
- 2 x kent style bat boxes, or similar, attached to a building or mature tree on site, at a height of 3m facing south or west.
- 2 x standard bird nest boxes, attached to a building or mature tree on site, at a height of 3m facing north or east.

These amendments will allow the proposal to adhere to the Somerset Pollinator Action Plan and Biodiversity Net Gain requirements under NPPF 2018 and South Somerset District Council Local Plan - Policy EQ4 Biodiversity

Environment Agency:

No comments received.

Neighbour Comments

5 Objections received, the following points were raised;

- Why have industrial units in the middle of a residential area?
- Unnecessary development, no need for industrial units but need for school and a doctor's surgery
- Increased traffic in a residential area
- Bruton will lose its charm and will not attract new residents or tourists
- Should expand the current industrial estate as non-greenfield land there ripe for development
- Lack of pathways, increased traffic will make this unsafe
- No information about the hours/days of operation. Will there be noise pollution outside 9-5 working pattern?
- Proposal does not include indigenous planting

Applicants Case

1. Photo Voltaic (PV) Panels on the office hub roof:

The quantity of PV Panels required will be determined by the supplier based on our BREEAM Consultants recommendation to achieve the credits required for BREEAM "Excellent". In doing so, we believe the scheme will adhere to policy EQ1 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF).

2. Rooflights on the office hub roof:

We fully agree with the Planning Committee's comments regarding natural light provisions. By calculating the amount of glazing in both the Approved Scheme and Revised Scheme (m2) we make the following judgement:

Approved Scheme (18/03479/FUL): 24.5m2 of glazing (incl. windows and roof-lights).

Revised Scheme (20/00337/S73): 27.5m2

Despite not incorporating roof-lights (as previously shown in the Approved Scheme), we have re-designed the floor plans and elevations of the Proposed Office Hub to make certain that the workspaces are naturally lit and ventilated by increasing the size of the openable windows. As a result, the Revised Scheme actually provides a greater opportunity for natural light than the Approved.

3. Cladding

Within the Approved Scheme (18/03479/FUL) planning application, Pick Everard submitted the drawing 'Site Section and Massing' (Drawing No. SOM2-PEV-XX-ZZ-DR-A-0350). The perspective titled 'Photo-montage showing massing of the Industrial Unit - View from East Field Road into Frome Road' uses a Google Maps 'Street-view' screenshot from 2009. This screenshot shows a large area of the Industrial Unit's Rear Elevation due to the hedge being under developed.

To reflect the Approved Scheme, our drawing 'Proposed 3D Images' (Drawing No. 1480_PL12) used a similar hedge-line. However, as per the attached document, it is clear from the 'Image taken from Frome Road in 2019' that the hedge-line submitted as part of the Revised Scheme is incorrect. We have sketched an indicative hatch over our Proposed 3D Image to show our understanding of the current hedge-line). In addition, to further reduce the visual profile of the Industrial Unit, we have worked with the Civil Engineers to move the building away from the East Boundary and we have incorporated additional high-level landscaping/trees along the Industrial Unit's Rear (West) and side (North) Elevations.

In conclusion, taking into consideration the current hedge-line and topography of the site, we don't believe the proposal will be visible from Frome Road or the surrounding dwellings and have therefore adopted a materiality that reflects the successfully delivered Enterprise Centres at Wells and Wiveliscombe instead of a scheme of timber cladding.

4. Cycleway and footpath

Although the road crossing has not been indicated on the Proposed Site Plan; please refer to drawing 1480_PL04) Proposed Site Plan (Access Road) which shows the proposed pedestrian crossing on Frome Road with Tactile Paving to assist pedestrians with visual impairments.

Officer Response to Consultee comments/Neighbour reps

The points raised by the Parish Council were sent to the agent for comments to address and these will be discussed throughout the body of the report. However, comments in regard to a condition limiting the hours in regards to noise pollution, B1 industrial units are generally described as 'industrial processes which "can" take place within a residential area without damaging the "amenity of that area". It would also be unreasonable and arguably unlawful to impose this restriction to the earlier consent.

The majority of neighbour representations received were on the principle of the site and impact

on neighbouring residents and increased traffic movements, however, as there is an extant permission in place the principle has already been established and therefore the only objections which will be considered are those relating to the proposed amendments. The objection relating to the planting of non-native species has been addressed by the developer with proposed native species shown in an amended plan, in line with the response from Somerset Ecology Services.

Principle

With an existing permission remaining extant, the principle of development is considered to be established. The only matter that needs to be considered here are those that the current application seeks to amend which include changes to the landscaping, layout and design.

Visual and Landscape Impact

It is considered that the existing hedge (conditioned to be retained and protected under ref 18/03497/FUL) would limit views of the site from Frome Road and the residential dwellings situated to the south of the site. The amended site plan following comments from Somerset Ecology also included a selection of trees and flower meadows around the site to soften the impact of the development. A pre-commencement condition was also included on the previous consent for full details of landscaping, both hard and soft to ensure the impact is mitigated.

The change from timber cladding to metal cladding is considered to be the biggest change to the previously approved plans and did garner comments from the Parish Council, however, given the significant landscaping proposed (and conditioned) as well as the proposed positioning of the buildings further in site from the eastern boundary adjoining Frome Road, it is not considered that this change would have any further adverse impact than the previously approved scheme. The omission of the previously approved rooflights and increased provision of windows at ground floor level is considered to be a minor change and is not considered to impact the setting or the development itself.

It is also noted that under this application the approved 'Office Hub' would be lowered in height and the roof design changed from a gable to a mono-pitched roof which would sit below the existing hedgerow and therefore is considered to greatly reduce the impact that the development could have on the residential setting to the east and south.

The changes will not change the level of development at the site and are therefore considered to be acceptable in relation to highway safety and parking provision.

Residential Amenity

It is not considered that the proposed amendments would result in any further harm to the residential amenity of neighbouring occupiers.

Summary

Overall the changes are considered to be acceptable amendments to 18/03497/FUL and are not considered to compromise the original design of the development.

Recommendation

Approve for the following reason:

01. The proposal variations to the approved plans are considered to respect the character and appearance of the overall development scheme and would cause no demonstrable harm

to visual and residential amenity, highway safety or biodiversity interests, in accordance with the aims and objectives of Policies SD1, SS1, SS3, EQ1, EQ2, EQ3, EQ4, TA1, TA5 and TA6 of the South Somerset Local Plan 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 planning permission 18/03479/FUL i.e. before 11th July 2022.

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

02. The development hereby permitted shall be carried out in complete accordance with the following approved plans date stamped as received by the LPA 04/02/2020: (unless otherwise stated)

- Design and Access Statement
- 1480-PL01_Site Location Plan
- 1480-PL02_Proposed Block Plan
- 1480-PL03_Proposed Site Plan REV A (received 25/03/2020)
- 1480-PL04_Proposed Site Plan (Access Road)
- 1480-PL05_Office Hub Ground Floor Plan
- 1480-PL06_Industrial Unit Ground Floor & Roof Plan
- 1480-PL07_Office Hub Elevations
- 1480-PL08_Industrial Unit Elevations
- 1480-PL09_Site Section & Massing
- 1480-PL10_Bin Store & Cycle Shelter
- 1480-PL11_Office Hub Roof Plan
- 1480-PL12_Proposed 3D Visualisations

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

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

- Construction vehicle movements;
- Construction operation hours;
- Wheel washing of lorries;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of residential amenity and highway safety, in accordance with policies EQ2 and TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

04. Prior to occupation the proposed access shall be constructed to have a minimum width of 5.5 metres and incorporate radii not less than 10 metres and shall incorporate a new

section of footway on the southern side to link to a suitable pedestrian crossing facility on Frome Road.

Reason: In the interests of highway safety and sustainable travel, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

05. The gradient of the access way shall not at any point be steeper than 1 in 10 for a distance of 20 metres from its junction with the public highway. This part of the access shall be maintained at that gradient thereafter at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

06. Provision shall be made within the site for the appropriate management and disposal of surface water so as to prevent its discharge onto the highway, and to ensure flood risk is appropriately managed, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to commencement. Such provision shall be installed in accordance with the agreed details before prior to first use of the site and thereafter maintained at all times.

Reason: In the interests of highway safety and flood risk management, in accordance with policies EQ1 and TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

07. In the interests of sustainable development none of the units hereby permitted shall be occupied until a new cycleway and footpath connection has been constructed within the development site to the south eastern corner linking to a suitable crossing point of Frome Road in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and sustainable travel, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

08. The development hereby permitted shall not be occupied until the parking spaces for the units and a properly consolidated and surfaced turning space for vehicles have been provided and constructed as shown on the submitted plan. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and providing appropriate parking levels, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

09. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 4.5 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 70m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

10. Prior to the erection of any building hereby permitted above ground level, details of all materials to be used for the exterior of those buildings shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall then be constructed in accordance with the approved details.

Reason: To safeguard local amenity and in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

11. Prior to their installation as part of the development hereby permitted, details of all windows, doors, and other openings shall be submitted to and approved in writing by the Local Planning Authority. The openings shall strictly accord with the details agreed.

Reason: To safeguard local amenity and in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no extensions or other external alterations shall be made to the industrial buildings hereby permitted nor any additional buildings constructed within the site without prior express grant of planning consent.

Reason: In the interests of visual and residential amenity, and to safeguard on-site parking and highway safety, in accordance with policies EQ2, TA5, and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

13. Prior to first use of the development hereby permitted, details of the electric vehicle-charging points (16 amp minimum) to serve the parking spaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall then be installed prior to first use of the development and, once installed, the charging points shall be maintained and retained thereafter.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

14. There shall be no external lighting installed at the site without the prior written consent of the Local Planning Authority. Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on any of the buildings themselves), details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowling of all external lights to the buildings and any other parts of the application site edged red (as indicated on the approved Site Location Plan) and the hours at which such lighting is to be operated.

The external lighting shall thereafter be carried out in accordance with the approved details (unless the Local Planning Authority gives prior written approval to any subsequent variations), and shall thereafter be retained in that form and under no circumstances shall it cause light pollution.

Reason: To safeguard the rural character and appearance of the locality; to safeguard the residential amenities of owners/occupiers of the existing neighbouring property; to safeguard any biodiversity interests; and in the interests of public safety and convenience, having regard to Policies EQ2, EQ4 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

15. The development shall be carried out strictly in accordance with the recommendations within the ARBORICULTURAL SURVEY AND IMPACT ASSESSMENT (April 2018) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard biodiversity and green infrastructure, in accordance with policies EQ4 and EQ5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

16. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping. The submitted scheme shall clearly confirm the details of all retaining structures and details and dimensions of any intended tree or shrub planting, earth-moulding, seeding, turfing and surfacing. All planting stock shall be confirmed as UK-grown, and details shall be provided in regards to the planting locations, numbers of individual species, sizes, forms, root-types/root volumes and the intended timing of planting. The installation details regarding ground-preparation, weed-suppression, staking/supporting, tying, guarding, strimmer-guarding and mulching shall also be included within the submitted scheme. All planting comprised in the approved scheme shall be carried out within the dormant planting season (November to February inclusively) following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation. It shall also provide full details of all retaining walls. The retaining structures shall be fully implemented in accordance with the agreed details prior to first use of the development.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)1.00 and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

17. The bin store shown on the approved plans shall be provided prior to first use of any building hereby permitted.

Reason: In the interests of visual amenity and good design, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

18. Prior to first use of the building, the solar panels as shown on the approved plans shall be fully installed in accordance with details which shall have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To support the provision of micro-generation, in accordance with policy EQ1 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

19. The development hereby permitted shall be used strictly for B1 Use of The Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: The development has been justified on the basis of B1 use only, and to allow the impact of any other use on amenity and highway safety to be properly considered through a planning application.

Informatives:

01. The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health section.
02. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer is advised to contact the Highway Authority to progress the agreement well in advance of commencement of development.