

South Somerset District Council

Notice of Meeting



Area East Committee

Making a difference where it counts

Wednesday 13th September 2017

9.00 am

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

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



The following members are requested to attend this meeting:

Mike Beech
Hayward Burt
Tony Capozzoli
Nick Colbert

Sarah Dyke
Anna Groskop
Henry Hobhouse
Mike Lewis

David Norris
William Wallace
Nick Weeks
Colin Winder

Consideration of planning applications will commence no earlier than **10.30am**.

For further information on the items to be discussed, please contact the Democratic Services Officer on 01935 462038 or democracy@southsomerset.gov.uk

This Agenda was issued on Tuesday 5 September 2017.

Ian Clarke, Director (Support Services)

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



Information for the Public

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

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

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

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

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

Agendas and minutes of meetings are published on the council’s website
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Public participation at committees

Public question time

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

Planning applications

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

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

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

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

The order of speaking on planning items will be:

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

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

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

Recording and photography at council meetings

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

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

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

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Area East Committee

Wednesday 13 September 2017

Agenda

Preliminary Items

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the previous meeting held on Wednesday 9th August 2017.

2. Apologies for absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

Planning Applications Referred to the Regulation Committee

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

Councillors Sarah Dyke, Tony Capozzoli, Nick Weeks and Colin Winder.

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

4. Date of Next Meeting

Members are asked to note that the next scheduled meeting of the committee will be at the Council Offices, Churchfield, Wincanton on Wednesday 11th October at 9.00am.

5. Public Question Time

6. Chairman Announcements

7. Reports from Members

Items for Discussion

- 8. Report for Area East Committee on the Performance of the Streetscene Service** (Pages 6 - 8)
- 9. Corporate Support for Community and Public Transport and SSCAT bus** (Pages 9 - 14)
- 10. South Somerset Community Accessible Transport - Annual Report 2016/17** (Pages 15 - 16)
- 11. Area East Committee Forward Plan** (Pages 17 - 18)
- 12. Planning Appeals (For Information Only)** (Pages 19 - 24)
- 13. Schedule of Planning Applications to be Determined by Committee** (Pages 25 - 27)
- 14. 17/00792/FUL - Land At Higher Farm Corton Denham Road Corton Denham** (Pages 28 - 36)
- 15. 17/02438/REM - The Old Mill House, Lower Kingsbury, Milborne Port** (Pages 37 - 42)
- 16. 17/01636/OUT - Land adj The Old Mill House, Lower Kingsbury, Milborne Port** (Pages 43 - 50)
- 17. 17/02511/OUT - Land rear of 1 Sparkford Road, South Barrow** (Pages 51 - 59)
- 18. 17/02835/S73A - Land OS 2269 Old Bowden Road, Milborne Port** (Pages 60 - 64)
- 19. 17/01471/DPO - New Spittles Farm, Ilchester Mead Interchange, Ilchester** (Pages 65 - 68)
- 20. Exclusion of the Press and Public** (Page 69)
- 21. Overview of Town Centre Development Options, Wincanton** (Pages 70 - 74)

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

This does not apply to decisions taken on planning applications.

Agenda Item 8

Report for Area East Committee on the Performance of the Streetscene Service

Lead Officer: Chris Cooper - Streetscene Manager
Contact Details: chris.cooper@southsomerset.gov.uk or 01935 462840

Purpose of the Report

To update and inform the Area East Committee on the performance of the Streetscene Service in the Area for the period March to August 2017

Recommendation

Members are invited to comment on the report

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

- Routine cleansing and grounds maintenance
- Staff training
- Annual work schedule
- Health and Safety
- Annual budget

Operational Works

Since the last report, the service has delivered the 2016/17 annual work schedule and is also pleased to report that it ended the last financial year within the set budget targets.

We also reduced our staff sickness levels to 9.4 days per Full Time Employees (FTE) from the previous year's level of 14 days per FTE. We aim to reduce this further to a target of 8 days per FTE.

In addition to these improvements, we have recently analysed the complaints that we handled and found that across all of the service that make up 'Streetscene', 52 complaints were reported and handled, but only 27 of these, were genuine service related complaints, whilst the others were passed to the relevant authority such as the Waste Partnership or County Highways.

In the last financial year we delivered two applications of herbicide as programmed through the highway weed control operation. The quality of the control was excellent and so far this year we have maintained this level of service, having completed one complete spray, the second is currently underway and we aim to carry out a treatment in all of the towns across South Somerset by October, completing the programme in villages early in the coming spring. This approach will enable us to focus on the leaf clearance and rural road litter picking programmes which become service priorities.

To ensure that we can more effectively deliver the service in coming seasons, we have purchased an additional quad bike.

We continue to invest-in and develop our team, last year undertook extensive training on a wide range of customer focussed, health and safety and service related aspects of work.

The service also contains a number of apprentice positions, and once again a 'home grown' apprentice has been recruited into a permanent position within the unit. The recruitment of our 'next' apprentice was carried out by members of the operational team, thus further developing their

ownership of the service and a young man who was with us as a work experience placement from the Key4life charity was selected.

This year our training programme is focussed to maximise the ability of the workforce to access our whole range of equipment, such as pavement, sweepers, quad bike sprayers, vehicle mounted leaf vacuums, graffiti removal chemical systems and driver related training. We are confident that developing our workforce in these areas will result in a more effective and resilient team equipped to deliver improved services.

The Parish Ranger Scheme continues to flourish, with a number of parishes using the scheme to add an enhanced level of service to their parishioners. This year the ranger assisted Milborne Port in their 'In Bloom' preparations and we wish them well in the coming results.

Should any members wish to find out more about the scheme or any other of the services that we offer, we will be delighted to discuss their needs with them.

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

AREA EAST	Mar 17	April 17	May 17	June 17	July 17	TOTALS
Abbas & Templecombe	2					2
Alford						0
Babcary				1		1
Barton St David						0
Bratton Seymour						0
Brewham						0
Bruton	1	1	1	1	1	5
Castle Cary & Ansford	2	3	3		1	9
Charlton Horethorne		1	1		1	3
Charlton Mackrell	2	1	1		1	5
Charlton Musgrove	1					1
Chilton Cantelo		1	1			2
Compton Pauncefoot						0
Corton Denham						0
Cucklington						0
Henstridge	1	1	1	2	3	8
Holton						0
Horsington	1			2		3
Ilchester	2	4	4	1	2	13
Keinton Mandeville						0
Kingsdon	1					1
Kingweston					1	1
Limington		1	1			2
Lovington						0
Maperton						0
Marston Magna					1	1
Milborne Port	1					1
Mudford		2	2	2	2	8
North Barrow					1	1

North Cadbury						0
North Cheriton	1					1
Penselwood				1		1
Pitcombe						0
Queen Camel						0
Rimpton		1	1	2		4
Shepton Montague						0
South Barrow				1		1
South Cadbury						0
Sparkford		2	2	1		5
Stoke Trister		2	2	1		5
West Camel		1	1		1	3
Wincanton	3	5	5	3	2	18
Yarlington						0
Yeovilton						0
TOTAL AREA EAST	18	26	26	18	17	105

Unfortunately in the last financial year we saw an increase in the numbers of flytips across the district as a whole, during 2015/16 we cleared 951 flytips which compares to 2016/17 when we cleared 1108 tips. This came at an estimated cost of £62,541 (based upon the DEFRA formula for cost calculation) Having analysed the figures, we believe that the changes involved with the introduction of the SWP 'vehicle and trailer permit scheme' controlling access for small vans and trailers at HWRC's has led to the rise in figures. This conclusion has been reached after analysing the fly tipping data which shows a spike in fly tipping numbers primarily in the size of a small van load.

This year the team has also started working with the charity Key4life who arrange work placements for young men who have come out of prison and in order to help them integrate into society again, we are working with them to enable these individuals to gain experience and skills to help them in their futures. We believe that indications are that this is a very successful charity with excellent results from their approach and we are delighted to be working with them.

What's coming next?

- Continued delivery of the annual work programmes
- Development of the workshop as an MOT station

Financial Implications

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

Implications for Corporate Priorities

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

Background Papers

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

Agenda Item 9

Corporate Support for Community and Public Transport and SSCAT bus

Director: Martin Woods – Service Delivery
Service Manager: Jo Wilkins – Acting Principal Spatial Planner
Lead Officer: Nigel Collins – Transport Strategy Officer
Contact Details: nigel.collins@southsomerset.gov.uk or (01935) 462591

Purpose of the Report

The report follows on from previous reports to the Area East Committee on 8th July 2015 and 13th July 2016 and informs Members of the continued work being undertaken to develop transport schemes and local solutions to reduce isolation and reflect South Somerset District Council's corporate aims to improve the economy, environment, health and help for communities.

Public Interest

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

Recommendation(s)

That members:

1. Note the contents of this report.
2. Resolve that:
 - a) A letter is sent to all Town and Parish Councils in Area East outlining the current situation with regard to South Somerset Community Accessible Transport and asking them to precept to support the scheme over a period of 3 years
 - b) And instruct officers to meet with some of the larger Town and Parish Councils to reinforce this request.
 - c) A district wide response to the Department for Transport's consultation on the Issue and Use of Section 19 and Section 22 Permits for Community Transport be moved forward.

Background

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

Report

Overview

Since the last report to Area East on 13th July 2016, SSDC has continued to be engaged on the series of themes, initiatives and interventions previously discussed in addition to other emerging concepts. Those relevant to Area East are set out below.

1. The Total Transport Pilot Fund

- 1.1. Members will recall the previous work undertaken in respect of a Wincanton Transport and Accessibility Hub and how any future development of this concept would be dependent on the outcome of SCC's Total Transport Pilot Fund (TTPF) project.
- 1.2. In March 2015 SCC successfully bid for £305,000 funding from the Department for Transport's (DfT) Total Transport Pilot Fund. The bid required an initial analysis of the data including the journey patterns from Community Transport & Health Sector transport providers to identify gaps in provision and also what's happening in adjoining areas.
- 1.3. This required SCC to undertake analysis of current transport provision in Somerset, which involved a significant amount of work, including the mapping of passenger transport (including public buses, taxis, Demand Responsive Transport and Community Transport) as well as current 'non-public' routes for education health and social care trips. This work is now complete. The main element of the bid was to build a 'proof of concept' web portal designed to facilitate journey planning across all of the above modes, with smart application and ticketing. The portal would facilitate all transport rather than just the scheduled bus services currently on Traveline.
- 1.4. SCC has undertaken a feasibility study regarding the appetite for a web portal for transport, which included stakeholder engagement with a range of providers and users who were very keen on the concept and in particular the ability to view the details of unscheduled transport such as community transport along with the ability for users to post queries and/or requests for specific journeys onto an 'E notice board'.
- 1.5. It is recognised that at the current time many passengers may not have direct access to the portal and it is envisaged that other agencies including the various transport operators; GP surgeries; other healthcare providers; local advice/information centres etc. will be able to access the information on their behalf. The scheme would then offer the user the most suitable method of transport.
- 1.6. A specification has been written and SCC is currently in the midst of the procurement process to secure a supplier to build the portal. The intention is to test the portal over the Autumn/Winter period with a 'go live' in summer 2018.
- 1.7. SCC is working in partnership with Gloucestershire on this initiative and the Department for Transport has given a commitment to carry over the grant past the deadline originally set, as they are keen for this innovative work to be delivered and available to other Local Authorities.
- 1.8. The TTPF is specific to innovative approaches and this work has the potential for wide benefits in accessibility particularly in rural areas.
- 1.9. In addition to the development of the portal SCC is working with the NHS to increase car scheme availability, working with them to assist in accommodating these within larger GP practices and enable parking and pick up for all community based schemes at hospitals.
- 1.10. It is hoped that Wincanton and its rural hinterland will benefit from this project and the Transport Strategy Officer will update the Area East Committee as the TTPF progresses.

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

- 2.1. SSDC continues to urge the Train Operating Companies (TOCs) Network Rail (NR) and the Department for Transport (DfT) for improvements on all three of the train lines that serve Area East. These are:
 - 2.1.1. London (Waterloo) to Exeter, now operated by South Western Railway (First/MTR) - Templecombe Station.
 - 2.1.2. London (Paddington) to Taunton, Exeter and the south west, operated by Great Western Railway (GWR) – Castle Cary Station.
 - 2.1.3. Bristol to Weymouth; the Heart of Wessex Line (HoWL), operated by GWR – Bruton and Castle Cary stations.
- 2.2. The South Western Railway (First/MTR) was awarded the new 7-year Franchise to operate the South Western Rail Franchise, which includes the London (Waterloo) to Exeter line with effect from 20th August 2017.
- 2.3. There was some disruption to scheduled services on the London (Waterloo) to Exeter line during August whilst major improvements have been carried out at Waterloo Station to improve capacity.
- 2.4. SSDC continues to be engaged with West of England Line Route Strategy Group (WoEL SG)¹ to raise awareness of the potential for improvements on this line both in Control Period 6 (2019 – 2024) and in the future. The West of England [Railway] Line is the route between Worting Junction (west of Basingstoke) and Exeter via Salisbury, Templecombe and Yeovil Junction.
- 2.5. Members will recall that Network Rail (NR) have been assessing a range of options to deliver greater resilience to the south west rail network following the severe weather incidents of recent years. Some of these options could include infrastructure improvements on the West of England Line (WoEL) and the section on the Heart of Wessex line between Castle Cary and Yeovil. Our understanding is that NR has submitted a range of options for consideration by the Department for Transport (DfT). It is important to recognise though that should any of these options come forward it is likely to be in the long term. However, in addition to the greater resilience the benefits to South Somerset and Area East would include greater opportunities to increase connectivity in the future.
- 2.6. As indicated in the Heart of Wessex Rail Partnership report to Area East committee on 9th August growth has slowed on that line due to the disruption caused by the electrification work being undertaken on the network, capacity issues, particularly on peak time journeys from Bristol and Bath, and the low frequency. SSDC continues to lobby both through the Partnership and through direct engagement with GWR and NR for service improvements.
- 2.7. Members will also recall that extending the car park at Castle Cary station was identified in the South Somerset Infrastructure Delivery Plan (IDP) as Priority 2.² The Great Western Railway (GWR) recognises that the car park at Castle Cary train station is currently operating at

¹ The WoEL SG consists of representatives from the Local Authorities and Local Enterprise Partnerships (LEPs) whose areas are served by the WoEL between Salisbury and Exeter. (i.e. Dorset County Council, Dorset LEP, Swindon & Wiltshire LEP, Wiltshire Council, and SSDC– plus Somerset County Council and Devon County Council and the Heart of the South West Local Enterprise Partnership as Peninsula Rail Task Force members).

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

capacity and impeding passenger growth at the station. SSDC is actively involved in discussions as to how best to deliver this key IDP aim.

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

- 3.1. SSDC are in regular and on-going discussions with SCC and the bus operators over bus service provision in the district. There have been a number of changes to bus services in Area East since the July 2016 report and these are outlined below.
- 3.2. The Buses of Somerset undertook a review of their services earlier this year resulting in changes to the 58/58A service to maintain the viability of what is a commercial service (i.e. operated without subsidy). Details of the change, which took effect from 27th February, were outlined in a report to Area East committee 8th February 2017. The main change to the service was that another variation was added (59) to operate between Yeovil and Marnhull in Dorset with the 58/58A and 59 both operating on a two-hourly frequency. This meant a reduction in frequency to 2 hourly for the Wincanton and Templecombe section of the route, although an hourly frequency has been maintained from Virginia Ash and Milborne Port to Sherborne and Yeovil.
- 3.3. Dorset County Council has recently undertaken a review of their subsidised local bus services. This resulted in some route changes taking effect from 24th July 2017. In respect of Area East these changes include:
 - The withdrawal of the 158 service to Gillingham
 - The X10 service, operated by South West Coaches offers journeys from Henstridge and Milborne Port to Sherborne, Yeovil, Sturminster Newton and Blandford as an alternative to service 368 which has similarly been withdrawn.

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

- 4.1. As indicated in the report to Area East on 13th July 2016, the Infrastructure Delivery Plan (IDP) sets out evidence on current and future infrastructure provision in South Somerset. The IDP can be viewed on : <https://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/early-review-of-local-plan-2006-2028/evidence-base/>
- 4.2. In respect of specific infrastructure related to public transport in Area East, the IDP recognises the need to increase car parking capacity at Castle Cary Station and more generally it supports the need for rail infrastructure improvements on both the West of England and Heart of Wessex Rail lines.
- 4.3. SSDC continues to work with SCC and developers to secure public transport improvements when possible. However the extent to which funding can be levered in is very much dependent on the scale of the development and overall viability of site.

5. Community Transport

- 5.1. South Somerset Community Accessible Transport (SSCAT) continues to play a vital role for those in Area East who have no access to a car and either no bus service or for whom accessing the bus is just not possible. SSCAT's Operations Manager has produced a separate Information report for this committee, which is attached.

- 5.2. As indicated in the SSCAT bus report there is uncertainty regarding the future funding of the scheme, which is currently reliant on reserves acquired through 15 years of prudent management. Unfortunately SSCAT has now been informed that their Lottery bid has not been selected to submit a Stage 2 of the process. That means that a potential main source of funding has now gone. The SSCAT Board of Trustees, after an emergency meeting, has decided to continue with the current service and to look for additional funding options, working with officers from SSDC. Other options such as amalgamation with a larger CT scheme and redundancies of some staff members as cost savings are also being considered.
- 5.3. There is a need to secure increases in revenue funding to ensure the scheme's long-term survival. To that end the Transport Strategy Officer will continue to work with both SSCAT and the Transporting Somerset team at SCC to explore the potential of further work streams that may complement the existing schedule. SSCAT are currently assessing the potential of some SCC Social Care related work, which although a welcome addition is only likely to achieve a small increase in revenue.
- 5.4. In many regions, local town and parish councils are now considering ways of addressing how the safety net of Community Transport (CT) can be supported. Whilst there has always been some support from town and parish councils in Area East now may be the time to explore a more coordinated and collaborative approach.
- 5.5. In view of this, and following on from the SSCAT Board of Trustees' emergency meeting, it is suggested that a letter be sent to all Town and Parish Councils from SSDC Area East Committees giving details of the current situation and asking them to precept to support the SSCAT scheme preferably over a period of 3 years. This approach also has the advantage of being easier to protect any sum allocated for the scheme and often means a greater will and flexibility to address any accessibility issues quickly. It is also suggested that it would be beneficial to meet with some of the larger Town and Parish Councils to reinforce this request.
- 5.6. However, whilst the above options are worth investigating, Members should be aware that the Department for Transport (DfT) has recently written (31st July 2017) to the issuers of section 19 and 22 permits, generally County Councils as the transport authorities. CT groups normally operate under either section 19 or section 22 of the 1985 Transport Act and the DfT has indicated that they are proposing to change their interpretation of these sections.
- 5.7. The implication is that those operators competing for Local Authority contracts using Section 19 and 22 Permits may need to do this under a PSV Operators Licence in future including the requirement under PSV regulations for drivers of vehicles on such contracts to have a valid driver's Certificate of Professional Competence (CPC). Any such decision could potentially affect CT groups such as SSCAT who currently undertake contracted work (following a tender exercise) under these permits as they have up until now been encouraged (nationally) to do by the DfT.
- 5.8. The DfT is intending to explain in greater detail in a public consultation this autumn. In the interim SCC is considering its position, alongside its CT operators, in the light of these developments and the Community Transport Association is also seeking further assurances and clarification from the DfT. SCC has assured CT operators that appropriate discussions will be held with them before any changes to the way in which either contracts are procured or permits are issued pending the DfT's decision.
- 5.10 The Transport Strategy Officer will update members when the situation becomes clearer. It may well be the case that we consider a district wide response to the consultation supporting the County Council and the various CT operators across the district including SSCAT to ensure that the DfT are aware of those communities at risk of isolation.

Looking to the Future

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

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

Financial Implications

No new financial implications resulting from this report.

Corporate Priority Implications

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

Carbon Emissions & Adapting to Climate Change Implications

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

Equality and Diversity Implications

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

Background Papers:

Reports to Area East Committee (“Corporate support for community and public transport and SSCAT bus”) on Wed 8th July 2015 and Area East Wed 13th July 2016.

Agenda Item 10

South Somerset Community Accessible Transport - Annual Report 2016/17

Lead Officer: Andy Chilton, Manager

Contact Details: sscatbus@gmail.com or (01963)34594

Purpose of the report

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

Recommendation

That AEC members note the contents of the report.

Report Detail

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

It has been another very busy year for the service, with increased demand for both the social car scheme, and the ring and ride service, especially with the further reduction of public bus services. Although there are few County contracts available in this area we have been successful recently in winning two which will be a welcome addition to our funding. Transport demand for community groups is still very high during the summer and in the months leading up to Christmas.

A significant milestone for the scheme has been the appointment of a new Operations Manager last August, he will job share with the current post holder. This new appointee has been brought into post to promote the scheme by means of electronic media, and as well as updating the website he has now linked the scheme to Twitter and Facebook, which will broaden our appeal and coverage to younger members of the community. The current manager, of the last sixteen years, will be retiring by late October at the latest, so there will also be the need to recruit another which will give the scheme a boost from the new idea's and outlook which this person will bring.

After the big achievement of the previous year when our two oldest vehicles were replaced, we have now received another new minibus, a 16 seat VW Crafter. Last December David Warburton, the local MP visited the scheme for an official launch of all three new vehicles. Local newspapers attended, and their articles produced welcome publicity for the scheme. Individual membership of the scheme has continued to grow this year with registered members now numbering 2089. Two new community groups have also registered with the scheme over the last year. We have recruited three more volunteer drivers, but two did retire, and as the requirement for this service continues to grow we still need more volunteers.

A Stage 1 bid was submitted to the Big Lottery fund, which would, had it progressed successfully through stage 2, have secured a further five years funding to ensure the continued operation of the scheme. Unfortunately this bid was not successful, which means that a potential main source of funding has now gone. A further two bids have been submitted to other funders. However these are

relatively small in comparison and we anticipate receiving notification shortly as to whether we have been successful. Although very successful in obtaining funding in the past, with the long period of austerity being currently experienced, grants have been difficult to obtain. Two small grants have been received during the past year, one from SSDC and the other from the Somerset Community Foundation.

We have healthy reserves which we have built up during our fifteen years of operation. The reserves are primarily for vehicle replacement, but due to recent initiatives in this area, some of the money can now be used as revenue whilst we await the outcome of the Lottery bid. We have now started to use reserves and the scheme is reaching the most critical time since its inception. If we are not successful with the Lottery bid then we only have funding to remain in operation until May/June next year, at which point we will have to end the service, and leave a huge gap in the transport provision for this area of South Somerset.

From an operational perspective, there has been significant use of the services we provide as the figures below will show. We continue to be the main provider of transport for the neediest members of our community and are an essential service in the transport provision for South East Somerset. Without our accessible vehicles with their friendly helpful drivers, many people would be prisoners in their own homes.

Statistics: April 2016– Mar2017

Previous Year

Total mileage	66,638	62,552
Single passenger journeys	20,759	17,372
Group journeys	91	89
Social car single passenger journeys	1,218	1,320

Agenda Item 11

Area East Forward Plan

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

Purpose of the Report

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

Recommendation

Members are asked to:-

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

Area East Committee Forward Plan

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

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

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

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

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

Background Papers: *None*

Appendix A

Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
11 October 17	A303 upgrade	To consider the proposed scheme	Tim Cook
11 October 17	Business Rates	Rates and rateable values of business premises	Sharon Jones
11 October 17	LEP Update Report	Update report	Pam Williams
11 October 17	Wincanton Community Hospital	Response to consultation on closure of Wincanton Community Hospital	Helen Rutter
8 November 17	Superfast Broadband	Report on the provision of superfast broadband in Area East	Tim Cook
8 November 17	Buildings at Risk/Conservation Team Update	Annual report to provide updates on buildings at risk and work of the Conservation team	Rob Archer
8 November 17	S106 update / CIL update	CIL update and summary of local accounts	Neil Waddleton/Tim Cook
8 November 17	Area Development Plan Report	To inform members of progress on activities and projects contained within the Area Development Plan. 6 monthly review	Tim Cook
8 November 17	Wincanton Sports Ground	To update members on the progress of the centre	Tim Cook
8 November 17	Workspace Progress Report	Annual Workspace update report	Pam Williams
6 December 17	Area East Policing	Annual Update on Area East Policing	Avon and Somerset Constabulary
6 December 17	Community Grant Applications	To consider any SSDC community grant applications	Tim Cook
6 December 17	Highways update	To update members on the total works programme and local road maintenance programme	John Nicholson

Agenda Item 12

Planning Appeals

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

Purpose of the Report

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

Recommendation

That the report be noted.

Background

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

Report Detail

Appeals Received

None

Appeals Allowed

None

Appeals Dismissed

16/03193/FUL – Steart Hill Farm, Steart Hill, West Camel
Proposed straw barn, landscape bund and associated ancillary works (revised scheme 16/01219/FUL)

Background Papers: None



Appeal Decision

Site visit made on 20 July 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 04 August 2017

Appeal Ref: APP/R3325/W/17/3167462

Stear Hill Farm, Steart Hill, West Camel, Yeovil, Somerset BA22 7RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hopkins Developments Ltd against the decision of South Somerset District Council.
 - The application Ref 16/03193, dated 14 July 2016, was refused by notice dated 12 October 2016.
 - The development proposed is described as a straw barn, revised landscape bund and associated ancillary works.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are whether there would be a significant number of unjustified heavy goods vehicle (HGV) movements associated with the formation of the bund and the effect of such movements on the living conditions of neighbouring residents, with particular regard to noise and disturbance.

Reasons

The Site and Surroundings and Relevant Background

3. Steart Hill Farm lies in open countryside about 1km north of the main A303 trunk road, which is itself just north of West Camel village. It is linked to the A303 by Steart Hill, a rural lane of varying width with generally good forward visibility and a number of suitable passing places to allow two HGVs to pass within the adopted highway, although there are some bends and a hill between the site and A303. This part of the A303 is not dual carriageway and the left turn off the east bound carriageway is direct into Steart Hill. There is a right turn lane off the west bound carriageway. The road continues northwards to Bab Cary but there is a sign at the entrance to it from the A303 saying it is unsuitable for heavy goods vehicles. There is also a sign at the exit to the site telling HGV drivers to turn right only (back to the A303).
4. On 2 December 2013 permission was granted on appeal for the retrospective change of use of the existing grain store and surrounding ancillary hard standing from agricultural use to mixed agricultural, agricultural processing (B2) and storage of agricultural produce (B8) uses, and the erection of a new

grain store building and revised environmental bund (the previous appeal decisions or PAD).¹

5. The appeal proposal is to erect a barn for the storage of straw together with amending the design of the landscaped bund approved under the PAD scheme, which would wrap around the site and seeks to contain all the existing and approved buildings from the surrounding predominantly agricultural land. The straw barn has been partially erected under a previous approval²: its portal frame and roof have been built to date but it is not yet operational. The Council has no objection to the barn itself. The second grain store as approved by the PAD has not yet been built.

Whether the Proposed HGV Movements are justified

6. The appellant states that constructing the bund will require 28,000m³ of imported inert material, which will include construction and demolition (C&D) waste. The Council does not dispute this. The Council does not oppose the bund and acknowledges that it would help screen the site from the wider rural landscape. But it argues that the bund is unnecessary because such screening could just as well be formed by landscape planting and that such planting will more readily establish itself in existing than in made-up ground. 28,000m³ of imported soil and C&D waste would, according to the appellant, be brought in by lorries approximately 8.5m³ in size. This would generate 3,294 HGV movements up and down Steart Hill (28,000÷8.5=3,294).
7. The appellant states that over a total period of 12 months, this would equate to 12 lorry movements per day, or 1.2 per hour. 275 days would be required for 3,294 HGV movements at the rate of 12 per day (3,294÷12). However, Condition 4 of the Council's suggested conditions (in the event I was to decide to allow the appeal) requires that all earth moulding necessary to create the bund and its landscaping should be carried out in the first planting and seeding season following the occupation of the straw barn or its completion whichever is the sooner. The appellant does not oppose this condition and I consider it is reasonable and necessary because such landscaping works should be completed as soon as possible.
8. The landscaping plan includes the planting of Extra Heavy Standard trees and I consider it should include such if it is to be effective. The planting season in the UK for trees is generally acknowledged as being between the autumn and spring, between the months of October and April.
9. Taking into account Sundays and Bank/Public Holidays, which are precluded days for deliveries in the condition suggested by both main parties (Condition 6 in the Council's list), this equates to no more than 183 days, whereas 275 days are required to deliver the necessary volume of imported material. The additional 90 days of HGV deliveries would therefore have to take place after the end of the normal planting season, which would breach suggested Condition 4.
10. Alternatively, and so Condition 4 was not breached, the daily level of HGV movements would have to increase. The appellant argues that: a level of 16-17 HGV trips per day are required at harvest time (lorries delivering grain to the site), which the PAD agreed was the likely figure and would not give rise to

¹ APP/R3325/A/13/2196135 & 2196151

² LPA Ref: 16/01219/FUL

any adverse impacts on neighbouring residents; that a total of 14 HGV trips a day (which includes the 2 daily agriculturally related trips outside the harvest period) agreed by the PAD would be less than that; and consequently, there would be no harm to neighbouring residents.

11. But if the bund and planting was to be completed within the October-April planting season it would take 18 HGV movements per day ($3,294 \div 18 = 183$ days). Adding in the additional 2 movements for the agricultural use outside of the harvest season equals 20 HGV movements per day. This equates to 1.8 HGV movements per hour on Mondays-Fridays (0700-1800) and 5 movements per hour on Saturdays, because Condition 6 would restrict deliveries on Saturdays outside the harvest period to only 4 hours between 0800 and 1200. This is above the level considered in the PAD and could have an implication for neighbouring residents' living conditions, which I address in more detail below.
12. For these reasons I consider the appellant's estimate of 12 HGV movements a day or 1.2 per hour to be an underestimate of those that will actually occur, assuming the imposition of the above agreed Conditions, which I consider to be reasonable and necessary. The Council also points out that there is no restriction in these or the other conditions on the appellant actually constructing the bund more quickly and that a condition specifying a daily limit of HGVs delivering waste for its construction would be unenforceable. I agree such a condition would be difficult to enforce because there would be likely to be arguments about what specific HGVs were carrying. It would also impose an additional unreasonable burden on neighbouring residents to amass evidence of any breaches of such a condition, bearing in mind the appellant's well documented recent history of unauthorised planning uses on the site.
13. Consequently I conclude that there would be nothing to stop the appellant completing the deliveries of soil and C&D waste for the bund much more quickly than the period indicated above and this would further increase the daily and hourly HGV movements to the site.
14. I now turn to whether these likely HGV movements are justified. The bund would be a satisfactory way of landscaping the overall development but I agree with the Council that it is not strictly necessary and could be equally well done by tree and shrub planting belts. Such tree planting would take 15-20 years to properly screen the grain storage and straw barns whereas the 3m high bund would partially screen them as soon as it was erected, albeit the planting itself would take at least a similar time to mature.
15. But the barns/buildings on the site would encompass agricultural and agricultural processing uses and, although large, such buildings are not uncommon in rural areas. Looking from the north, for instance from field gates higher up Steart Hill, they are seen against the backdrop of the ridge immediately to the south which dominates the view. In any case the bund would only partially shield the barns from public rights of way located at the top of (Slate Lane) and descending north from the ridge.
16. I acknowledge what the appellant says about the benefits of creating a hard internal edge to the farm yard which will protect screen planting from vehicles, shield the grain stores and the grain within from wind driven rain and contain rubbish and other detritus so it can be easily collected rather than escaping into the wider area. However, such enclosure could just as well be created by screen walling at the edge of the site next to tree planting belts, which would

- obviate the need for imported fill. Such a screen wall would not be unacceptable in landscape terms because it could be screened by tree and shrub belts.
17. West Camel and Babcary Parish Councils and some neighbouring residents have suggested that the PAD prevents the importation of material to construct the bund. That is not the case. Condition 6 of Appeal B in the PAD merely requires the appellant to submit an application in writing, hence this proposal.
 18. The appellant on the other hand says that the PAD requires the bund to be constructed in order to safeguard the area's character and appearance. But that is because that was the proposition in front of the previous Inspector and it was necessary for him to explain why such a bund was necessary, as decision makers must do when they propose any planning conditions. He didn't have before him any alternative, such as a landscaped tree belt and so I do not accept the appellant's argument in this respect.
 19. The delivery of 28,000m³ requires 3,294 HGV (of 8.5m³ each) movements up and down Steart Hill. Such a level of movement would be insignificant on a trunk road like the A303 and there is no objection raised by the Council, Highway Authority or Highways England regarding highway capacity or safety on the A303 or Steart Hill itself. There is no objection to the principle of recycling waste including in terms of creating the proposed bund and doing so in the manner proposed would comply with the waste hierarchy.
 20. But paragraphs 29 and 30 of the National Planning Policy Framework (NPPF) seek to reduce greenhouse gas emissions and reduce congestion and the need to travel. In this respect the proposed bund, which necessitates such a large volume of imported material, would fail to meet these sustainable transport objectives because adequate landscape screening of the development could be provided by other means. Hence the vehicle movements required to bring in the imported fill are unjustified.
 21. Policy SD1 of the South Somerset Local Plan (LP) reflects the presumption in favour of sustainable development contained in the NPPF and seeks to secure development that improves the economic, social and environmental conditions within the District. Although the bund itself would achieve this, its benefits could be achieved in another way which does not require all the unnecessary vehicle movements, and so this aspect of the proposal is unsustainable.

Whether there would be Significant Disturbance to Neighbours on Steart Hill

22. The PAD concluded that the level of traffic associated with the proposed uses in those appeals would not materially harm nearby residents' living conditions in terms of noise and disturbance. But, as explained above, this was predicated on the assumption that there would be no more than 16-17 daily HGV movements at the busiest period (during the harvest season).
23. I have indicated above why I consider that these figures are likely to be exceeded, possibly significantly, and that there will be substantially more than 1.2 HGV movements per hour on Saturday mornings. There is no certainty that such figures would cause significant harm to residents on Steart Hill between the A303 and the site but that possibility cannot be denied.
24. The appellant's substantive case on this issue is based on the assertion that the proposed level of HGV movements delivering fill for the construction of the

bund will not exceed the HGV movements at the busy harvest period. But since they are likely to be significantly exceeded such an argument does not hold. I conclude that, in the absence of any evidence to the contrary, the HGV movements associated with the construction of the bund could harm the living conditions of neighbouring residents, with particular regard to noise and disturbance; there is insufficient information to determine otherwise. In arriving at this view I have taken into account the comments made by neighbouring residents both at application and appeal stages.

25. LP Policy EQ2 states, amongst other things, that development proposals should protect the residential amenities of neighbouring properties. For the above reasons I cannot be sure that such amenities will be protected and so there is no certainty that the proposal would comply with Policy EQ2.

Conclusion

26. For the reasons given above I conclude that the appeal should be dismissed.

Nick Fagan

INSPECTOR

Agenda Item 13

Schedule of Planning Applications to be Determined by Committee

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

Purpose of the Report

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

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 10.30am.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 10.15am.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
14	BLACKMOOR VALE	17/00792/FUL	Erection of a stable block	Land at Higher Farm, Corton Denham Road, Corton Denham	Ms Ira Madan
15	MILBORNE PORT	17/02438/REM	Application for reserved matters following approval of 14/01514/OUT to include details of access, appearance, landscaping, layout and scale	Land adj The Old Mill House, Lower Kingsbury, Milborne Port	Mr P Rewrie
16	MILBORNE PORT	17/01636/OUT	Outline application for the erection of a four bedroom dwelling and garage	Land adj The Old Mill House, Lower Kingsbury, Milborne Port	Mr P Rewrie
17	CARY	17/02511/OUT	Outline application for erection of three detached dwellings and detached garage to plat 3. Provision of vehicle and pedestrian access.	Land rear of 1 Sparkford Road, South Barrow	Mr & Mrs Richard Harvey

18	MILBORNE PORT	17/02835/S73	Application to vary condition 02 of planning permission 15/02187/FUL (approved at appeal) to allow the substitution of plans to confirm details of as-built solar farm.	Land OS 2269 Old Bowden Way Milborne Port	Mr Johnson
19	IVELCHESTER	17/01471/DPO	Application to vary S106 agreement dated 19th March 2013 between SSDC, Richard Don Knight and Heather Diana Knight to allow use of part of land for anaerobic digester plant.	New Spittles Farm Ilchester Mead Interchange Ilchester	Mr & Mrs R D Knight

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

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

Agenda Item 14

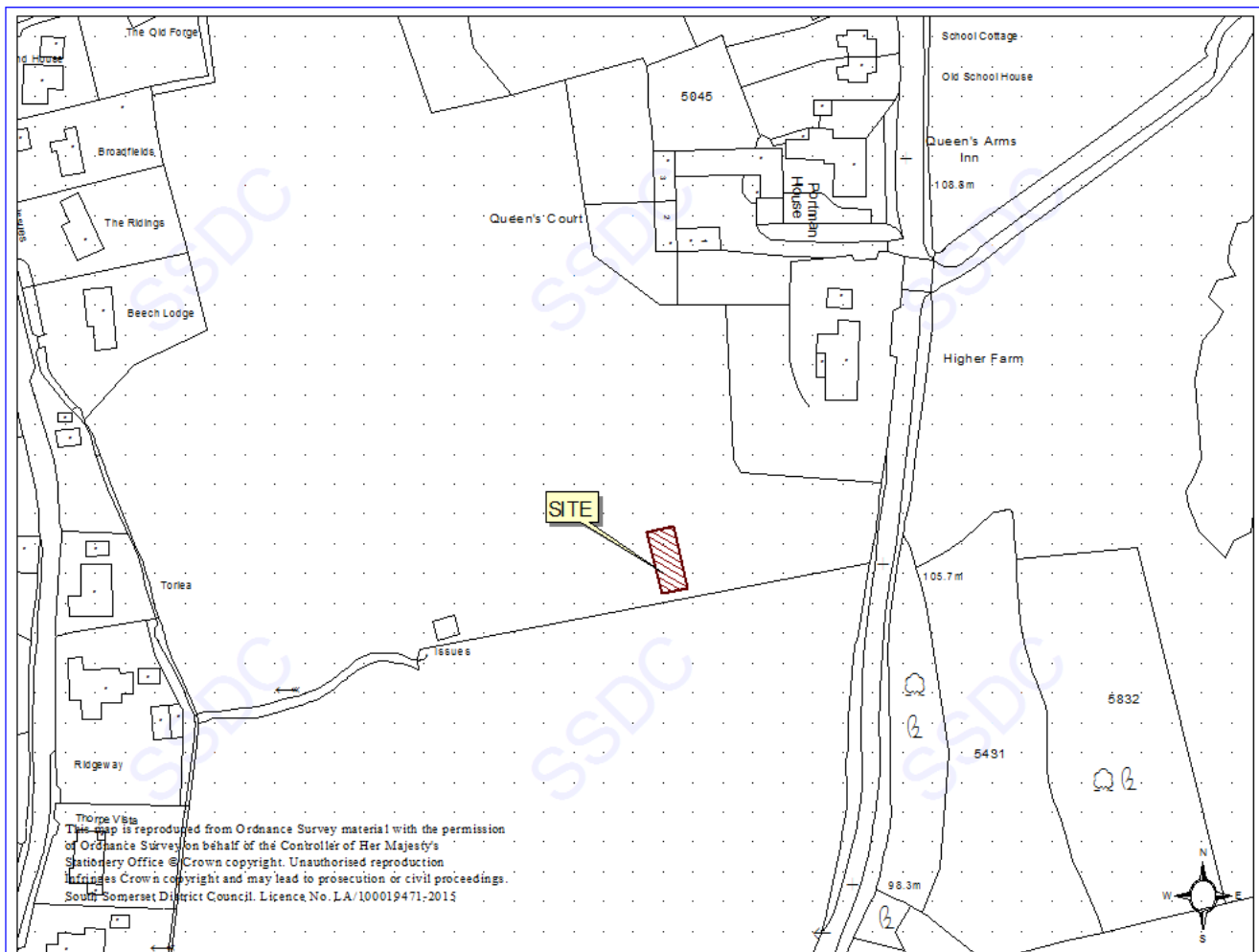
Officer Report On Planning Application: 17/00792/FUL

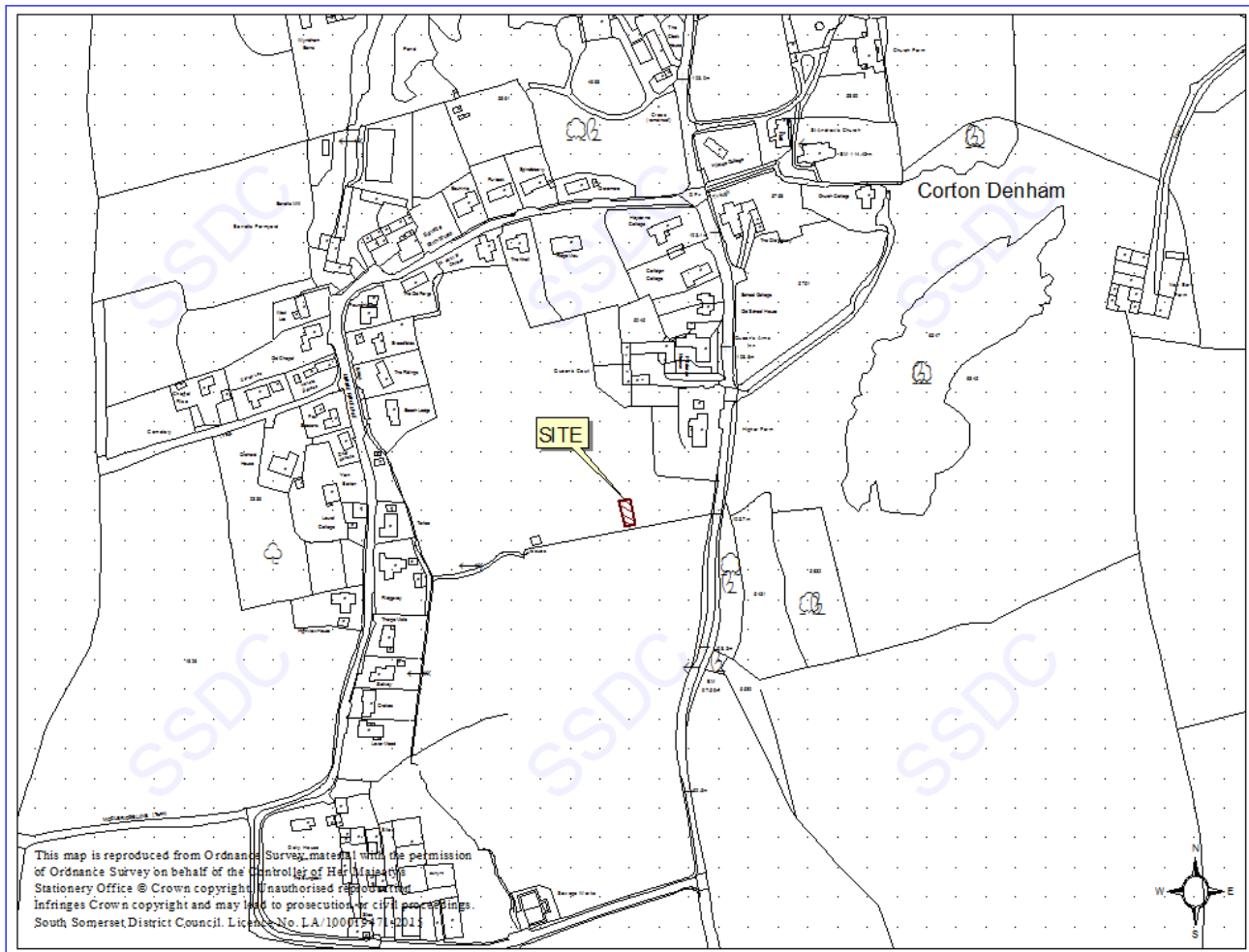
Proposal :	Proposed erection of stable block.
Site Address:	Land At Higher Farm Corton Denham Road Corton Denham
Parish:	Corton Denham
BLACKMOOR VALE Ward (SSDC Member)	Cllr William Wallace Cllr Hayward Burt
Recommending Case Officer:	Alex Skidmore Tel: 01935 462382 Email: david.norris@southsomerset.gov.uk
Target date :	17th April 2017
Applicant :	Ms Ira Madan
Agent: (no agent if blank)	Mr Michael Worthington Michael Worthington Ltd 219 Westbourne Studios London W10 5JJ United Kingdom
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is referred to Area East Committee at the request of the Ward Member and with the agreement of the Area Chair to enable the local concerns to be discussed more fully.

SITE DESCRIPTION AND PROPOSAL





This application is seeking planning permission to erect a stable block for the recreational use of the applicant and associated works. The application has been amended since it was first submitted to reposition the stable block.

The site is situated alongside the applicant's own residential property (that is currently being redeveloped) on sloping ground on the side of a hill. The site of the stables otherwise is set some distance from other residential properties. The level of the stables is set down from the adjacent road to the east but is open to views from further down the slope and is visible in places from Middle Ridge Lane to the west. The site is immediately adjacent to the conservation area which is to the east and north of the site.

The application site is immediately adjacent to the conservation area and is visible in places from Middle Ridge Lane to the west. The property is surrounded by agricultural land to the west, south and north. There are a number of mature trees within the site. There is a public right of way that passes through the field further up the hill on the opposite side of the road.

An access has been created from the Corton Denham lane to the east and an area of hardstanding laid above the position of the proposed stables. These works do not relate to this application and have been carried out in order to facilitate the replacement dwelling scheme approved under application 16/02885/FUL. The applicant has confirmed that they intend to remove the hardstanding once works for the new house have been carried out but that they intend to retain the new access as a field access and that they shall be submitting an application to address these matters.

RELEVANT HISTORY:

16/04529/FUL: Erection of stable block and riding arena. Withdrawn.
16/02885/FUL: Demolition of existing house and erection of new house. Permitted.
96/01643/FUL: Formation of rooms in roof space. Permitted.
951000: Alterations and erection of extension to bungalow. Permitted.
942656: Use of land as an extension to residential curtilage and erection of new boundary fence. Permitted
790265: Erection of a double garage. Permitted.
53502: Erection of a bungalow and formation of accesses. Permitted.

POLICY

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

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

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

SD1 - Sustainable Development
SS2 - Rural Settlement
TA5 - Transport Impact of New Development
EQ2 - General Development
EQ3 - Historic Environment
EQ4 - Biodiversity
EQ5 - Green Infrastructure.
EQ7 - Pollution Control
EQ8 - Equine Development

National Planning Policy Framework

Part 4 - Promoting sustainable transport
Part 7 - Requiring good design
Part 10 - Meeting the challenge of climate change, flooding and coastal change
Part 11 - Conserving and enhancing the natural environment
Part 12 - Conserving and enhancing the historic environment

CONSULTATIONS

Corton Denham Parish Council: Object and raise the following concerns:

- The plans are lacking in clarity and detail.
- The stable appears to be out of scale with the perceived need and out of character with the field itself.
- The siting is in full view of residents of Middle Ridge Lane.
- Access to and within the site is unclear.
- The solar panels would be better replaced with more contemporary materials which look like roof tiles.
- Lack of information as to liquid run-off and solid waste disposal.
- Concerns about external lighting.
- Unease that this is a piecemeal application and that a further application for a menage may follow.

- Concerned that a massive amount of earth moving will be necessary of which there is no detail as to how this will be moved around the site.
- Has a ground survey been carried out so that issues of water run-off and subsidence can be assessed.
- Has there been any consideration of change of use?
- The scheme appears impractical with the amount of excavation required and subsidence prevention.

County Highways: Referred to their standing advice

County Archaeology: No objection

Environmental Health: No objection subject to conditions relating to dirty water run-off and the storage and siting of manure / bedding.

Landscape Officer: Objected to the scheme as initially submitted but dropped his objections following receipt of amended plans and offered the following comments:

I note the further amendments to this application seeking consent for the construction of a 3-stable block, tack room, and hay store, which is now relocated to the southeast corner of the paddock associated with Higher Farm, to the south side of the approved residence. We have previously established that the site is sensitive given the field's juxtaposition with the conservation area, and in its contribution to village character.

LP policy EQ8 requires horse-related facilities to (i) be closely related to existing buildings, and not interfere with the amenities of adjoining residents, and (ii) respect local landscape character, whilst (iii) they respect or enhance the pattern and features of the surrounding landscape. This amended siting locates the building in close correspondence with the approved dwelling, and at a comparable elevation. Whilst still within a line of sight from properties in Middle Ridge Lane, it is now removed from the immediate line of sight from Queens Court. I view the siting of the stables to be an improvement over earlier iterations. Whilst the stable block remains a sizeable intervention at the field's edge, it now has a credible correspondence with the proposed house, and is better related to the site's bounding hedgerows, which offer both screening from the east, and backdrop as viewed from the west. Whilst it is clear that engineering intervention will be necessary to create a level formation for the stables, and its associated hardstanding, the main area of cut will be tucked behind (east of) the stables, and consequently unobtrusive. There is potential to manage and enhance the roadside hedgerow and its adjacent vegetation, and to incorporate planting to the south side of the stables with native species hedging, linking back to the roadside hedge, to further play down the building's profile. If you are minded to approve, please condition a planting proposal to be submitted and agreed pre-commencement.

REPRESENTATIONS

Written representations have been received from 13 local households raising the following concerns and observations:

- Visual amenity concerns. Out of keeping in this rural environment. Industrial appearance.
- Spoil the natural beauty of the area / fails to respect the character and features of the local landscape.
- The proposed industrial-looking building looks hideous and entirely out of place in such a prominent, elevated position on a rural hillside.
- This site is very prominent and the proposed development will not integrate within the surroundings.

- Harm the conservation area.
- Sensitive site. The majority of the village is situated around this field, which forms the beginning of a flow of attractive green fields going south to Holway and on to Patson Hill and also forms part of an attractive escarpment climbing up Corton Hill.
- Owing to the slope of the field and its sensitive location any development or activity taking place within it will be seen from both near and far.
- Inadequate planting to screen the development particularly along the southwest side to screen the development from the residents of Middle Ridge Lane.
- No attempt to minimise the visual impact of the PV panels.
- Disproportionate re-shaping of the landscape.
- The stable block is disproportionate in size to that of the dwelling and its use for recreational purposes.
- Gradient is not suited to horses, horse boxes, tracks or turning areas.
- The gate to the field by the lane has been demolished, the access widened and the hedge ripped up to allow access for the demolition vehicles which was not part of the plans for this scheme and should not have happened when the birds are nesting.
- Lack of detail relating to geology and hydrology matters, storage / disposal of manure, external lighting, drainage and pollution prevention, colour of the roof and wall cladding.
- Increased flood risk. There are underground springs in the field and the stream level at the lower end of Middle Ridge Lane can rise very quickly breaching its banks, the culvert in Putts Lane barely copes with this now.
- The proposed permeable membrane is unlikely to retain the earth bank at the southeast corner of the stables during heavy rainfall.
- Run-off from the site.
- Loss of amenity to neighbours.
- Potential odour issues arising from the manure.
- Noise from the construction works.
- Possible glare from the PV panels.
- How will the PV panels be connected to the grid, by poles or underground?
- Access. The scheme utilises the existing field access that branches from the pub driveway. This is a shared driveway serving the pub and the residents of Queens Court, it is already in a poor state of repair and the lane to the field is non-metalled. The entrance into the field in winter is unusable.
- There is a tree growing within the applicant's garden that will obstruct access to a 3.5 ton horse lorry.
- Access to the field is at a very narrow point of the road immediately after a bend which will make it difficult and unsafe for a horse box entering and leaving the field.
- There is adequate space within the yard of the proposed house plans to accommodate a horsebox without interference to cars parking or access in and out of the property.
- Contrary to LP policies SS2 (proposals should have local support), EQ1 (sustainable construction principles re conservation of water resources), EQ8 (should not interfere with amenities of adjoining residents).
- If approved there is likely to be further demand for equestrian development in the form of a menage.

Written representations have been received from the occupants / owners of the Queens Arm Public House expressing support for the application:

- The owners have listened to the concerns raised previously and have developed a more acceptable proposal. Access is via the main road and seems more accessible than previously indicated. We live in the countryside and having horses in the field would be an attractive development for the land and I believe that the new stable block will fit into the landscape

rather than damage it.

CONSIDERATIONS

This application is seeking planning permission to erect a stable block and to carry out associated groundworks. Since the application was first submitted the siting of the stable block has been revised, in accordance with the Council's Landscape Officer's advice, to move it further up the hillside so that it sits alongside the applicant's residential property.

Landscape impact / conservation area

The application field adjoins the applicant's domestic property and is situated on the side of a hill at the edge of the village where it abuts Corton Denham's conservation area along its west and north boundaries. On this basis the site has certain sensitivities and needs to comply with LP policies EQ2 (General Development), EQ3 (Historic Environment) and EQ8 (Equine Development). Policy EQ8 requires that new equine development relates closely to existing settlements / groups of buildings and should not interfere with the amenities of adjoining residents whilst EQ3 stipulates that new development relating to the historic environment should safeguard or enhance the significance, character, setting and local distinctiveness of heritage assets. All three policies require that new development should respect the local landscape character.

As noted above the application has been amended in response to the Landscape Officer's concerns relating to the original location of the stables resulting in their repositioning higher up the slope in the southeast corner of the field. The result of this revision means the stables are now positioned alongside the applicant's domestic property where it relates closely to existing development. The proposal involves certain engineering works to dig the development into the hillside and it is proposed to use a 'cut and fill' approach to achieve this. As part of the development the applicants are also seeking the provision of Solar PV panels which are proposed to be erected on the banks of the dug-out section where they will sit alongside and behind the new stables and should be little seen other than from the stable block itself. It is proposed that any associated horse box / lorry parking will be at the existing field access located between the applicant's house and Corton Cottage to the northwest. This location has been chosen due to the existing vegetation growing in the locality which will help to screen the presence of any vehicles here. It is acknowledged that some hardstanding may be needed however it is considered that this matter can be dealt with acceptably by condition.

Whilst the local concerns relating to the visual impact of the development are noted however this amended proposal is considered to accord with the requirements of the relevant local plan policies. Therefore, subject to the implementation of an appropriate planting scheme, to be secured through condition, and a further condition to secure appropriately subdued finish to the timber cladding and roofing it is considered that the development respects the setting and characteristics of the local landscape and adjoining conservation area and raises no substantive visual amenity concerns.

Residential amenity

The position of the stables is some distance from neighbouring properties and as such will not cause any overbearing, loss of privacy or loss of light concerns to the amenities of these properties. Whilst the development will be visible from a number of properties located at the bottom of the field along Middle Ridge Lane, the planning system does not seek to control the impact of developments on private views and as such loss of a view or harm to such views is not a suitable reason to object to this proposal.

The development is only sought for the private and recreational use of the applicant and on this basis the activities associated with the development should be low-key and should not cause any undue nuisance or disturbance to neighbour amenity.

Other matters

Concerns about light pollution are noted and given the edge of settlement locality and lack of street lighting in the vicinity it is considered appropriate to impose a condition requiring any lighting to be agreed by the LPA in order to minimise such impacts.

Local concerns have been made in relation to the storage of manure and possible dirty water runoff. The Environmental Health Officer has been consulted in this regard and has recommended a condition requiring a suitable drainage scheme to deal with any dirty water runoff. The storage of manure and used bedding is covered by other environmental legislation and it is considered that an informative is most suitable to address this matter. Both of these recommendations have been incorporated into the following recommendation.

A further concern relates to drainage / runoff of the site, again this matter can be suitably addressed by condition seeking details of a clean water drainage scheme to be agreed by the LPA.

There was previously a gate positioned on the road frontage on a raised bank and which had become overgrown with vegetation. Since the application was submitted works have been carried out to the roadside frontage resulting in the removal of a section of the bank and vegetation to form an access on to the road and the laying of hardstanding to form a level access area. Last year the applicant gained planning consent to demolish the existing dwelling at Higher Farm and to replace it with a new house and it is understood that the works to the roadside field frontage were carried in association with the demolition works associated with the replacement dwelling scheme. The applicant stated that the hardstanding has been laid in order to gain access to the residential plot by plant and machinery which are necessary for the construction works relating to the new house. They have stated that they intend to remove the hardcore once this level area is no longer needed but would like to retain the new access and that they shall be submitting a separate application to regularise these matters. These outstanding matters should not form part of the considerations of the current stable application.

Conclusion

For the reasons set out above the proposed development is considered to respect the local landscape character and the setting of the adjacent conservation area and to meet the requirements of LP policies EQ2, EQ3 and EQ8. The development is not considered to give rise to any substantive harm to residential amenity, highway safety or the environment and as such

RECOMMENDATION

Grant consent for the following reasons:

The proposed development, by reason of its nature, siting, scale, layout and design, is considered to be an appropriate form of development that respects the setting of the adjacent conservation area and local landscape character and raises no demonstrable harm to visual amenity, residential amenity, highway safety or the environment in accordance with the aims and objectives of policies SD1, TA5, EQ2, EQ3, EQ5, EQ7 and EQ8 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 this permission.

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans location plan received 20/02/2017 and drawings numbered F-05 and F-04

received 20/02/2017, F01 received 05/06/2017, F10 and manufacturer details of PV panels (JA Solar - JAM6(k)(BK) received 08/06/2017.

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

03. No work shall be carried out on site unless particulars of the materials, including their colour / finish, (including the provision of samples where appropriate) to be used for all external walls and roofs have been submitted to and agreed in writing by the local planning authority. Once approved such details shall be fully implemented and shall thereafter not be altered unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and to safeguard the setting of the adjacent conservation area to accord with policies EQ2 and EQ3 of the South Somerset Local Plan.

04. The development hereby permitted shall not be commenced unless 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.

Reason: To safeguard the rural character of the area and the adjoining conservation area to accord with policies EQ2, EQ3 and EQ8 of the South Somerset Local Plan.

05. No means of external illumination/lighting shall be installed without the prior written consent of the local planning authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area and adjoining conservation area to accord with policies EQ2, EQ3, EQ7 and EQ8 of the South Somerset Local Plan.

06. The development hereby permitted shall be used for private and domestic equestrian purposes only and shall not be used for any business or commercial use.

Reason: To safeguard the rural amenities of the area, neighbour amenity and highway safety in accordance with policies ST5, EQ2 and EQ3 of the South Somerset Local Plan.

07. Prior to the laying of any hardstanding for the parking area details of the surfacing materials shall be submitted to and agreed in writing by the local planning authority. Once approved such details shall be fully implemented and shall thereafter not be altered unless otherwise agreed in writing by the local planning authority.

Reason: To minimise surface water runoff and in the interest of visual amenity to accord with policy EQ2 and the provisions of the NPPF.

08. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, including details of all guttering and downpipes, shall be submitted to and approved in writing by the Local Planning Authority and such approved

drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To protect the surface to the field and to minimise surface water runoff in accordance with policies EQ2 and EQ7 and the provisions of the NPPF.

Agenda Item 15

Officer Report On Planning Application: 17/02438/REM

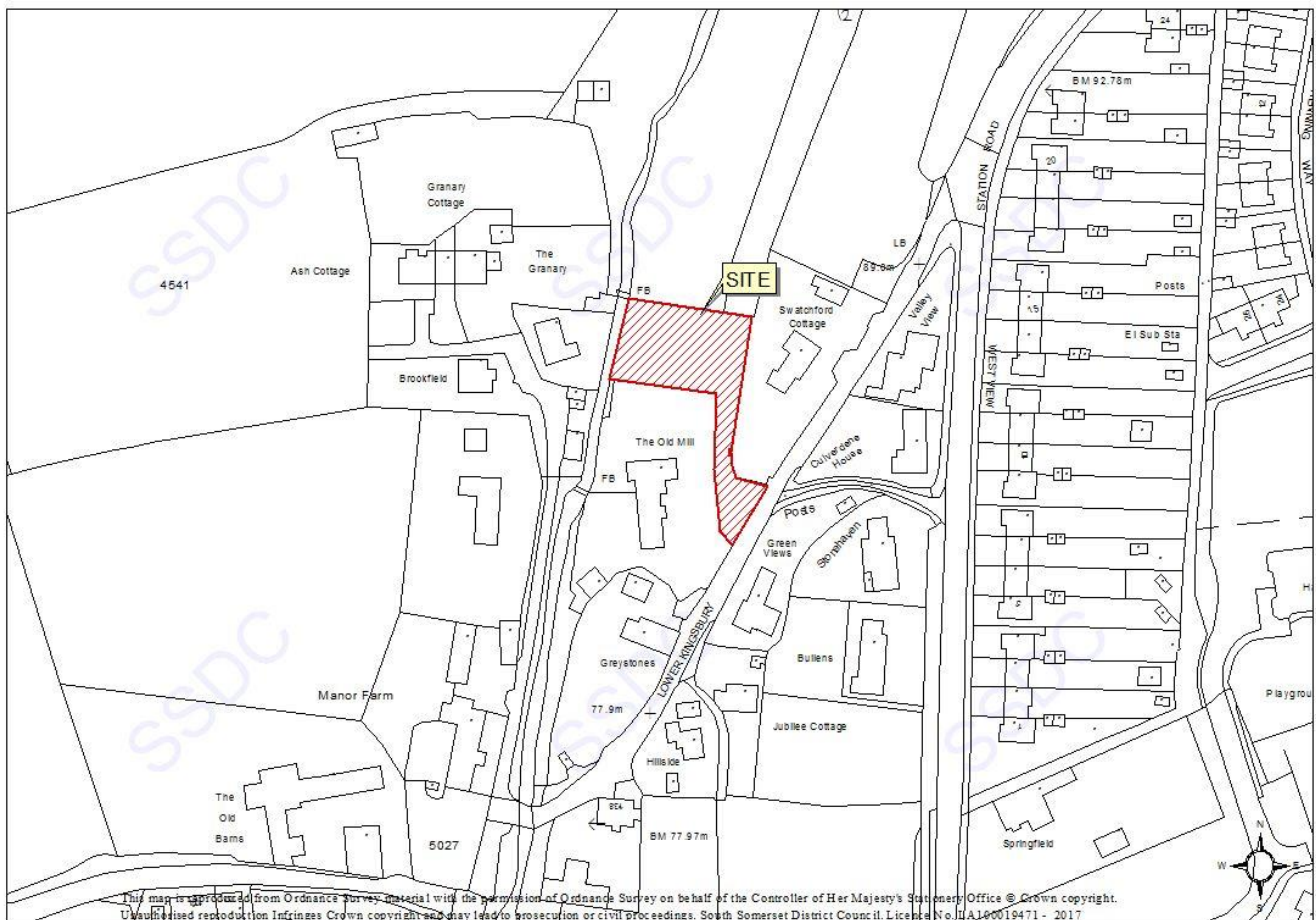
Proposal :	Application for reserved matters following approval of 14/01514/OUT to include details of access, appearance, landscaping, layout and scale.
Site Address:	The Old Mill House Lower Kingsbury Milborne Port
Parish:	Milborne Port
MILBORNE PORT Ward (SSDC Member)	Cllr Sarah Dyke
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	2nd August 2017
Applicant :	Mr Paul Rewrie
Agent: (no agent if blank)	Greenslade Taylor Hunt Winchester House Deane Gate Avenue TAUNTON TA1 2UH
Application Type :	Minor Dwellings 1-9 site less than 1ha

BACKGROUND AND THE REASON FOR REFERRAL

Committee in considering ref: 17/01636/OUT when they deferred their decision for a Members site visit was aware that the council was also in receipt of the Reserved Matters application associated with ref: 14/01514/OUT. Committee required that the reserved matters application be brought to committee at the same time as the deferred outline application was brought back following the site visit.

SITE DESCRIPTION AND PROPOSAL





The site is located at the northern end of Milborne Port, within the defined development area. The land slopes gently from north to south and the application site previously formed part of the large garden area to the Old Mill House that has since been detached and that property sold off. The site is bounded to the North by an open field; to the West by the stream, beyond which are the gardens of the dwelling houses 'The Granary' and 'Narrow Corner'; and to the East, raised up on the adjacent land, by Swatford Cottage. A Tree Preservation Order applies to trees that form part of access drive.

The proposal comprises an application for reserved matters and follows the outline planning permission 14/01514/OUT for the erection of a detached 4 bedroom house and double garage. All matters were reserved that are to be considered in detail at this stage, namely Access, Appearance, Landscaping, Layout and Scale.

The application is submitted with a Design and Access Statement, and Arboricultural Statement, and in response to the Tree Officer's original response a revised Arboricultural Method Statement.

HISTORY

17/01636/OUT - Outline application for the erection of a four bedroom dwelling and garage (resubmission of 14/01514/OUT), Pending.

14/01514/OUT - Outline application for the erection of a detached 4 bedroom house and double garage, Approved.

13/01931/OUT - Outline application for the erection of a detached 4 bedroom house and double garage, Refused 9.07.2013. Access was an issue.

10/00042/OUT - The erection of a detached dwelling with double garage and construction of rear access. (Revised application) - refused

09/01932/OUT - The erection of a detached dwelling with double garage and construction of rear access - withdrawn

POLICY

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

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

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

SD1 - Sustainable Development

SS1 - Settlement Strategy

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General development

EQ4 - Biodiversity

EQ5 - Green Infrastructure

National Planning Policy Framework (March 2012):

7. Requiring good design

Somerset County Council Parking Strategy, September 2012.
County Highways standing advice 2013

CONSULTATIONS

Milborne Port Parish Council - (responding to the Tree Officer's original response) agrees with the comments of the Tree Officer. There appears to be a risk of the largest tree to the south of the access being unstable. The PC's original response raised no objections.

Highway Authority - standing advice to consider parking standards, turning on site and visibility offering safe access with the highway.

SSDC Landscape Officer - Whilst the span of the new build across the axis of the valley is not the most sympathetic configuration, the scale is as anticipated. I note that the house lays very close to the rear of the domestic plot, and bounds agricultural land to the north. Demarcation of this boundary should be clearly defined, to ensure no residential 'creep' into the adjoining field.

Lead Local Flood Authority - have no comments to make.

SSDC Tree Officer (Following receipt of the revised Arboricultural Method Statement received 30 August 2017) - Just to confirm that the amended tree protection measures are satisfactory. He seeks conditions that include the opportunity of reviewing the retaining wall construction details.

REPRESENTATIONS

Three householder letters of objection have been received, making the following main points:

- Loss of character and appearance to the historic area
- Scale and massing is inappropriate for the plot
- Loss of amenity to neighbours, overlooking and loss of privacy and overbearing
- Flooding is a present threat and development may tip the balance
- Access is not suitable to safely accommodate the proposed development

CONSIDERATIONS

Principle of Development

The principle of development is established by the outline permission 14/01514/OUT. That application sought the principle of development with all matters reserved namely, Access, Appearance, Landscaping, Layout and Scale, to include consideration of neighbour amenity and the impact on trees.

Access

This was previously given close attention albeit that all matters were reserved by the outline application. The current proposals come forward in accordance with the details previously considered with the new access point requiring infilling and raising of the land immediately behind the proposed entrance. This results in the existing embankment being raised that is located between this point and the Old Mill House and levels the surface within the immediate area to bring ground levels up to a similar level as the adjacent highway and the alignment of what was originally the water feed supplying the mill that is to become the continuation of the driveway to the new dwelling travelling northwards and is bounded to the West by the protected trees (TPOs), and to the East the property boundary with Switchford Cottage.

A 3m wide carriageway is shown giving access to a single dwelling and likewise the details indicate that the access where it adjoins the highway provides motorists with what largely accords with the details previously considered. Rather than visibility taken from 2.4m set back from the highway edge, this is reduced to 2m. The approach accords with the Manual for Streets given the particular circumstances of the lane. The Highway Code is also relevant in considering the impacts arising from the local circumstances of the lane. It is considered that some relaxation is appropriate without this being prejudicial to highway safety.

Appearance, Landscaping, Layout and Scale

The Landscape Architect accepts the overall scale and location of the building. Although large in terms of the plot size this is not unusual for much new building. The previous plans were indicative thereby offering the scope for the current scheme to be brought forward. The proposal is not considered to have a detrimental impact on character and appearance.

The northern curtilage boundary is defined by the presence of the red outline that will be physically defined and enclosed in accordance with the Landscape Officer's comments to avoid domestic sprawl over the adjacent land.

Impact on Residential Amenity

All objections have been considered, as appropriate, within the relevant sections of the officer report. The proposal tends to overlook the Old Mill although distances are more than sufficient not to attract any great weight against the proposal. As such the dwelling's presence is not considered to have engaged any planning amenity concern.

The immediate neighbours at the Old Mill are also clearly concerned about the movement of vehicles along the drive and general overlooking of their home. While the current planting offers much screening,

evidently much of this will be removed. The proposal seeks a fence atop the retaining wall that would help reduce direct penetration of headlights into the adjacent dwelling. While overlooking cannot be discounted, stood back within the surface area of the drive such views are likely to be restricted.

The neighbour draws attention to the fact that the previous owner of their house was also the applicant for the original outline and would have sought to played down any negative impact of having the drive overlooking their home. While this might not be discounted, amenity was ultimately a reserved matter. Such details can now be more fully considered. The reasons for why the amenity concerns do not attract significant weight are stated above.

Trees

A revised Arboricultural Methodology Statement was received 30 August 2017 that replaces drawing ref. TPPOM attached to that document by retaining one of the trees that had previously been shown to be removed. The Tree Officer is supportive of the proposal and seeks the addition of two conditions. These include to need to review the construction detail of the retaining wall that might be improved, rather than the construction shown in drawing ref. TPPOM. The approach that is supported by the applicant's email of the 29 August 2017.

RECOMMENDATION

Approve

01. The proposal, by reason of its location, represents appropriate infill within the defined development area and does not foster growth in the need to travel and is therefore sustainable and can achieve an acceptable highways access and on site highway arrangements in accordance with the aims of objectives of policy EQ2, EQ3, TA5 and TA6 of the South Somerset Local Plan 2006- 2028.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans: 2430-PL-01A, -02A, -03A, -04B, and 05A (omitting retaining wall detail to be agreed under condition 03).

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

02. Notwithstanding the Tree Protection Plan ref: TPPOM (Arboricultural Methodology Statement) detail, in accordance with the applicant's e-mail of 29 August 2017 and prior to commencement of the approved development, full particulars concerning the design and installation of the retaining structures and below-ground services required within the designated Root Protection Areas shall be submitted to the Council for their approval in-writing. Such details shall be undertaken on site and thereafter retained.

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

03. The submitted scheme of tree protection measures (the Arboricultural Method Statement and Tree Protection Plan; Ref: TPPOM "Final Revised" - as prepared by Hellis Arboriculture, Landscape and Design, received 30 August 2017) - specifically the requirement for pre-commencement arboricultural supervision and the installation of the specially engineered access driveway) shall be implemented in their entirety for the duration of the construction of the approved development.

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

04. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority:-
- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b. a sample panel, to be prepared for inspection on site, to show the mortar mix, coursing and pointing of the external walls;
 - c. details of the rainwater goods and eaves and fascia details and treatment.
 - d. full particulars of window, and door details
 - e. details of the boundary enclosing the garden curtilage (red outline) on north side of house
Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with saved policies EQ2 of the South Somerset Local Plan 2006- 2028.

Agenda Item 16

Officer Report On Planning Application: 17/01636/OUT

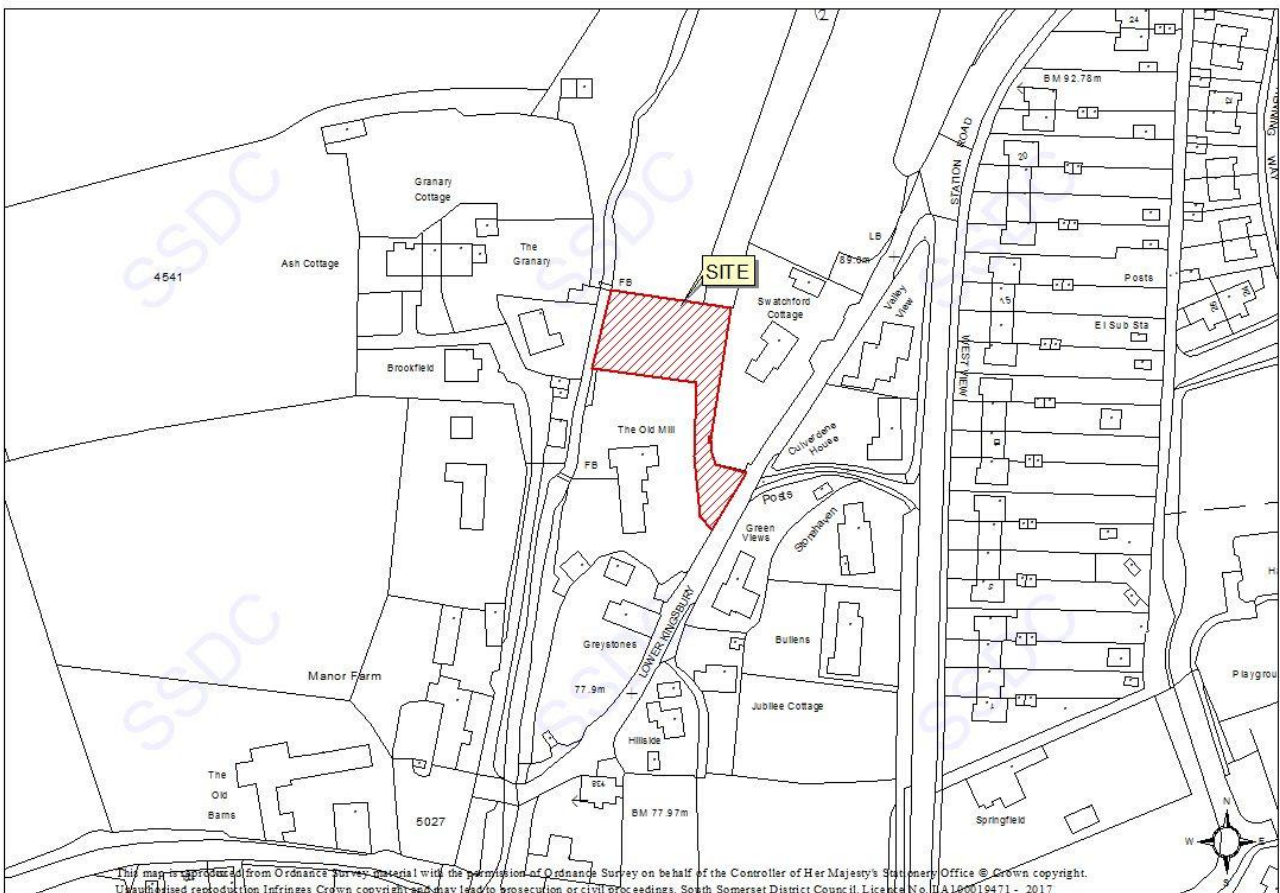
Proposal:	Outline application for the erection of a four bedroom dwelling & garage (resubmission of 14/01514/OUT)
Site Address:	Land Adj The Old Mill House Lower Kingsbury Milborne Port
Parish:	Milborne Port
MILBORNE PORT Ward (SSDC Member)	Cllr Sarah Dyke
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date:	15th June 2017
Applicant:	Mr P Rewrie
Agent: (no agent if blank)	Mr Barry Blaker 7 Mile Lane Exeter EX4 9AA
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

Members will recall that this application was considered at their July meeting at the request of the ward member, and with the agreement of the area chair, in order to allow the concerns of the neighbours to be publicly debated. At that time Members deferred their decision in favour of a site visit that took place on 26 July 2017, to be brought back to committee for the application's determination.

The July committee's officer report is re-attached although amended to include an up-date from the Environment Agency in response to additional information from a Neighbour. The E.A. response maintains their original comment that sought a planning condition.

SITE DESCRIPTION AND PROPOSAL



The site is located at the northern end of Milborne Port, within the defined development area. The land slopes gently from north to south and the application site is taken from the large garden area to the Old Mill House from which it has been separated that is bounded to the North by an open field; to the West by the stream, beyond which are the gardens of the dwelling houses 'The Granary' and 'Narrow Corner'; and to the East, raised up on the adjacent land, by Swatchford Cottage. A Tree Preservation Order applies to trees that form part of the eastern boundary.

The proposal comprises a re-submission of an earlier approval ref: 14/01514/OUT that proposed an outline application for the erection of a detached 4 bedroom house and garage with all matters reserved. Notwithstanding, an acceptable access arrangement is identified that can form the basis for subsequent details submitted with the application for Reserved Matters. The outline planning permission reserves all matters; namely, Access, Appearance, Landscaping, Layout and Scale.

The application is submitted with a Flood risk assessment and drainage strategy report, a Arboricultural Method Statement and Design and Access Statement.

HISTORY

14/01514/OUT - Outline application for the erection of a detached 4 bedroom house and double garage, Approved.

13/01931/OUT - Outline application for the erection of a detached 4 bedroom house and double garage, Refused 9.07.2013.

10/00042/OUT - The erection of a detached dwelling with double garage and construction of rear access. (Revised application) - refused

09/01932/OUT - The erection of a detached dwelling with double garage and construction of rear access - withdrawn

POLICY

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

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

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

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

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS5 - Delivering New Housing Growth

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General development

EQ3 - Historic Environment

National Planning Policy Framework (March 2012):

6. Delivering a wide choice of high quality homes
7. Requiring good design
10. Meeting the challenge of climate change, flooding and coastal change
12. Conserving and enhancing the historic environment

Somerset County Council Parking Strategy, September 2012.
County Highways standing advice 2013

CONSULTATIONS

Milborne Port Parish Council - feels that consideration should be given to the impact of the new proposed building on the existing property. The Council are concerned about the risk of flooding and feel consideration should be given to the proposed access to the property opening on to a narrow road which could potentially be very dangerous.

Highway Authority - standing advice to consider parking standards, turning on site and visibility offering safe access with the highway.

SSDC Highway Consultant - It would appear that the previous submission was considered acceptable in terms of the proposed access arrangements, on-site parking and turning, etc. I believe the current application proposes the same arrangement and therefore no objection is raised.

SSDC Landscape Architect - as expressed at the time of the earlier application, there is no substantive landscape issue with the prospect of a house. Whilst the new entrance will be at variance with the narrow character, and sense of enclosure of the lane, there is scope for a degree of mitigation by additional planting where there may be gaps in the vegetation cover behind the new walling. Whilst not supportive of the proposal, providing Phil is content that the existing trees will not be subject to negative impact, to enable the drive to be accommodated then there is no over-riding landscape case for refusal.

SSDC Tree Officer - I have no objections to the proposal, subject to securing the effective implementation of the submitted tree protection measures.

SSDC Conservation Officer - I have reviewed the proposal and am of the view that it will not harm the setting of the listed buildings to the south, that are set some distance away from the proposed site. The site is not in a conservation area, and the Old Mill, although an interesting historic building is not listed. A new dwelling in this position will be read alongside existing new properties either side of the site. I am of the view that the proposal is acceptable.

County Archaeologist - No objection.

Environmental Agency - No objection subject to attaching a condition. A neighbour's additional information was also considered by the E.A, however they maintain their original response.

REPRESENTATIONS

There have been eight neighbour objections received, making the following main points:

- Destruction of old stone wall to Lower Kingsbury Lane
- Unnecessarily obtrusive
- Access onto narrow busy lane
- Disturbance to wildlife
- Loss of privacy

- Additional noise and disturbance from the presence of the lengthy driveway
- Impact on trees and risk of falling
- Increase risk of flooding

CONSIDERATIONS

Principle of Development

The principle of development was established by the extant outline planning permission ref: 14/01514/OUT permitted on 9 June 2014 and although its three year time limit is about to expire the principle remains. Accordingly we have to consider any changes to policy or local circumstance that might have come about since the original permission. It is noted that the previous applicant has since moved on and the site separated from the Old Mill House.

Impact on Highway Safety

The only change, as is noted above, is the separation of the Old Mill House that has the effect of removing part of the boundary wall from the red outline although on closer inspection this appears to not have any detrimental impact on the required visibility. The new access point requires infilling and raising of the land immediately behind the proposed entrance. This results in the existing embankment being raised that is located between this point and the Old Mill House and levels the surface within the immediate area to bring ground levels up to a similar level as the adjacent highway and the alignment of what was originally the water feed supplying the mill that is to become the continuation of the driveway to the new dwelling travelling northwards and is bounded to the West by the protected trees (TPOs), and to the East the property boundary with Switchford Cottage.

Sufficient space is shown that can achieve a 3m wide carriageway giving access to a single dwelling and likewise the details indicate that the access where it adjoins the highway provides motorists with the visibility required that is 40m and 43m where this relates to a 30mph speed limit, as is required by the Standing Advice.

The application is considered to demonstrate that a satisfactory access can be made for the site. A planning condition can be attached to any permission that requires the drawing(s) to be the basis for the relevant details submitted as part of the Reserved Matters.

Within the site land levels fall away from the area of the proposed drive so that within the parking and turning area there appears to be a need to raise the ground levels, however at worst this perpetuates the embankments that are already existing within the wider site. Reserved matters would be able to consider further the detailed finishes.

Character and Appearance

The setting of the proposed dwelling house falls within a building line established by dwellings on either side, albeit that the spacing is fairly generous. The site extends to the edge of the defined settlement limit. The placement of a two-storey dwelling in this position is considered to be possible without prejudicing the essential character of the landscape beyond, or creating an incongruous or unacceptable intrusion to this rural/urban edge. At this stage, no detailed design is being considered, but the scope clearly exists to design an appropriate house in terms of massing, materials and appearance to be accommodated in this position without undue visual harm either to the village or its surrounding landscape.

Impact on Residential Amenity

As was previously shown in the submitted indicative layout, it would be possible to site and orientate a dwelling house on the site and provide adequate space between it and neighbouring dwellings to avoid any overbearing impact, or overlooking. Notwithstanding the separation of the site from the Old Mill House the amenity of occupants was previously considered. It is not considered that there is demonstrable amenity harm in the proposal that would warrant a refusal of the application.

Trees

There are several Tree Preservation Orders on trees that form the western boundary to the drive. The presence of a roadway within this location is sensitive to the wellbeing of the trees and their long term viability with care needed in the construction of the drive. The Tree Officer comments that the proposed solutions amount to significant engineering requiring specialist input, design and supervision. He suggests that the proposals appear feasible but their implementation would clearly have an increased cost implication and propose planning conditions that would be attached to any permission.

Neighbour Concerns

All objections have been considered, as appropriate, within the relevant sections of the officer report, with the exception of the following:

Notwithstanding that a condition is proposed in accordance with the Environment Agency's (EA) response, the EA accept that the site falls within zone 1 for flood risk purposes and as such the site is removed from the flood risk zone that would otherwise oppose new dwellings.

There are no heritage designations for the boundary wall with the lane. The stone wall appears to be of more than one build, is in poor condition. The proposal would remove part of the wall and involve its rebuild. While a long stretch of uninterrupted boundary wall without a break can be a visually very pleasing the addition of openings within the street scene is not always unwelcome. In this case the proposed new opening arguably complements other openings in the lane while the works required to achieve this enables what remains to be secured and better presented.

Access during Construction is anticipated to be from the field gate further along the lane. As a temporary process any means to reduce impact from construction vehicles using the proposed access point for the new dwelling should be welcomed. This can be arranged in accordance with an agreed management plan for development of the site that is appropriately conditioned at the time of Reserved Matters.

Conclusion

In principle, the proposal represents an acceptable addition of a dwelling house within the defined development area of the village. The impact on the setting, the local environment, protected trees and neighbouring residential amenity are all considered to be acceptable. The access information identifies an acceptable access that accords with the Highway Standing Advice, details of which can be dealt with as part of the Reserved Matters, and the Tree Officer accepts that a suitable scheme notwithstanding that this could be costly for the developer can also be submitted and agreed under Reserved Matters.

RECOMMENDATION

Approve

01. The proposal, by reason of its location, represents appropriate infill within the defined development area and does not foster growth in the need to travel and is therefore sustainable and can achieve an acceptable highways access and on site highway arrangements in accordance with the aims of objectives of policies EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

SUBJECT TO THE FOLLOWING:

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

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

03. Approval of the details of the access, appearance of the building(s), the landscaping of the site, Layout and Scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

04. The access arrangement submitted with the Reserved Matters shall be based on drawing number 618/01a received 7 April 2017.

Reason: In the interests of highway safety in accordance with policy TA5 of the South Somerset Local Plan 2006- 2028.

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

Reason: To enable the Local Planning Authority to retain adequate control over proposed slab levels, in the interests of visual amenity and the appearance and character of the Conservation Area, further to policies EQ2 and EQ3 of the South Somerset Local Plan 2006- 2028.

06. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction vehicle movements, construction delivery hours, expected number of construction vehicles per day, drained parking area for contractors, construction operation hours, construction vehicular routes to and from site, point of access, the making good any temporary access resulting from works to facilitate access, and specific anti-pollution measures to be adopted to mitigate construction impacts. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highways safety and to safeguard the amenities of the locality in accordance with policies TA5 and EQ2 of the South Somerset Local Plan.

07. Prior to commencement of the approved development, the appointed construction/ groundworks contractor shall arrange for the Council's Tree Officer (01935 462670) to attend a pre-commencement site meeting at a mutually convenient time. The submitted scheme of tree protection measures (as prepared by Mr Nick Hellis, dated May 2016 - specifically the installation of the specially engineered trackway) shall be implemented in its entirety for the duration of the construction of the approved development.

Reason: To preserve existing landscape features (trees) in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the

following policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

08. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA, dated July 2009, by D.G. Alsop) and the following mitigation measures detailed within the FRA: 1. Finished floor levels are set no lower than 79.0m above Ordnance Datum (AOD). 2. Identification and provision of safe route(s) into and out of the site to higher ground.

Reason: In the interests of environmental amenity further to policy EQ2 and EQ1 of the South Somerset Local Plan 2006- 2028.

09. The development hereby permitted shall be carried out in accordance with the following approved plans: LK AL (-) 05 received 3.05.2017.

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

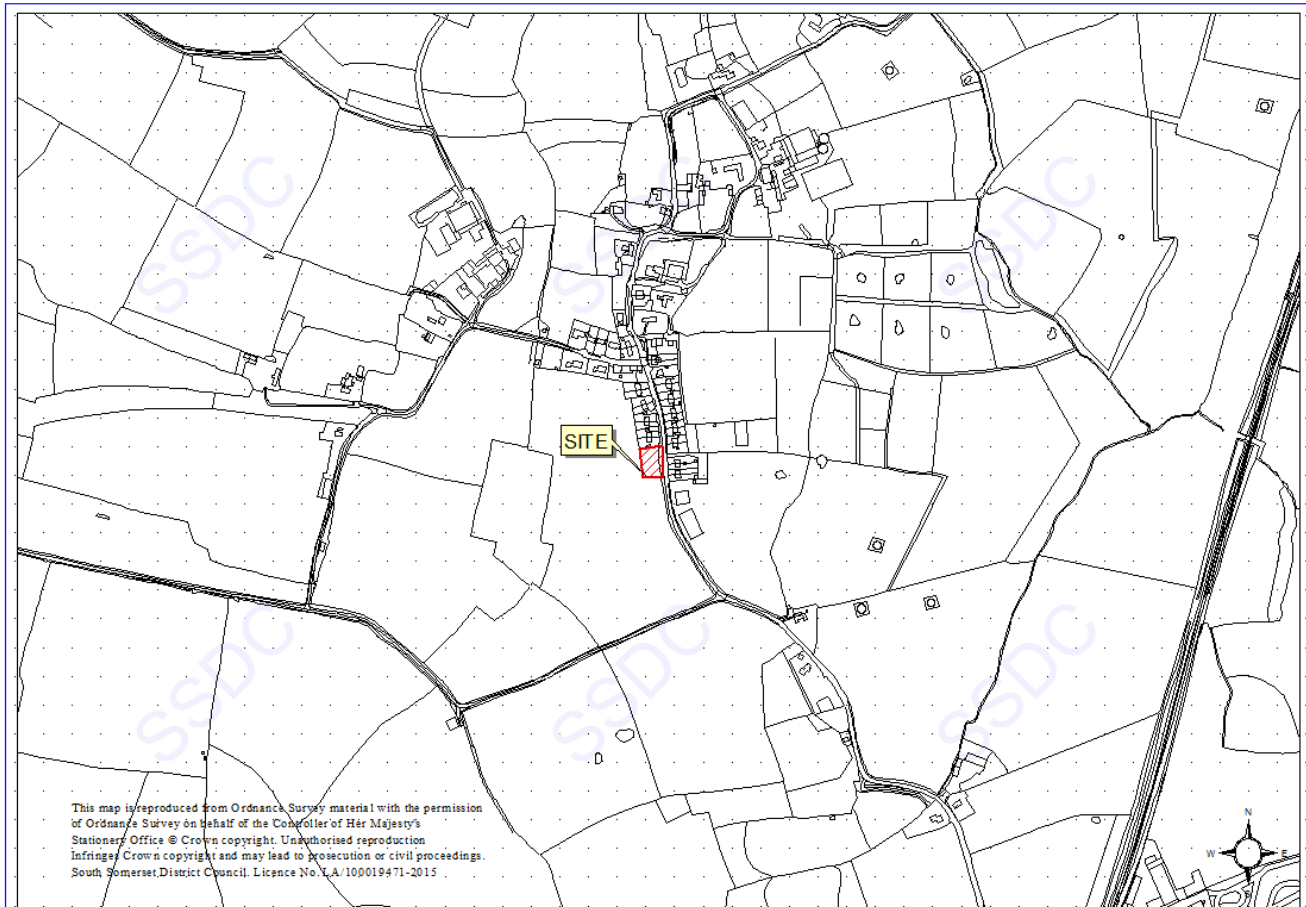
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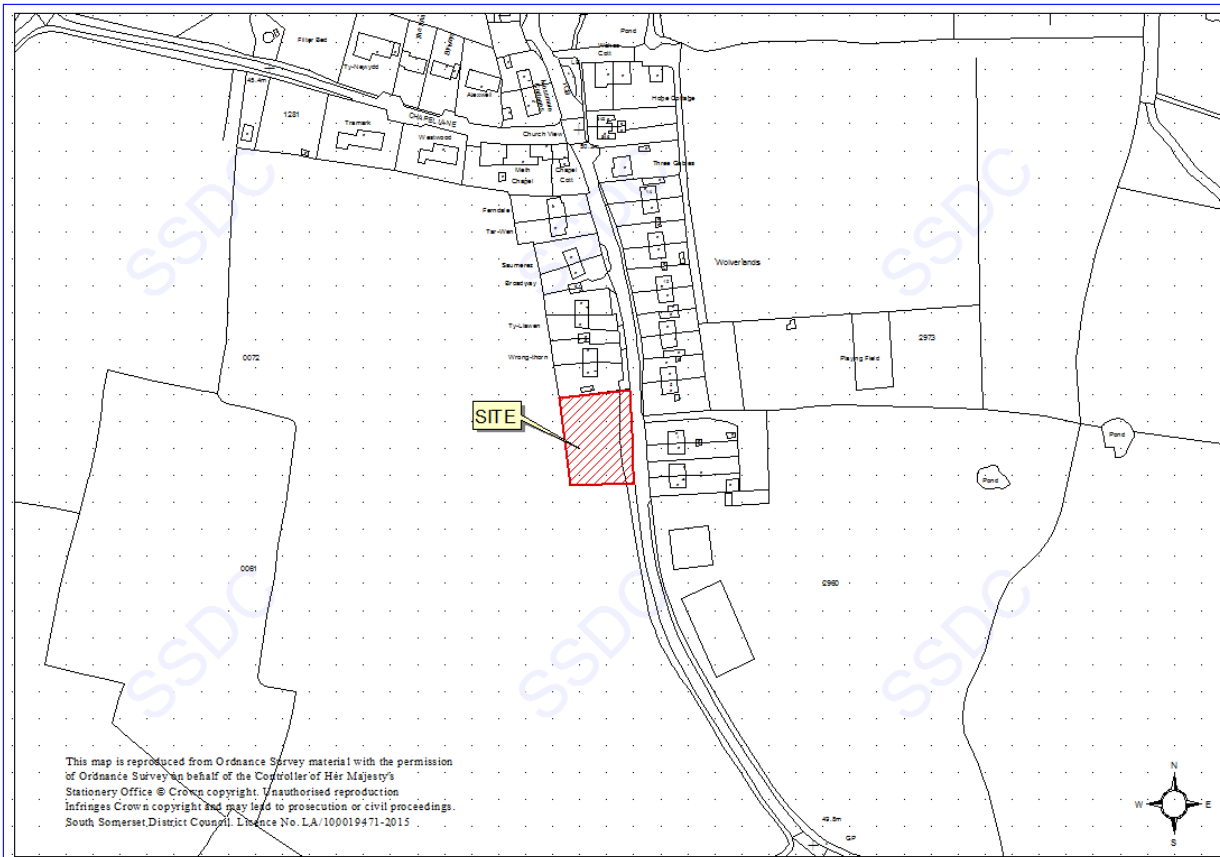
Officer Report On Planning Application: 17/02511/OUT

Proposal :	Outline application for erection of three detached dwellings and detached garage to plot 3. Provision of vehicle and pedestrian access.
Site Address:	Land Rear Of 1 Sparkford Road South Barrow
Parish:	South Barrow
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	7th August 2017
Applicant :	Mr & Mrs Richard Harvey
Agent: (no agent if blank)	Mr Gary Adlem GMA Design Little Hains Hains Lane Marnhull Sturminster Newton DT10 1JU
Application Type :	Minor Dwellings 1-9 site less than 1ha

The application is before the committee at the request of the ward member, and with the agreement of the area vice-chair, to allow local concerns to be publicly debated.

SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for the erection of three dwellings, including the provision of vehicle and pedestrian access. Appearance and landscape are matters left for future consideration. Access, layout and scale are to be considered at this stage. The site consists of a part of an agricultural field, which is currently laid to grass and bounded by native hedgerows, with residential curtilage on the northern boundary of the site. The site is not within a development area as defined by the local plan. The site is close to various residential properties and open countryside. The site is traversed by a public right of way.

Plans show the erection of three detached dwellings, and a detached garage on plot 3. Plots 2 and 3 are to be served by one shared vehicular access from the highway, and plot 1 by another. The applicant has stated that the dwellings are to be of two storey design. Plans show a footpath walkway across the site to contain a diverted public right of way.

HISTORY

None

POLICY

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

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

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

Policy SD1 - Sustainable Development
Policy SS1 - Settlement Strategy
Policy SS2 - Development in Rural Settlements
Policy SS5 - Delivering New Housing Growth
Policy SS6 - Infrastructure Delivery
Policy EQ2 - General Development
Policy EQ4 - Biodiversity
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards
Policy HG3 - Provision of Affordable Housing - Sites of 1-5 Dwellings

National Planning Policy Framework

Chapter 3 - Supporting a Prosperous Rural Economy
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design

CONSULTATIONS

Cary Moor Parish Council - Lists a variety of observations from local residents at the meeting. One councillor "...declared a personal interest but commented that the proposed new houses were not in keeping with the existing properties as they were detached. He reported that he has spoken to residents and there would appear to be no local support. If there was a requirement for affordable housing a new development of 14 affordable homes has just been built on the edge of Sparkford." Councillors referred to the public footpath running through the site and note the highway authority objection to the layout. Another councillor "...commented that if there was a requirement for affordable housing a new development of 14 affordable homes has just been built on the edge of Sparkford for which residents of South Barrow would be eligible after those in Sparkford. There were also consents for 3 barn conversions in South Barrow. Hence there was no need for any further housing in South Barrow."

Cary Moor PC recommend refusal of the application for the above reasons and as being contrary to policies SD1, SS2 and EQ2 of the Local Plan.

County Highway Authority -

"This plan now appears to correctly account for the existing public highway and the location of the existing hedge line. The garage for Plot 3 is now appropriately shown as located on private land.

No visibility splays have been shown on the drawing or specified by the applicant, but from my site visit I would expect 2.4m by 43m splays (suitable for the posted 30mph speed limit) are achievable in view of the existing highway verge width at this location.

It appears from the submitted plan that the parking for these dwellings may now be slightly above the optimum provision, but the Local Planning Authority may consider this appropriate at this location (and the Highway Authority would not raise an objection).

However, two properties are still shown as using one access (not individual accesses for each property as stated in the submitted Design and Access Statement). While I have no issue with this in principle, Somerset County Council's Standing Advice is that such an access should have a minimum width of 5m over the first 6m from the public highway. Other issues highlighted in the Standing Advice are also relevant, such as the provision of a consolidated surface and prevention of surface water shedding onto public highway. The Highway Authority would have no objection to these issues being addressed by the imposition of suitable conditions on any planning consent granted, should the Local Planning Authority consider this appropriate.

On this basis I can confirm that the Highway Authority would withdraw its objection to this proposal.

I note the applicant intends to divert the existing footpath WN 25/2, and I reiterate my advice for the applicant to discuss this with our Rights of Way Group as they can advise on the suitability of this proposal.

In addition, I suggest that the applicant be reminded that works on or adjacent to the public highway, as required for this development, would need the prior agreement of/ licencing from the Highway Authority, should planning permission be granted."

SSDC Landscape Architect -

"[T]he application proposes 3 houses, which would form a southward extension of the village edge to the west side of the Sparkford road, to match the presence of residential properties on the opposite side of the road. South Barrow is a minor settlement, with its small amount of housing primarily concentrated to the south of the church, and in that respect, this additional housing would link with the existing residential area. The proposal site is bounded on 2 sides by existing housing, but open to a large field to west and south. Other than at roadside, it is not contained by any natural boundaries, though its location will extend built form south of the alignment of an established right of way.

As an incursion into countryside at the village periphery; as a plot with no natural containment or definition; and in being open to views from the south and west, there will inevitably be a landscape impact arising from development, though this can be moderated in part by provision of native species hedgerows to enclose and visually contain the development area. The proposal will consolidate the current dilute edge of settlement character, and on balance, I consider that there will be an erosion of local character, though this impact is not substantial. Thus a case can be made to refuse this application, LP policy EQ2, but this is not heavily weighted."

SCC Rights of Way - Notes the presence of a public footpath crossing the site. They note that development should not obstruct the footpath and that a diversion order should be applied for. They state that the County Council do not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way. They suggest the following informative on any permission issued:

"Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with."

They go on to provide general information for the developer as to their duties in regards to the public right of way.

REPRESENTATIONS

Letters of objection were received from the occupiers of five neighbouring properties. Objections were received in the following areas:

- Adverse impact on residential amenity
- Contrary to local plan policy
- Development is Ribbon development
- Loss of views
- Adverse impact on users of footpath

- Highway safety
- Limited services and facilities so future occupiers would be reliant on car
- Undesirable precedent
- No demand for housing in settlement

CONSIDERATIONS

History and Principle of Development

The site is located outside of any development areas or directions of growth as defined by the local plan. As such, policy SS2 of the South Somerset Local Plan is of most relevance. However, elements of policy SS2 must be considered out of date, as SSDC cannot currently demonstrate a five year supply of housing land. It is noted that South Barrow would be considered as a broadly sustainable location under policy SS2, as it contains at least two basic services and facilities - in this case a recreation ground and church/village hall. The principle of modest residential development within the settlement must therefore be considered acceptable, subject, of course, to full consideration of site specific impacts. Furthermore the benefit of contributing to the supply of housing in the district outweighs the lack of local benefits that would have been previously required by policy SS2.

It is therefore considered that, notwithstanding local concerns regarding the need for the proposed dwellings and lack of compliance with local plan policy, the principle of development is acceptable in accordance with the aims and provisions of the NPPF.

Highways

Local concern has been raised in regard to the proposed access arrangements, and whether the resulting increase in vehicle movements on the local highway network would be acceptable. However, the highway authority have been consulted and considered the scheme in detail. They have raised no objections subject to the imposition of conditions to ensure that the proposed shared access is at least 5 metres wide for the first 6 metres of its length, that the surface is properly consolidated, and to prevent surface water discharging onto the highway. An amended plan has been issued to address the first, and it is considered that the latter two can be reasonably controlled through suitable conditions.

As such, it would be unreasonable to raise an objection on highway safety grounds.

Visual Amenity

The site is located on green field land on the edge of an existing settlement. As such, the SSDC landscape architect was consulted as to the impact of the scheme on visual amenity. He considered the scheme in detail and concluded that the consolidation of the existing dilute character of built form on the edge of the settlement would be an erosion of local character. He considers that this harm is not substantial and therefore any case to refuse the application on landscape reasons would not be heavily weighted.

It is considered that the detailed design of the dwellings, and suitable landscaping to help mitigate the above identified minor harm could be agreed as part of a future reserved matters application.

A concern has been raised locally that the proposed development is "ribbon development". Whilst it is undoubtedly true that the proposal represents the continuation of a "ribbon" of development along the road, it will project no further into the countryside than the existing development on the other side of the road. As such, it is hard to argue that continuation of the "ribbon", in itself, is in any way harmful.

The parish council raised a concern that the dwellings would be out of keeping with local character as they are detached. Whilst the immediate locality is characterised by semi-detached properties, the

inclusion of detached properties at this location will not be harmful, just different.

As such, the impact of the scheme on the character of the area and the local landscape is considered to be acceptable.

Subject to further details at the reserved matters stage, it is considered that the proposal would have no significant adverse impact on visual amenity in compliance with policies EQ2 and EQ3 of the local plan.

Residential Amenity

Subject to appropriate design at the reserved matters stage, it is considered that the proposed scheme is unlikely to have any significant impact on the residential amenity of adjoining occupiers by way of overlooking. Layout and scale is to be considered at this stage, and the proposed properties are considered to be sufficiently far (and of an appropriate scale), so as to prevent any demonstrable to neighbouring amenity by way of overshadowing and overbearing.

Therefore, notwithstanding local objections in this regard, the proposal is considered to have no significant adverse impact on residential amenity in compliance with policy EQ2 of the local plan and the aims and provisions of the NPPF.

Footpath

A public footpath currently traverses the site and the loss or interference to this footpath is a concern that has been raised locally. As such, the SCC Rights of Way Group was consulted. They did not object to the proposal provided that the developer is informed that the grant of planning permission does not entitle them to block a right of way. The developer is proposing a diversion of the footpath, and has made an allowance in their submitted layout to accommodate a revised route. Whether such a revision of the route is acceptable would be determined as part of an application to divert the footpath, but either way it cannot be a reason to refuse the scheme. Even with a planning permission, the developer may not be able to ultimately carry out the proposed development if, for some reason, the footpath cannot be properly diverted.

Contributions

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

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

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

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

The proposal is however liable for the community infrastructure levy (CIL).

Other Matters

Neighbouring occupiers have raised objections to the proposal on the grounds that they will lose existing countryside views from their properties. However, it is a long established principle that the planning

system cannot protect the private views of individuals.

Neighbouring occupiers have raised a concern that an approval will lead to the setting of an undesirable precedent. However, it is not clear that the proposal will lead to any precedent for further development in this location. Without a five year supply of housing, the principle of modest residential development in this location (without complying with the restrictions of policy SS2) has been established. The proposed location is unique, and any other application in a different location would be considered on its own merits.

The parish council has suggested that, if there was a requirement for affordable housing, a new development of 14 affordable homes has just been built on the edge of Sparkford. They also suggested that there is no need for the proposed housing in South Barrow. However, the proposal is not however for affordable housing, and there is a district wide shortage of housing.

Conclusion

Accordingly the proposal is considered to be acceptable in this location, and to cause no significant adverse impact on the character of the area, highway safety, or residential amenity.

RECOMMENDATION

That application 17/02511/OUT be approved for the following reason:

01. The benefits to housing supply in South Somerset are considered to outweigh the lack of local benefits arising from the scheme, and as such the principle of residential development is considered acceptable. The proposed dwellings on this site would respect the character of the locality with no demonstrable harm to residential amenity or highway safety. As such the proposal complies with saved policies SD1, SS1, TA5, TA6 and EQ2 of the local plan, and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans: GMA-0027-01B received 17 July 2017.

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

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

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

03. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

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

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

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

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

05. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development (including details of how surface water will be prevented from discharging onto the highway), shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of local amenities and highway safety in accordance with policies TA5 and EQ2 of the South Somerset Local Plan.

06. Before the dwelling hereby permitted is first occupied, the access over the first 6 metres of its length shall be properly consolidated and surfaced (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority, before works are carried out on the access.

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

07. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the accesses and extending to points on the nearside carriageway edge 43m either side of the accesses. Such visibility shall be fully provided before the development hereby permitted is first brought into use and shall thereafter be maintained at all times.

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

08. The area allocated for parking and turning on the submitted plan (including the proposed garage), drawing no. GMA-0027-01B received 17 July 2017, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles used in connection with the development hereby permitted.

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

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

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

Informatives:

01. Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
02. Please be advised that subsequent full or reserved matters approval by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

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

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

Agenda Item 18

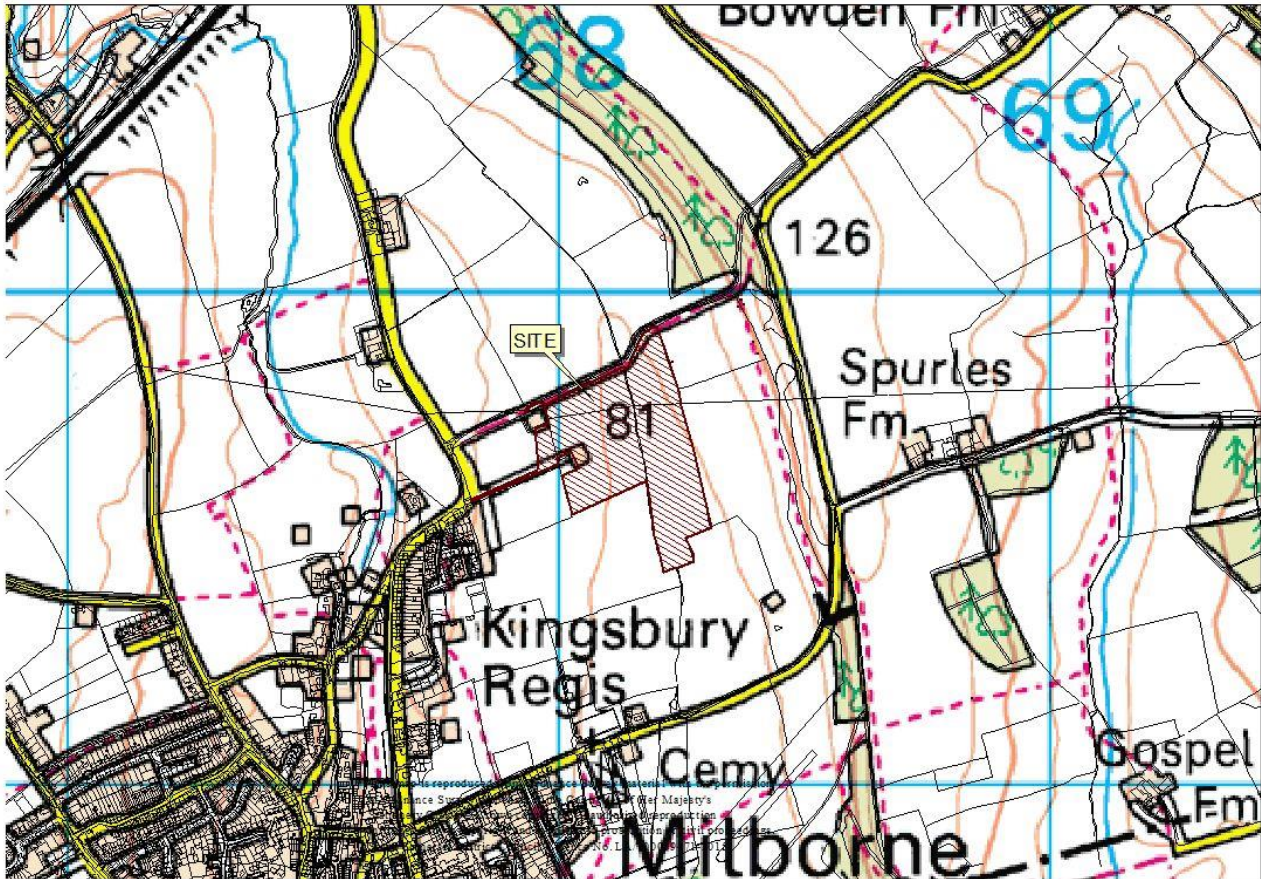
Officer Report On Planning Application: 17/02835/S73A

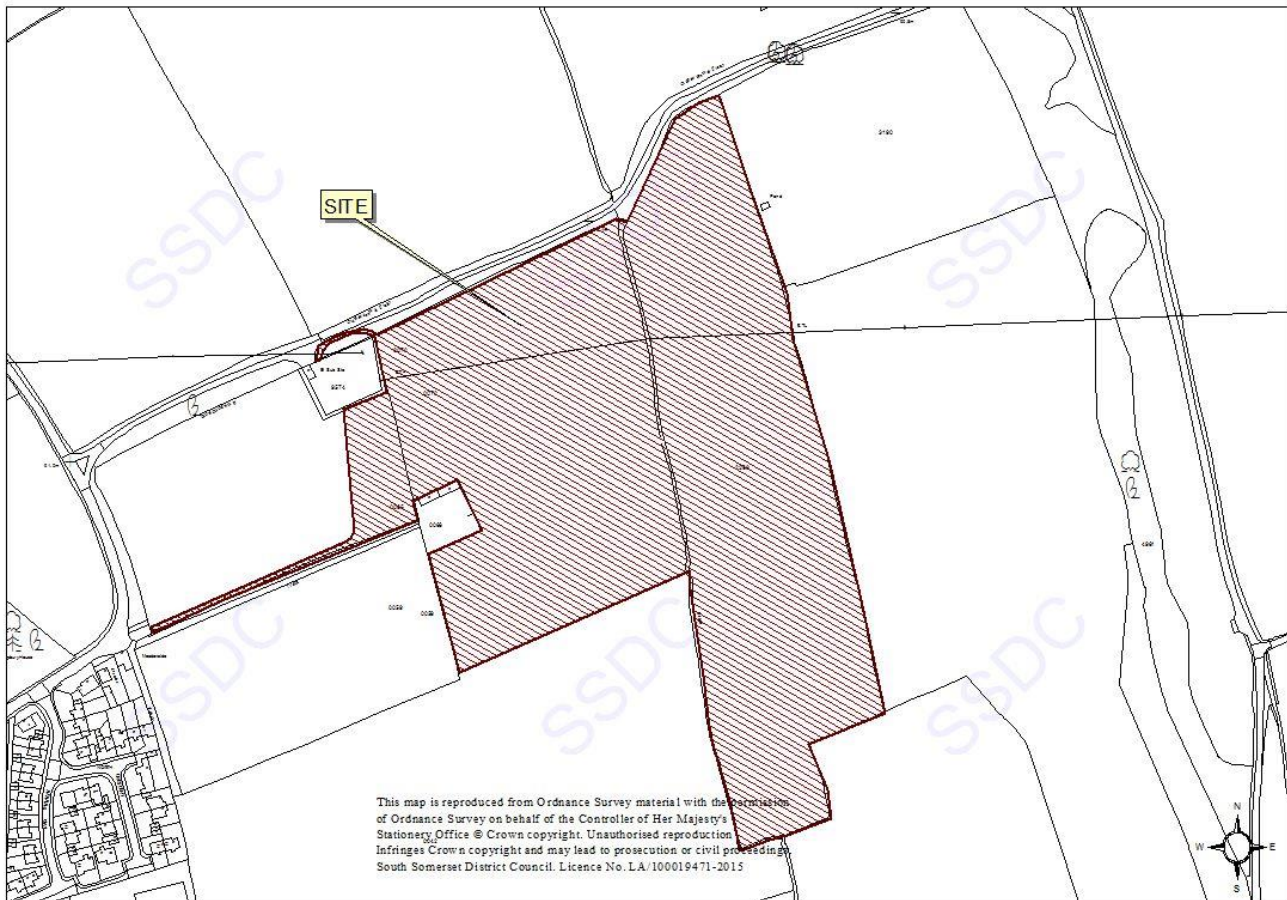
Proposal :	Application to vary condition 02 of planning permission 15/02187/FUL (approved at appeal) to allow the substitution of plans to confirm details of as-built solar farm.
Site Address:	Land OS 2269 Old Bowden Way Milborne Port
Parish:	Milborne Port
MILBORNE PORT Ward (SSDC Member)	Cllr Sarah Dyke
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	4th October 2017
Applicant :	Mr Johnson
Agent: (no agent if blank)	Mr Alasdair Adey Arcus Consultancy Services Ltd Suite 1c, Swinegate Court East 3 Swinegate York YO1 8AJ
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL

To accord with the council's scheme of delegation where the site area is greater than 4 hectares (in this case 5.3 hectares) this major major application needs to be referred to area committee when recommended for approval. In this case there have been neighbour comments made that are contrary to the officer's recommendation.

SITE DESCRIPTION AND PROPOSAL





The application site is located north-east of Milborne Port. The site is bounded on its north side by an unrestricted byway, Old Bowden Way, and extends across 2(no.) hedgerow enclosed fields. The site extends to 5.38 hectares.

Planning permission was allowed at Appeal having originally been refused by the council as a solar park. The current application seeks to vary condition 02 (approved plans) of planning permission 15/02187/FUL to allow the substitution of plans to confirm the details of the solar park, as built.

RELEVANT HISTORY:

17/00462/NMA - Non Material Amendment to planning permission 15/02187/FUL to allow a range of amendments which are necessary in order to implement the site, Refused, as the details were considered to go beyond the remit of the NMA procedure.

15/02187/FUL - Construction of Solar Park, Refused but Allowed at Appeal.

14/02468/EIASS - Request for a screening opinion in respect to the proposed installation of photovoltaic arrays - EIA not required 12/06/2014.

POLICY

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

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

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

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

SD1 - Sustainable Development
EQ1 - Addressing Climate Change in South Somerset
EQ2 - General Development
EQ3 - Historic Environment
EQ4 - Biodiversity
EQ5 - Green Infrastructure
EQ7 - Pollution Control
EP5 - Farm Diversification
TA5 - Transport Impact of new development.

National Planning Policy Framework - March 2012:

Chapter 1 - Building a strong, competitive economy
Chapter 3 - Supporting a prosperous rural economy
Chapter 7 - Requiring good design
Chapter 10 - Meeting the challenge of climate change, flooding and coastal change
Chapter 11 - Conserving and enhancing the natural environment

CONSULTATIONS

Milborne Port Parish Council has no objections.

County Highway Authority – Awaited to be reported to area committee.

SSDC Landscape Architect has no objection.

REPRESENTATIONS:

There have been 3 householder notification letters received objecting to the proposed development. The reasons offered are largely not relevant to the planning considerations and include such matters, such as the developers have clearly not fulfilled the obligations laid down by the planning inspector. (OFFICER Note: the purpose of the current application to consider the impact of the alterations in planning terms.)

CONSIDERATIONS

Principle of Development

The principle of development has previously been found acceptable. The main considerations include the effect on the changes in terms of character and appearance, highway safety and neighbour amenity.

Character and Appearance

Viewed in context the changes made to the approved scheme generally involve the reduction in overall height, certainly no increase in overall scale, while the building structures are consolidated more centrally within the site rather than being more spread out across the site. As such the alterations made are seen to be no worse than what was approved and generally offers a more modest outcome when seen in context with the solar park's presence as a whole. In terms of character and appearance the alterations are not viewed to have any detrimental effect.

Highway Safety

The alterations are not considered to affect highway safety although the County Highway Authority

response is not received at the time of drafting the committee report. Their response will be reported to committee.

Residential amenity

There are no dwellings in close proximity to the site whose use is considered would result in harm for the amenity of occupants.

Neighbour responses

All neighbour responses have been considered, while the planning considerations are limited to whether the details originally agreed should be adhered to or varied. This comes down to what harm may be engaged, while the planning considerations are generally found to be supportive. The fact that an applicant has not built in accordance with the approved plans results in the current application that seeks to regularise the changes.

Other Matters

The opportunity is taken to up-date the original list of planning conditions.

RECOMMENDATION

Approve.

01. The proposed variations to the approved scheme are considered acceptable and would not have any adverse impacts regards character and appearance, nor highway safety or neighbour amenity in accordance with the aims and objectives of Policy SD1, EQ1, EQ2, EQ3, EQ4 and TA5 of the South Somerset Local Plan 2006- 2028.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted was begun 31.08.2016.

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Cable Route, Elevations-1, General Layout, Fencing and CCTV System, Facilities Layout and Elevations-2 received 5 July 2017 and 4.10 Rev D received 23 September 2015

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

03. The development hereby permitted shall be undertaken in accordance with the implementation of the Habitat Management Plan (30.04.2015) submitted with the application.

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

04. The development hereby permitted shall be removed and the land restored to its former condition within 25 years of the date of this permission or within 6 months of the cessation of the use of the solar farm for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all the structures, materials and any ancillary equipment which shall be removed from the site.

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

05. The approved on-site planting scheme (4.10 Rev D received 23 September 2015) shall be implemented in the first planting season following the completion of the development. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and landscape character further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

06. No means of external illumination/lighting shall be installed within the site, unless otherwise agreed in writing by the Local Planning Authority.

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

07. The site management plan for tree, hedge and grass maintenance of the site agreed by the Local Planning Authority under 17/00342/DOC (the Discharge of conditions application for planning permission 15/02187/FUL) shall be fully implemented for the duration of the use hereby permitted, unless any variation is agreed in writing with the Local Planning Authority.

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

08. No CCTV equipment or other cameras shall be installed on the site other than that shown on the submitted General Layout, and Fencing and CCTV System.

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

09. Moss Green shall be the colour applied and maintained on the building structures unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of any doubt in the interests of visual appearance further to [p]olicy EQ2 of the South Somerset Local Plan 2006- 2028.

Agenda Item 19

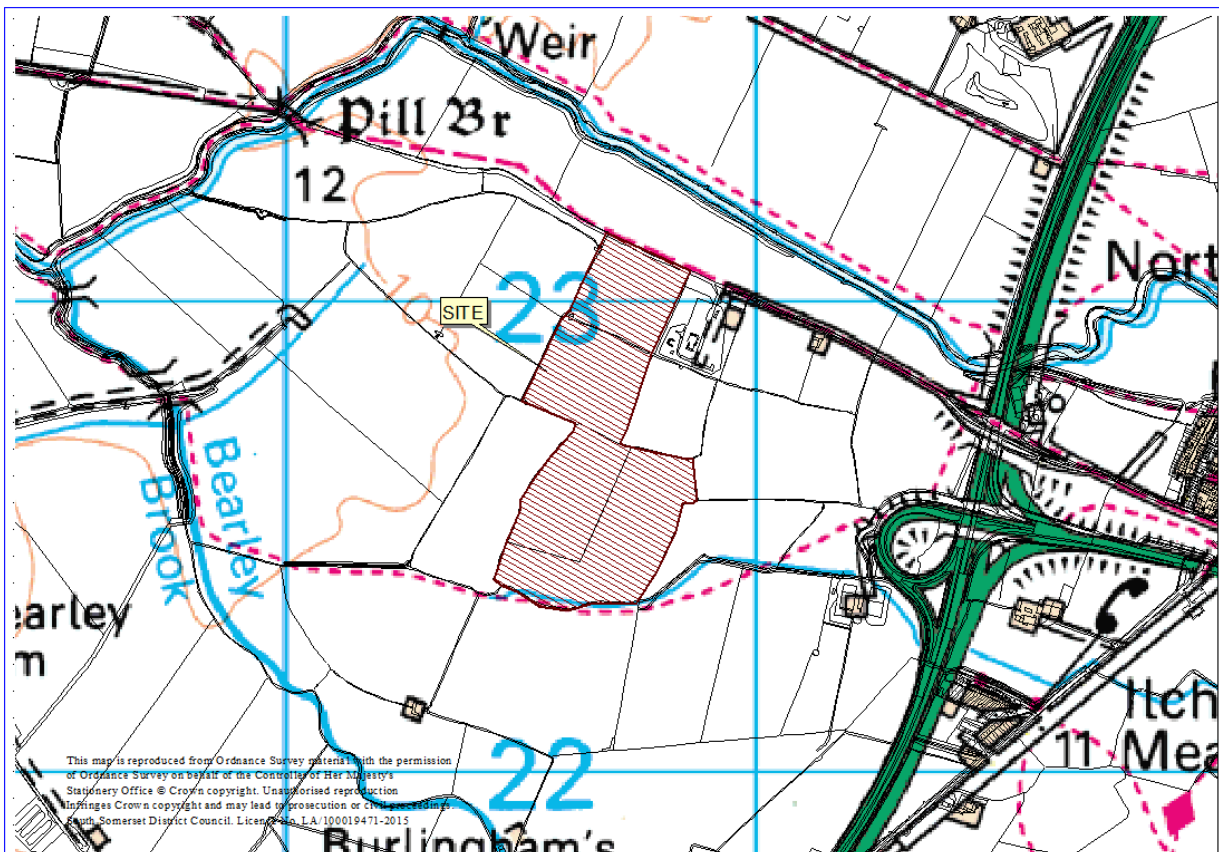
Officer Report On Planning Application: 17/01471/DPO

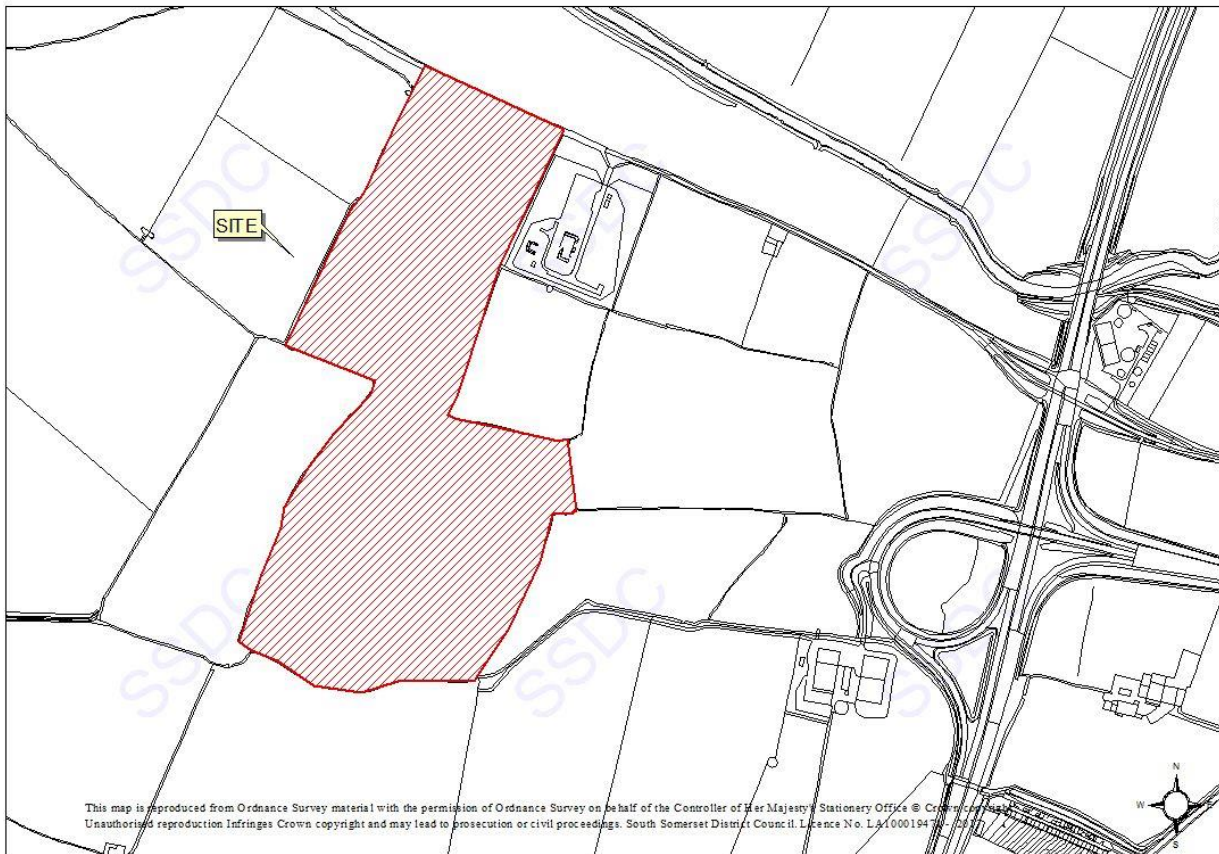
Proposal:	Application to vary S106 agreement dated 19th March 2013 between SSDC, Richard Don Knight and Heather Diana Knight to allow use of part of land for anaerobic digester plant.
Site Address:	New Spittles Farm Ilchester Mead Interchange Ilchester
Parish:	Ilchester
IVELCHESTER Ward (SSDC Member)	Cllr Tony Capozzoli
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date:	15th May 2017
Applicant:	Mr & Mrs R D Knight
Agent: (no agent if blank)	Symonds & Sampson 2 Court Ash Yeovil BA20 1HG
Application Type:	Non PS1 and PS2 return applications

REASON FOR REFERRAL TO COMMITTEE

The application was originally referred to Area East Committee in July 2017 at the request of the district councillor to allow the variation of the agreement to be properly considered. Area East Committee deferred making a decision at that time as they wished the application to be determined at the same meeting as planning application 17/02151/FUL, which relates to a proposed anaerobic digester on land at New Spittles Farm.

At the time of writing this report application 17/02151/FUL was not yet ready to be presented to Committee however the current application is referred back to Committee at the request of the agent on the basis that this is a standalone application and should be determined on its own merit separate to the outcome of the other application.





PROPOSAL

This application is seeking to vary a Section 106 agreement dated 19th March 2013 between SSDC and Richard Don Knight and Heather Diana Knight to allow use of part of the land for an anaerobic digester plant. The agreement is associated with planning consents 11/04284/OUT and 06/03632/OUT which each permitted the erection of an agricultural workers dwelling (two dwellings in total).

RELEVANT HISTORY:

- 17/01215/FUL: Construction of an anaerobic digester plant to include associated equipment and on-site infrastructure for the purpose of generating renewable energy. Pending consideration.
- 16/01370/FUL: Proposed agricultural building extension. Permitted.
- 15/01545/FUL: Erection of an agricultural storage building. Permitted.
- 13/02853/REM: Erection of an agricultural workers dwelling. Permitted.
- 13/01575/FUL: Erection of a silage pit. Permitted.
- 11/04284/OUT: Outline application for the erection of an agricultural workers dwelling. Permitted.
- 10/02173/FUL: Erection of an agricultural covered yard. Permitted.
- 10/00240/FUL: Erection of a covered feed area. Permitted.
- 10/00242/FUL: Erection of a fodder store extension. Permitted.
- 09/00206/REM: Erection of an agricultural dwellings. Permitted.
- 08/02209/FUL: Erection of an agricultural building. Permitted.
- 06/03632/OUT: Erection of an agricultural dwelling. Permitted.
- 06/02157/FUL: Erection of an agricultural apex-lean to building. Permitted.
- 02/02010/FUL: Erection of an agricultural building and the siting of two mobile homes. Permitted.

POLICY

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

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

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

SD1 - Sustainable Development

HG9 - Housing for Agricultural and Related Workers

National Planning Policy Framework:

Part 1 - Building a strong, competitive economy

Part 3 - Supporting a prosperous rural economy

Decision Taking (Planning Conditions and Obligations)

Planning Practice Guidance - Use of Obligations

CONSULTATIONS

Ilchester Parish Council: Object. The Council were informed by their agent, who was in attendance, that Section 106 was no longer used by the District Council and that the farm would still be viable by the release of the Section 106 agreement on 48 acres. However, after consideration, with an indication that there may well be an application for an anaerobic digester from the Energy representative, also in attendance, the Council unanimously opposed the application to vary the Section 106 agreement, on the basis that it is an issue between the SSDC & parties concerned and that there was a lack of information as to exactly why this was required, and it was noted that both dwellings at New Spittles Farm had been granted at the Farm under Section 106 for agricultural occupancy

REPRESENTATIONS

Written representations have been received from one local resident objecting to this application for the following reasons:

- The intention of the S106 agreement is to ensure the continuing viability and success of the whole entity of New Spittles Farm, the application fails to demonstrate this and it is therefore reasonable to refuse this application.
- The land area required for the anaerobic digester is only 9 acres so why are they seeking the release of 48 acres, what is to happen with the excess and how will it be used to maintain the intention of the S106.
- Where is the business case to show that the farm and farmworkers will benefit from this in perpetuity. SSDC should ensure that the projected turnover is provided, including when the subsidies expire.
- How has it been justified that the release of this land does not threaten the current and projected dairy enterprise.
- The agent has been contradictory in saying that the proposed use of the part of the land for a biodigester is of no relevance to the current application when it is inferred that this is the driving force behind it.
- The agent's calculations are incorrect one LSU does not equate to an one acre.

CONSIDERATIONS

This application is seeking to vary a non-fragmentation legal agreement which ties the two agricultural workers dwellings associated with New Spittles Farm to the associated farm holding.

The Section 106 agreement was originally imposed as part of the permission in 2006 for the first farmhouse to be permitted on this holding and was then amended to also encompass the permission in 2011 for a second agricultural workers dwelling. At the time of these applications it was common place to impose such non-fragmentation restrictions and this was supported by the relevant planning policies of that time. Current policy however, i.e. the NPPF and the Council's new local plan (adopted in March 2015), do not support the use of such obligations unless they are considered to be absolutely necessary, fair and reasonable in order to make a development acceptable. Such a view is supported by numerous appeal decisions. On this basis the principle of the current proposal is considered to be acceptable and policy compliant.

It is noted that the Parish Council and a local resident have objected to this application and have made reference to an anaerobic digester (AD) which is proposed on part of the land which is intended to be released from the non-fragmentation agreement. The local resident has also questioned why the applicant is seeking to release substantially more land from the S106 agreement than is needed for the proposed AD plant and queried whether this will put at risk the long-term viability of the farm holding.

New Spittles Farm is a substantial holding extending to 448 acres and is based on a dairy enterprise of 220 dairy cows and a further 120 dairy followers. The agents have stated that at present the holding only requires 323 acres to meet the needs of their present activities. The current application is seeking to release 48 acres from the legal agreement and on the basis of the information provided would leave an excess of land available to continue to meet the needs of the holding and to allow further future expansion of their activities.

Any planning issues relating to the proposed AD plant will be considered under the separate planning application and are not relevant to the current application.

In summary, there is no evidence to suggest that the removal of these 48 acres from the non-fragmentation agreement will lead to the holding becoming less viable. There are no exceptional circumstances in this instance that over-ride current planning policy requirements relating to such obligations and it is considered that to insist that this land be retained within the non-fragmentation agreement is not only unnecessary but also unreasonable. The application is therefore recommended for approval.

RECOMMENDATION

To allow the modification of the Section 106 Agreement dated 19/03/2013 made between South Somerset District Council, Richard Don Knight and Heather Diana Knight to omit 48 acres from the controls of this agreement.

Agenda Item 20

Exclusion of the Press and Public

The Committee is asked to agree that the following items (agenda item 20) be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under paragraph 3: "Information relating to financial or business affairs of any particular person (including the authority holding that information)." It is considered that the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.

Agenda Item 21

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted