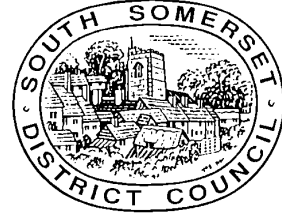


**South Somerset District Council**

*Notice of Meeting*



# Area East Committee

*Making a difference where it counts*

**Wednesday 9th May 2018**

**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 **10.15am**.

For further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462038 or [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

This Agenda was issued on Monday 30 April 2018.

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

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



## **Information for the Public**

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

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

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

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

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

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

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

## **Public participation at committees**

### **Public question time**

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

### **Planning applications**

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

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

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

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

The order of speaking on planning items will be:

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

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

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

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

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

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

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

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

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# **Area East Committee**

## **Wednesday 9 May 2018**

### **Agenda**

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

#### **1. Minutes of Previous Meeting**

To approve as a correct record the minutes of the previous meeting held on Wednesday 11<sup>th</sup> April 2018.

#### **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 13<sup>th</sup> June at 9.00 am.

#### **5. Public Question Time**

#### **6. Chairman Announcements**

## **7. Reports from Members**

### *Items for Discussion*

- 8. The Balsam Centre - Allocation of Healthy Living Centre Funding for 2018/19 (Executive Decision)** (Pages 6 - 9)
- 9. The Retail Support Initiative Update** (Pages 10 - 19)
- 10. Area East Annual Parish & Town Council Meeting Summary of Issues Raised - For information** (Pages 20 - 23)
- 11. Area East Committee Forward Plan** (Pages 24 - 25)
- 12. Planning Appeals (For Information Only)** (Pages 26 - 33)
- 13. Action List (For Information Only)** (Page 34)
- 14. Schedule of Planning Applications to be Determined by Committee** (Pages 35 - 37)
- 15. 17/02643/OUT - Land At Dancing Lane Wincanton** (Pages 38 - 44)
- 16. 18/00481/FUL - Border Farm Border Lane Brewham** (Pages 45 - 50)
- 17. 18/00403/FUL - The Orchard Inn Galhampton Hill North Cadbury** (Pages 51 - 54)

**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

## **The Balsam Centre – Allocation of Healthy Living Centre Funding for 2018/19 (Executive Decision)**

*Communities Lead:* Helen Rutter, Communities  
*Service Manager:* Tim Cook, Locality Team Manager  
*Lead Officer:* Pam Williams, Neighbourhood Development Officer - economy  
Sue Place, The Balsam Centre Project Manager  
*Contact Details:* pam.williams@southsomerset.gov.uk or (01963) 435020

### **Purpose of the Report**

To update members on the position at the Balsam Centre and to consider the allocation of funding ring-fenced for Healthy Living Centres.

### **Public Interest**

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

### **Recommendations**

It is recommended that members:

- 1) Note the report
- 2) Award the £10,000 ring fenced for Healthy Living Centres from the Community Grants budget to the Balsam Centre for the delivery of their work programme

### **Background**

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

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

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

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

### **The Balsam Centre – Hub for Service Delivery**

The Balsam Centre's strong partnership approach has been built up over many years with Health & Social Care, Schools, Children's Centres and local charities, local authorities, housing associations as well as their own projects, such as the Growing Space (on site social and therapeutic horticulture) and the 'Men's Shed' initiative.

The presence of other key services helps to provide integrated, seamless services that make people using the Centre feel safe, welcome and supported. The CAB runs a weekly outreach session on a drop-in basis, to offer help with a range of issues including welfare benefits and debt management advice. The Centre has exceptionally strong links with the local health visitors' team and works closely with Children's Social Care, the midwifery service, local schools, pre-schools and other partners supporting families. The Centre is also the operational base for South Somerset Community Accessible Transport, which helps to ensure that transport solutions are built in to all service delivery.

The Balsam Centre continues to focus on reducing health and social inequalities, in particular working with individuals and families who are disadvantaged, vulnerable and have little other support. The project is particularly successful at working closely with people to improve their own and their families' life chances. This work has been particularly effective in developing a strong relationship between the new Health Coaches, based at Wincanton and other AE Health Centres and staff at the Balsam Centre.

### **Like Minds**

There has always been a strong focus on mental health and this has been reinforced through securing the 'Like Minds' project, a successful Big Lottery application (Reaching Communities). The SSDC contribution is used as match funding to help secure the Lottery funding for Like Minds.

The Like Minds project started on 1<sup>st</sup> October 2015. Like Minds works with people experiencing mild to moderate mental health conditions, whether diagnosed or not. To date the project has worked with over 600 people.

The project provides one-to-one counselling as well as facilitated and peer support groups. It is available to anyone living within the area of benefit, for whom there is currently limited, or no other support. Within this broad spectrum of potential beneficiaries there are 2 target groups: young people, especially those who are self-harming and people of all ages, who are isolated or lonely.

To date 7,936 contact sessions have been provided, of these around 2,420 have been one-to-one counselling.

A third and more recently a fourth counsellor were appointed in November 2015 and March 2018 respectively on 2-day a week contracts. The two project workers recruited in April 2016, are working with young people and older people to meet specific identified needs.

The current situation is that all four counsellors have full take up and between them are providing 65 counselling sessions a week as well 4 therapeutic groups weekly. The project workers are running 8 groups between them, including a Young People's Drop-In in Wincanton and in Milborne Port and a Dementia support group.

The project has continued to develop relevant partnerships. There are improved relationships with the secondary schools, especially King Arthurs, Wincanton Town Council, the NHS locally, including the Health Centre and Health Coaches, the Clinical Commissioning Group, Somerset Partnership NHS Trust, CAMHS (Child and Adolescent Mental Health Services) and Verrington Community Hospital.

### **Comic Relief**

The Centre was one of only 10 nationally to be awarded funding for a three year Maternal Mental Health project in 2016. This started in January 2017 with a target of working with 45 families. In its

first year it worked with 53 families in a total of 780 contacts, 256 of which were individual counselling sessions. (Not part of the Like Minds project)

### **Deanesly Way**

The Balsam Centre began an Armed Forces Community Covenant funded project in May 2017 to support the integration of military families living on the Kingwell Rise estate with the wider community. The project has been very successful, to date, working with more than 150 families, 51 of whom are military families. In addition to the Women's Shed, the project has its own buggy walks, play sessions for parents and children and weekly coffee mornings supported by Army and Navy welfare. Five of the military wives are volunteering and a military wife and a civilian are undertaking an accredited Community Development course. Many of the military families have accessed other services and activities at the Centre and are starting to view it as their primary community resource. Funding ends at the end of April 2018 and an application has been made to the Royal British Legion to their Family Support programme. It has become evident that while serving personnel are well provided for, the families are often less so and the Centre has proved a lifeline for many families.

### **Friends of The Balsam Centre – Local Giving**

Concerns about reliance on short-term funding for the work at the Centre led to the development of a 'Friends of' group, which has evolved to attract significant funds from local benefactors. The income generated by this group is underpinning a lot of the mental health work being done, which helps to reduce the pressure on grant aid, which is becoming harder to secure. Since November 2016 a Patrons group has also been set up and is growing. Two of the Centre's Trustees have taken a lead on fundraising events and activities.

### **The Balsam Centre – Community Building**

The Centre continues to successfully generate earned income from use of the building and this now accounts for approximately 15% of all income, with ever increasing use of the building. The weekly 'Loose Ends' café continues to attract its target group and increases local understanding of the Centre and the services available. Total weekly 'uses' of the Centre still run at around 1,000 per week plus other outreach in Henstridge, Milborne Port, Templecombe and across Area East with the Yarlinton IT project which ended in March 2017. A wide range of community groups continue to meet and run classes/activities, which include Painting and Drawing, Health Walks, Pilates, Textiles, Job Club, IT Drop-in and Patchwork & Quilting. There is a strong Volunteering project with 101 active volunteers in April 2018. The Masonic Charitable Foundation is funding two days a week additional Volunteer Co-ordinator time until October 2018.

### **Conkers Nursery**

Conkers Nursery was established by The Balsam Centre to continue to deliver some of the high quality services developed by the staff of the Children's Centre. The original business plan showed that the nursery could be self-funding within 3 years and following a restructuring programme in June 2017 this has proved to be the case. Conkers achieved a GOOD grade at its Ofsted in July 2017.

### **Financial Implications**

There is £10,000 transferred to Area East, from what was the Healthy Living Pooled fund, this is separate from, but held in the Community Grants budget, for allocation in 2018/19. If Members agree the above recommendation this will be allocated to the Balsam Centre to support their work for this year. If the recommendation is not agreed, the money is likely to be returned to corporate balances.

### **Council Plan Implications**



Focus Four: Health & Communities: encouraging communities to be healthy, self-reliant and with individuals who are willing to help each other.

Supporting the development of Balsam Centre services in response to local needs is a key priority in the Area Development Plan 17/18.

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

None as a direct result of the report.

### **Equality and Diversity Implications**

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

### **Background Papers**

N/a

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# Agenda Item 9

## **The Retail Support Initiative Update and Town Centre Health Check**

*Communities Lead:* Helen Rutter, Communities  
*Service Manager:* Tim Cook, Locality Team Manager  
*Lead Officer:* Pam Williams, Neighbourhood Development Officer, East  
Terena Isaacs, Community Support Assistant, East  
*Contact Details:* [pam.williams@southsomerset.gov.uk](mailto:pam.williams@southsomerset.gov.uk) or 01963 435020  
[terena.isaacs@southsomerset.gov.uk](mailto:terena.isaacs@southsomerset.gov.uk) or 01935 462268

### **Purpose of the Report**

To provide an update for Members on the retail sector in the three principal towns; Area East, report on the operation of the Retail Support Initiative (RSI) during 2017/18 and approve the operating criteria for 2018/19.

### **Public Interest**

Supporting and helping to improve the retail offer in the towns and villages across Area East.

### **Recommendations:**

- (1) To note the report
- (2) To approve the updated operating criteria of the RSI scheme for 2018/19

### **Background**

#### **Retail Support Initiative**

Most members will be aware the RSI was originally set up in 2006 (following a pilot which started the previous year in Wincanton & Bruton). For many years it has proved to be an effective way of supporting and engaging with a wide range of retail and service outlets across the Area. Throughout this period regular performance reports have been brought back to this Committee.

Members have previously considered expanding the eligibility to provide cross sector support for small businesses in Area East. Whilst the merit of widening the criteria was supported, it was also recognised that this could not be achieved within the limited budget, without diluting the benefit to the retail sector, because a large number of businesses employing 5 or less would have been eligible. As a result, the focus of supporting retail/service sector businesses operating in town centres/villages has continued.

A number of revisions were made to the scheme for 2012/13 and these included:

- The inclusion of farm shops and 'exceptional' support for projects, which add to the viability of town/village centres (loyalty schemes or similar)
- Inclusion of grant assistance towards half the actual payment due for business rates for new businesses (which do not compete with another business) in their first 2 years of trading

The scheme continued to operate on a similar basis until Autumn 2014 when a 'top-up' scheme for Wincanton was implemented - this had been approved at the Area East Committee in July 2014. The only subsequent change was in June 2016 when £300 previously available for business improvement was removed from the Wincanton

'top up' scheme to give more focus on shopfront improvement.

### Operation of Retail Support Initiative during 2017-18

Appendix 1 shows a breakdown of the 6 grants awarded during 2017/18.

11 RSI information packs were sent out during the year with some of this interest still current which may convert to applications in the future.

The scheme of delegation limit is £1,000 (in line with other grants and the Council's scheme of delegation). Grant requests can be considered at any time in consultation with the Chairman and Ward Member(s). Applications for amounts over £1000 are considered by Area East Committee.

A combination of face to face visits and email are used to remind businesses about the scheme annually and a leaflet drop will be undertaken in the main towns during the Summer.

A copy of the eligibility criteria approved in June 2017 is attached at Appendix 2 - this is unchanged apart from the eligible units for the Wincanton top-up which have been amended to reflect changes in unit occupancy and could be applied to any unit which has been vacant for six months providing it meets the other RSI requirements. It is therefore suggested that this operating criteria is rolled forward for 2108/19. In early 2019, once the strategic proposals for Wincanton town centre are available and the new Area Plan is in place, it can be reviewed again.

As part of our more general monitoring of our principal retail centres, we undertake shop occupancy surveys. Members will be aware that the high level of void units in Wincanton was a factor in Wincanton becoming a corporate priority. The table below shows the most recent shop surveys conducted in Wincanton, Castle Cary and Bruton, with details of the number of shops open and empty units within the towns.

Town	Date	Number of open retail units	Number of closed retail units
Wincanton	April 2018	72	15
Castle Cary	April 2018	54	6
Bruton	April 2018	27	4

The graph at Appendix 3 shows retail unit occupancy trends since February 2015 in the 3 market towns.

Another indicator of the state of our towns is obtained via car park monitoring. This is a 'snapshot' of car park usage on the days surveyed and is only a crude indicator as it does not take account of local factors such as Berry's bus passengers who use Memorial Hall Car Park but are less likely to generate any meaningful town centre footfall. The most recent car park monitoring information and trends are attached at appendix 4.

### Financial Implications

The remaining budget at the end of April 2018 is as shown in the table below:

	Revenue element	Capital	Wincanton 'top-up'
Unallocated budget 2017/18 as at 31 March 2018	£4819.00	£1212	£9000

The current budget to date is shown in the table below:

	<b>Revenue element</b>	<b>Capital</b>	<b>Wincanton 'top-up'</b>
Unallocated budget 2018/19 as at April 2018	£9125	£1212	£10000

### **Implications for Corporate Priorities**

A strong economy which has low unemployment and thriving businesses

### **Other Implications**

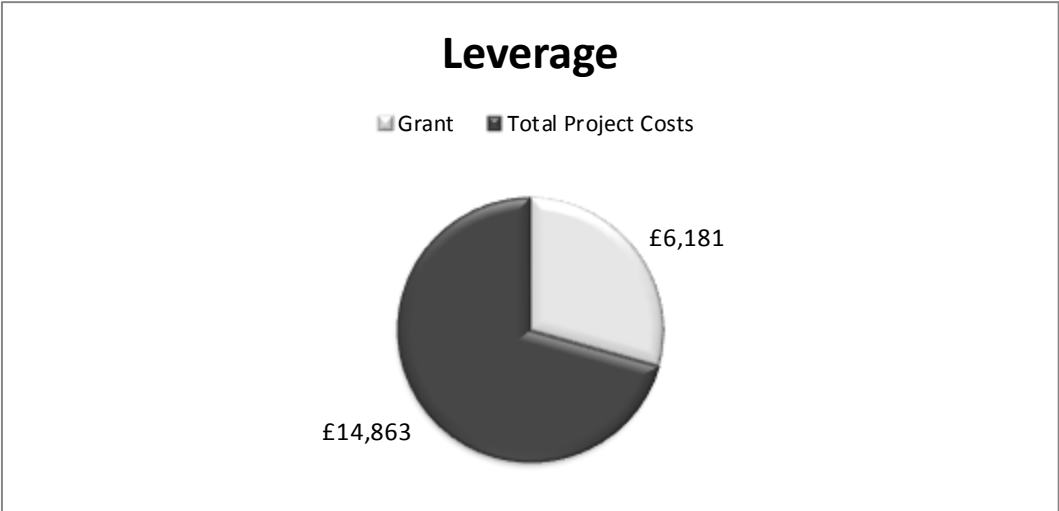
Included within the Area Development Plan

### **Background Papers:**

Area East Committee Agenda and Minutes July 2014 and June 2017

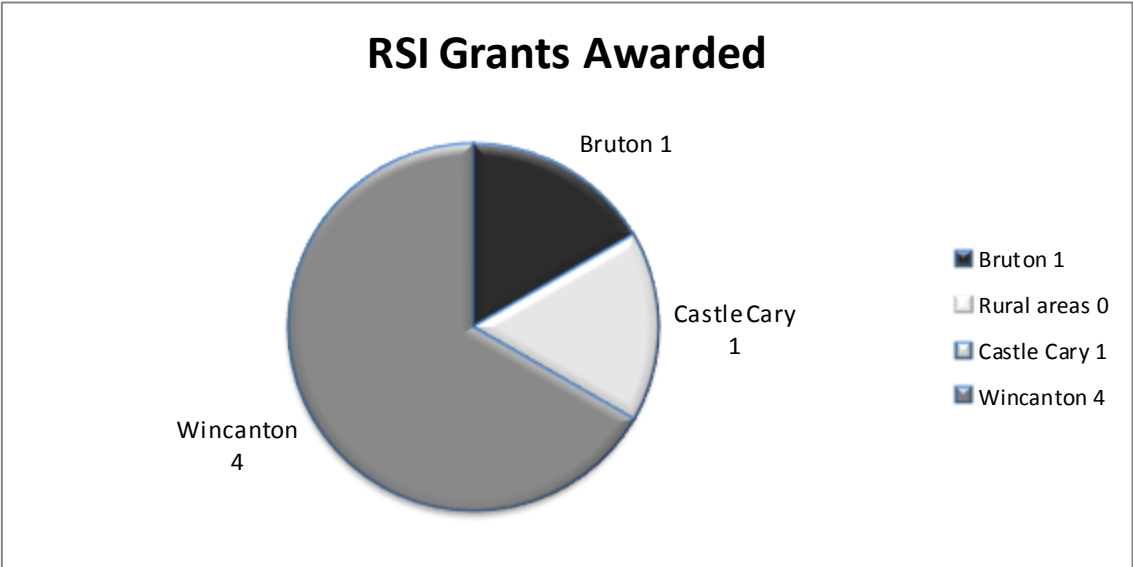
**Retail Support Initiative 2017-18**

The graph below shows the proportion of grant against overall scheme costs:



During the period April 2017 to March 2018, 5 grants were awarded under delegated powers and 1 awarded at Committee.

From April 2017 to March 2018, 4 grants were awarded to businesses in Wincanton, with 1 grant in Castle Cary and 1 in Bruton. No grants being awarded to other rural areas.



## Retail Support Initiative

### Proposed operating criteria 2018/19

Percentage contributions cannot exceed 50% of costs and **no** retrospective applications are eligible (i.e. in respect of works that have already been commissioned/started).

Applications over £1000 will be considered by Area East Committee on a monthly basis. Amounts up to £1000 may be considered at any time as a delegated grant in consultation with the Chairman & Ward Member(s).

Area-wide grant levels: **£1,500 to a maximum 50% of project costs as follows:**

#### Eligible costs:

- Shop-front improvements, if they enhance the High Street
- Business rates assistance – a contribution to the amount payable for new businesses (which do not compete with another business) in their first 2 years of trading
- Exceptional projects which add to viability of towns/villages

#### Wincanton top-up

In addition to the area-wide scheme, the 'top-up' scheme for Wincanton also offers:

- Maximum grant £1,000 for businesses wishing to move into one of the eligible units in the town **which have been empty for at least six months prior to receiving an application.**

The following units are now occupied/undergoing refurbishment; one has taken advantage of the Wincanton 'top up' scheme.

3 Market Place – formerly The Red Lion  
13 Market Place – formerly Boots Chemist  
1-3 High Street – formerly Brocks  
Unit corner of Carrington Way  
6 High Street – formerly Chicken Grill/Yummy Yummy

Grants are only available to proprietors/owners with one business/premise and will not exceed 50% of project cost.

#### Process

Applications for grants are assessed and recommendations made on the basis of a fully completed application form and 2 'like for like' quotes. Self-help/DIY schemes may complete the application form and supply a project budget with supporting information.

All grant recipients must accept that the grant may be used for publicity purposes by the District Council. Payment of the grant is done retrospectively, for a completed programme of works on the basis of receipted invoices. Exceptionally officers, in consultation with the Chairman, may release partial payments where there is clear justification for doing so.

The existing assessment and current scoring mechanism favours businesses:

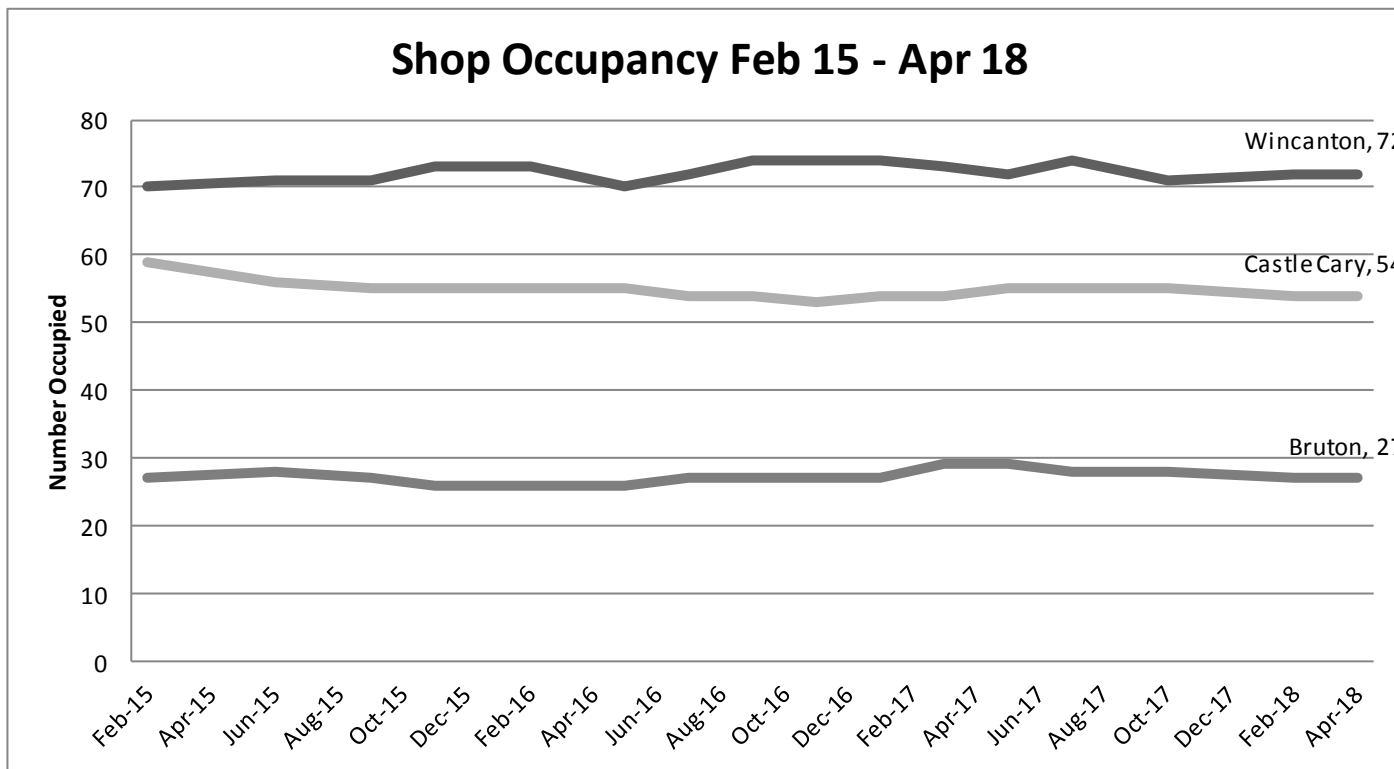
- Employing more than 2 people
- In prominent places
- Key rural stores/Post Offices
- Retailers

**The award is subject to the following standard conditions:**

- The grant award may be used by SSDC for promotional/publicity purposes
- Grants are paid for approved works/purchases on production of receipted invoices
- Awards are subject to a summary of the benefit of the scheme being supplied
- Applicants will normally be expected to draw down the grant within 6 months of the offer and if not will have to inform us of the reason(s) for the delay. If there is a valid reason, officers can provide a 6-month extension, but beyond this the grant would either be withdrawn or referred to Area East Committee to be reaffirmed
- That appropriate consents are obtained
- Works requiring listed building/planning consents or building regulation consent will be required to be signed off by the appropriate officer prior to the release of funds
- If, within 3 years of a grant award the business ceases to trade, the District Council reserves the right to reclaim the grant on the following basis: year one –100%, year 2 – 75%, year 3 – 45%

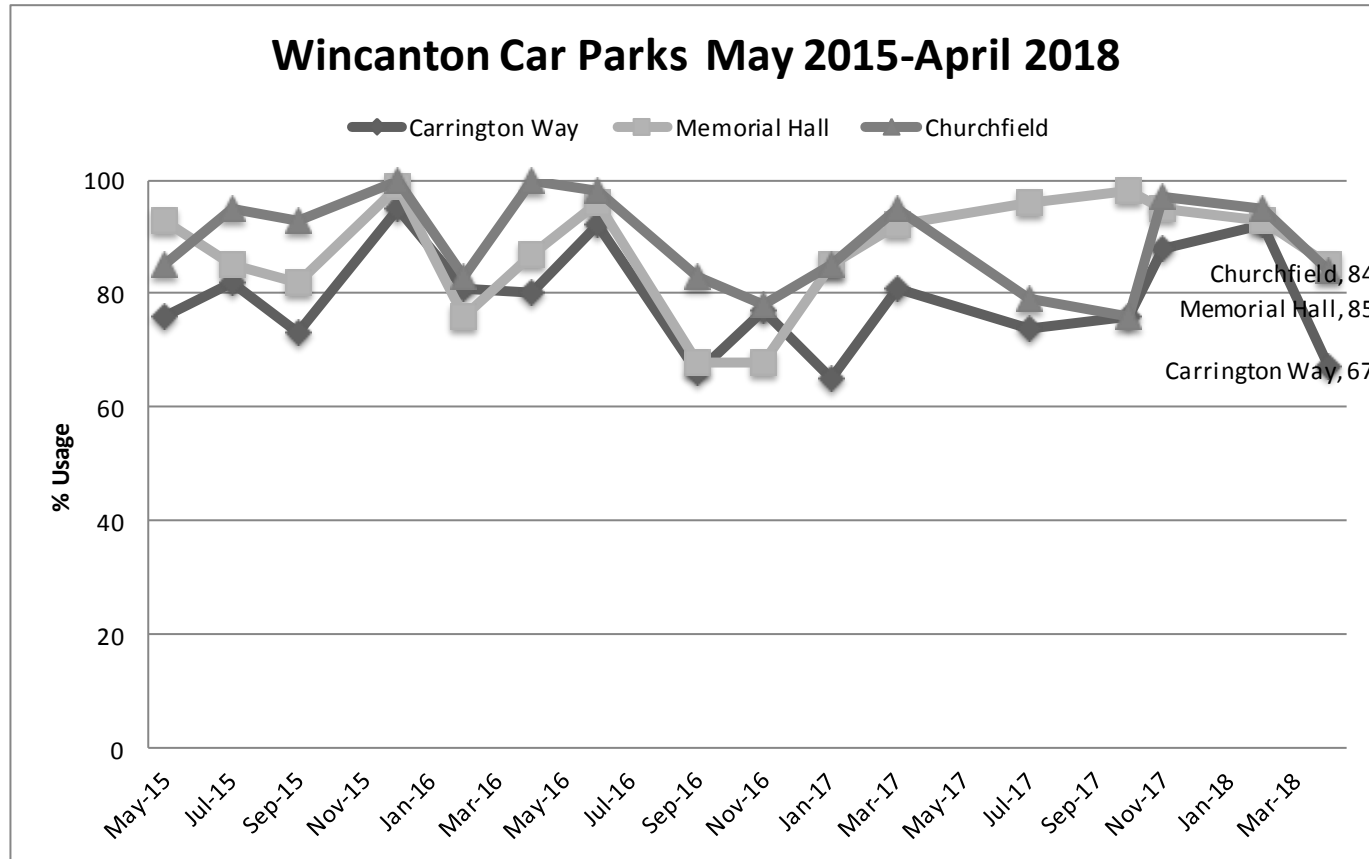
### Shop Occupancy Trends

The graph below shows the shop occupancy trends since February 2015:

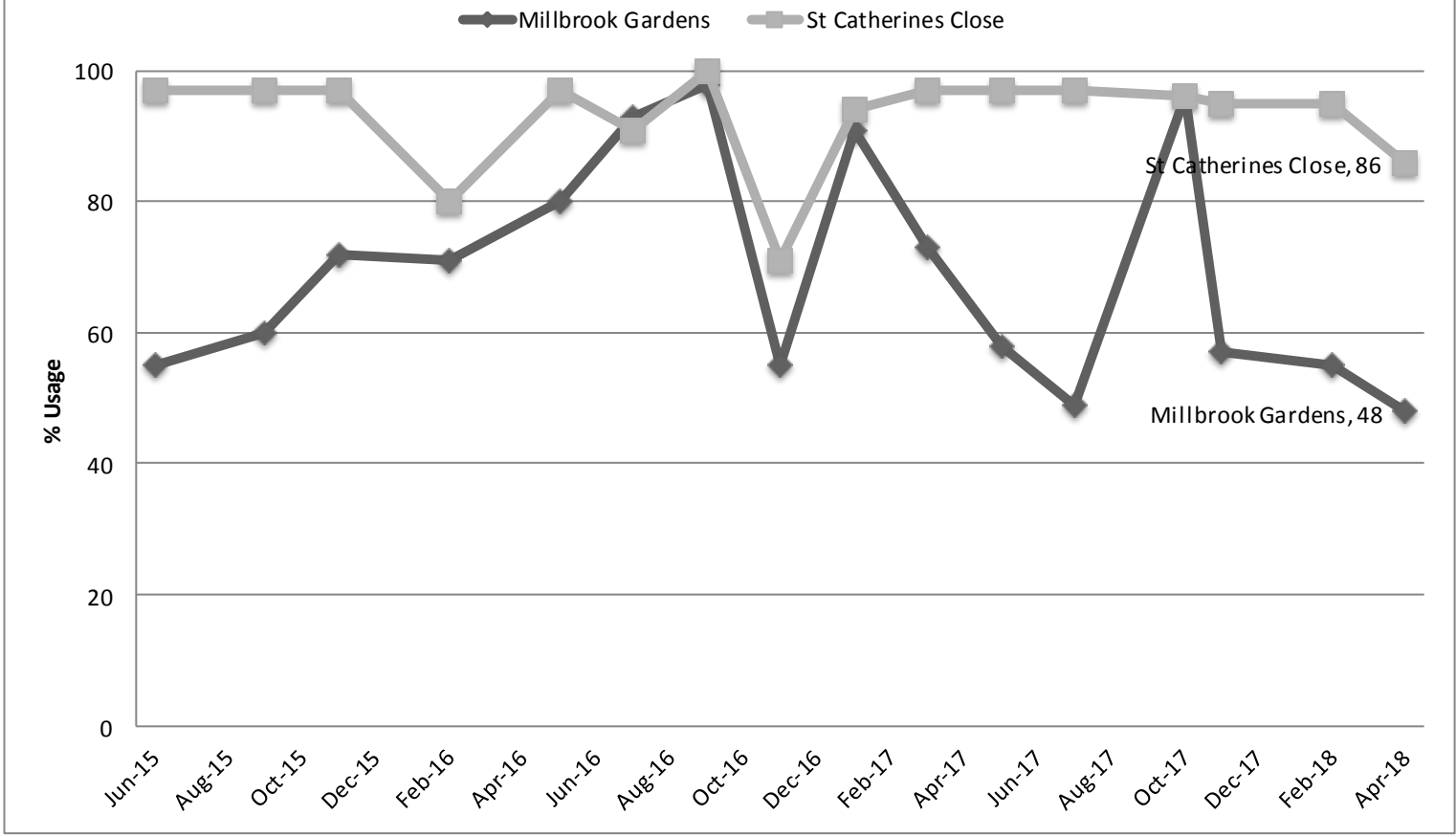




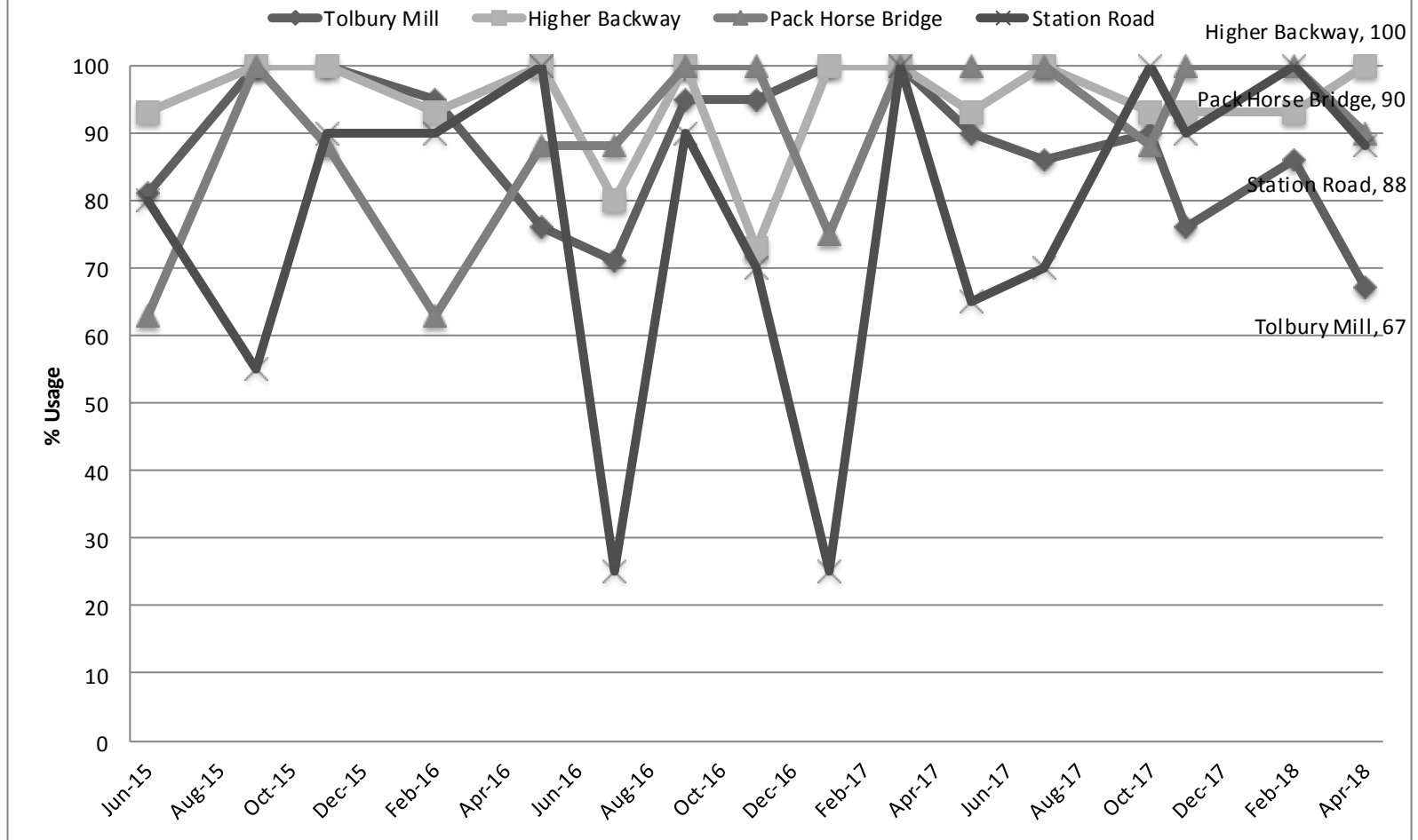
The charts below show the car parking trends in Wincanton, Castle Cary and Bruton since January 2014:



# Castle Cary Car Parks Jun 2015 - April 2018



### Bruton Car Parks Jun 15 - Apr 18



# Agenda Item 10

## **Area East Annual Parish & Town Council Meeting Summary of Issues Raised – For information**

<i>Portfolio Holder:</i>	<i>Cllr Nick Weeks</i>
<i>Assistant Director:</i>	<i>Helen Rutter, AD Communities</i>
<i>Service Manager:</i>	<i>Tim Cook, Locality Team Manager</i>
<i>Lead Officer:</i>	<i>Tim Cook, Locality Team Manager</i>
<i>Contact Details:</i>	<i>tim.cook@southsomerset.gov.uk or (01963) 435088</i>

### **Purpose of the Report**

To inform Members of the topics discussed and the issues raised at the Annual Parish and Town Council Meeting.

### **Public Interest**

All Area East residents are represented at the local level by their Parish Councillors. Issues that are not within their direct control can be taken up with the District Council, County Council and other public service organisations. This Annual Meeting covered topics of interest to Parishes and this year had a focus on Community Broadband, GDPR and Changes to Local Government in South Somerset.

### **Recommendation**

That the report be noted.

### **Background**

Each year the Area East Committee (AEC) hosts an Annual Parish Meeting. This enables the District Council to share information about topics we know to be of interest to Parishes. It also enables Parishes across Area East to come together to discuss locally important issues and raise matters of concern with the District Council. The Area East Committee receives a summary of the event with any issues raised and actions taken arising from the meeting.

### **The Event**

This was hosted at Churchfield on Monday 23 April 2018. Half an hour was allocated before the meeting started to enable informal discussions with Councillors, officers and speakers.

The event was well attended with 24 Parishes represented (36 people), five District Councillors and six presenters present. Cllr Nick Weeks welcomed Parishes and said that feedback helps us to make best use of AEC resources and helps to set priorities for the coming year. He went on to thank those Parishes which had provided funding for South Somerset Community Accessible Transport (CATbus) as these financial contributions mean that there are sufficient funds for the service to continue to operate for the next year.

### **Community Broadband Solutions – Tim Adams (Blackford & Compton Pouncefoot), Phil Crawford Smith (Cucklington) & Matt Barrow (Stakeholder Engagement Officer, Connecting Devon & Somerset - CDS)**

Matt Barrow did a comprehensive presentation about the Superfast Broadband (SFB) Phase 1 achievements and advised the Phase 2 programme is due to be announced imminently. Commercially-funded superfast is now available to 653,500 homes and businesses across the CDS

area. Combined with the CDS' rural-focused programme, it means a total of 952,400 homes and businesses across the whole region now have access to superfast broadband.

Whilst it was acknowledged that the programme had not been without problems the approach adopted made sense given that the programme had to fit around commercial delivery to around 550,000 properties. The announcement of the Phase 2 delivery programme should be made by the end of April. The Phase 2 programme is a partnership with Gigaclear and Airband. Gigaclear's commercial provision will be by fibre to 43,000 properties with 35,000 through the CDS programme and Airband will provide for 13,000 properties. A voucher scheme, comprising three different elements (individuals, community solutions and a challenge fund) would also be announced after the Phase 2 programme launch. Whilst the CDS programme had been successful in providing largescale coverage there is also scope for local solutions and the meeting went on to hear from Tim Adams and Phil Crawford-Smith about the approach adopted in their Parishes.

Tim Adams explained that in Blackford, (a Parish meeting) they faced particular problems about how to raise funds legitimately for a scheme. Connectivity was via the North Cadbury exchange, sited in South Cadbury. After considering a variety of options Blackford felt BT Openreach provided the most suitable, 'future proofed' solution for their village and sought to achieve an initial commitment of £500 per property from householders. Actual contributions were reduced following a grant from SSDC. Work is now underway with routing, mainly through existing ducts and from poles, within the village.

Phil Crawford-Smith explained that Cucklington was split between two exchanges both 4+km from village. Following initial research they had five potential options which ranged hugely in cost up to £175k. The village's proximity to North Dorset where Wessex Internet were active meant that their service was the most viable option. A combination of cost underwriting by individuals within the parish, the CDS Phase 1 voucher scheme and a grant from SSDC meant that at a cost of around £9k the solution was very achievable. Going live in May 2016 the Wessex offer had proved to be very reliable with the original 30 subscribers now increased to 80, the scheme has also been extended to include Stoke Trister

Common to both schemes was the willingness of householders to contribute, with actual take-up often exceeding initial commitment. It was agreed that copies of presentations would be circulated with notes of the meeting.

Tim Adams mentioned that as a result of the success of phase 1, CDS was to receive some additional funding referred to as 'Gainshare'.

#### **Q&A session:**

Q – Will properties not operational from CDS Phase 1 automatically be included in the Phase 2 programme?

A – Yes, these will roll forward automatically

Q – Would you consider that the Phase 1 CDS programme was a success?

A – On balance, it was successful in delivery an extensive programme, complimenting commercial provision, it also over achieved by around 20,000 properties

Q – Why did SSDC not release the funds they hold to support the programme

A – They sought greater clarity about how these funds would be targeted and used to supplement other funding such as LEP but as we launch the Phase 2 programme it would be fantastic to open a conversation about this

Q – SFB, talked about for so long but frustratingly slow

A – Approach will be much clearer in Phase 2, Gigaclear daily work is bigger and there will be better information about build dates and live dates

## **GDPR – Zoe Rodgers**

Zoe gave a brief explanation of the new rules coming into force in May 25<sup>th</sup> 2018. She explained that all public bodies needed to take a number of steps to prepare for the new regulations. Zoe has produced some guidance and supporting templates for Parish/Town Councils and training sessions had been arranged.

### **Q&A session:**

Q – Do the new regulations apply to a Parish Meeting?

A – Subsequent to meeting confirmed that, some Parish Meetings have additional powers which would make the new rules applicable.

Q – Why are we being told this now, with so little time to prepare?

A – The GDPR information has been available for years. SSDC isn't responsible for supporting other organizations but has compiled this information help.

## **Transformation and Locality Working – Caron Starkey and Tim Cook**

Caron Starkey, the Council's Transformation Lead explained that a £2.5m revenue saving was required so something radical needed to be done, whilst protecting frontline services - in line with Members' wishes; she said that having been Council of the Year many years ago, there was a real will to reignite ambition for the council. Caron's slides showed that the way in which people interact with the Council is, and will continue to change and there is a need to 'catch up' particularly by enabling customers through technology. How Parishes engage will also change but Parishes will be advised as Parish accounts and other processes start to 'go live' over a 90 day period from January 2019. As part of the 'one team' approach phase 2-3 of the recruitment into new roles is underway with 230 staff involved, she asked that people to be aware of changes as we transition to the new ways of working. In parallel with this, and like many other Councils, we have adopted a Commercial Strategy, to achieve a better yield on our investments, helping us to generate income to invest in preserving and improving our services.

Tim Cook, in a new role as Locality Manger since January, advised that his team will bring a number of the Council's community facing activities such as pest control, some Environmental Health, Planning, Leisure and Area Development functions together in early 2019 as a new Locality Team. This team together with others will work together as 'One Team' working more strategically to deliver the next phase of area working - Area Plus.

### **Q&A session:**

Q – Are we running Somerset the best we can – or would unitary Councils be more efficient

A – No known plans for unitary arrangements in Somerset.

## **Feedback on the event responses**

Out of the 17 feedback forms handed in one rated the evening excellent, 12 rated the evening good and 3 acceptable (one didn't answer). All agreed the content was relevant. There were 3 *new* Parish/Town Councillors in attendance.

## **Future Events for Town and Parish Councils**

An Annual Parish & Town Council Meeting is held in each of the 4 Areas. In between times the Area teams arrange other workshops and events for Parishes depending on need. Parishes enjoy a close working relationship with their Ward Members who will discuss and advise on how to take up matters of local concern as well as being a vital communication link. In addition, they receive agendas for and

are warmly invited to attend the monthly Area East Committee meetings where they can raise any topics of interest or concern to their residents.

### **Financial Implications**

There are no new financial implications as a direct result of this report

### **Corporate Priority Implications**

*This meets the following Corporate Aim:*

- *To deliver well managed cost effective services valued by our customers*

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

### **Equality and Diversity Implications**

**Background Papers:** *Notes of the Area East Annual Parish & Town Council Meeting held on 23<sup>rd</sup> January 2017;*

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# Agenda Item 11

## **Area East Forward Plan**

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

## **Purpose of the Report**

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

## **Recommendation**

Members are asked to:-

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

## **Area East Committee Forward Plan**

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

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

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

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

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

**Background Papers:** None

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## Appendix A

### Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
13 June 18	Annual Appointments	Annual Appointments report	Angela Cox
13 June 18	Development Control Scheme of Delegation - Nomination of substitutes for Area East Chairman and Vice Chairman – 2018/19	To nominate two members to act as substitutes for the Chairman and Vice-Chairman in their absence	Martin Woods
13 June 18	Community Grant Applications	To consider any SSDC community grant applications	Tim Cook
13 June 18	Area Development Plan 2018/19	To approve the Area Development Plan and confirm sources allocated to projects and programmes	Tim Cook
11 July 18	Heart of Wessex	To provide members with an update of the programme	Tim Cook
TBC	<i>Wincanton Community Hospital</i>	<i>Response to consultation on the future of Wincanton Community Hospital</i>	<i>Helen Rutter</i>

# Agenda Item 12

## **Planning Appeals**

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

## **Purpose of the Report**

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

## **Recommendation**

That the report be noted.

## **Background**

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

## **Report Detail**

### **Appeals Received**

17/03029/OUT – Land OS 5439 part Townsend Green, Henstridge, Templecombe BA8 0RG.  
Outline planning application for up to 130 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point from Woodhayes Way.

### **Appeals Allowed**

None

### **Appeals Dismissed**

17/02462/PAMB – Church Farm, Stoke Trister, Wincanton  
Notification of prior approval for the change of use of 2 no. barns to form 2 no. dwellings. (Officer Decision)

17/01064/FUL – Land at Camp Road, Dimmer Lane, Dimmer, Castle Cary  
Erect security building and staff parking area. Erect perimeter security fencing all in association with the storage of motor vehicles. Change if use of the land from B2 to B8 use. (Committee Decision)

### **Enforcement Appeals**

None

**Background Papers:** None

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# Appeal Decision

Site visit made on 27 March 2018

**by Richard S Jones BA (Hons) BTP MRTPI**

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

**Decision date: 24 April 2018**

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**Appeal Ref: APP/R3325/W/18/3192896**

**Church Farm, Stoke Trister, Wincanton, Somerset BA9 9PG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr and Mrs M Haskett, Church Farm Partnership, against the decision of South Somerset District Council.
  - The application Ref 17/02462/PAMB, dated 25 May 2017, was refused by notice dated 12 July 2017.
  - The development proposed is two buildings to be converted into two dwellings.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether or not the development is permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

## Reasons

3. Schedule 2, Part 3, Class Q of the GPDO states that a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) and building operations reasonably necessary to convert the building, is permitted development.
4. The appeal relates to two barns at Church Farm. The Council does not dispute that the portal frames of both are anything other than structurally sound. The supporting assessments also state that the concrete ground slabs are robust and capable of supporting the proposals. Based on the evidence before me and my own observations, I find no reason to take a contrary position on these matters.
5. The application forms state that it is proposed to retain all existing walls and roof sheeting and insert new doors and windows. Planning Practice Guidance advises<sup>1</sup> that "*Building works are allowed under the change to residential use. The permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, it recognises that for*

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<sup>1</sup> Paragraph: 105 Reference ID: 13-105-20150305

*the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. The right allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations."*

6. The parties have also referred to the High Court judgment of *Hibbitt v SSCLG (2016) EWHC 2853* where it was held that the building must be capable of conversion to residential use without operations that would amount to either complete or substantial re-building of the pre-existing structure in order for a proposal to benefit from Class Q permitted development rights. I accept that the appeal barns are not exactly the same as that in the Hibbitt case, nevertheless, the principles are relevant and I have taken them into account in my decision.

#### *Barn 1*

7. The proposal is to retain two bays of the building and to convert it to a single storey three bedroomed dwelling. Consequently the front part of the building would be demolished and an entirely new north east elevation would be constructed.
8. The south eastern and north western elevations are primarily blockwork, with the upper levels supplemented by asbestos cement sheeting. I'm not convinced that the latter would be retained, given their condition and the need to create new openings. However, they only cover a relatively small extent of the elevations.
9. Much of the south west elevation is clad in asbestos cement sheeting which appeared to be in a poor state of repair. Given also the extent of the openings which would need to be created, I consider it unlikely, on the basis of the evidence before me, that anything other than the blockwork sections would be retained.

#### *Barn 2*

10. The north east front elevation of the building is mainly open. The only cladding that exists is essentially restricted to the gable area. This appears to be asbestos cement sheeting which is in poor condition with missing sections. On the basis of the evidence before me, I do not consider it to be a realistic possibility that this will be extended down to ceiling height. An entirely new exterior wall to this elevation would likely be required.
11. The south west elevation is similarly clad in asbestos cement sheet above blockwork level. Given the nature and appearance of the material, I am unconvinced that this significant portion of the elevation would be retained over and above the blockwork, particularly if windows are cut into it.
12. I note the structural assessment states that the corrugated iron cladding to the north east elevation is generally sound. If this is meant to relate to the north west elevation (as the north east elevation is essentially open), then I have little evidence to support this assertion. On the basis of my own observations, the metal sheeting above the blockwork on the north west elevation appeared for the most part to be in a poor condition. Therefore, I do not consider it

likely that this would be retained with new windows inserted. Again therefore, a substantial proportion of this elevation would be stripped back to the frame, above blockwork level.

13. The removal of the existing lean-to element would expose the existing blockwork wall on south east elevation which is of varying height. A significant amount of new walling would be required on this elevation to make up the height difference to eaves level.

*Conclusions for barns 1 and 2*

14. I have noted the section details provided by the appellant (drawing number 12122-16 and revision A of the same). However, on the basis of the evidence before me and my observations on site, I am unconvinced that all existing walls would be retained and re-used. Even if it is just certain sections that would need to be replaced, this is likely to create a 'domino' effect, particularly with the asbestos cement sheeting.
15. In my judgement the extent of the external walls that would remain would likely be restricted to those blockwork sections only and that a significant extent of new walling would be required, thereby indicating that the building is not capable of conversion to residential use without operations that would amount to substantial re-building works. As such, due to the extent of the necessary works resulting from the limited amount of retained structure, I do not consider the proposal would represent a conversion of the existing building and instead would involve substantial re-building, which would fall outside the permitted development right.
16. Whilst the extent of the works is not dispositive, I am not convinced that the other considerations submitted in favour of the proposal, including any other permitted development rights, suggest that the works would be part of a conversion, instead of part of a substantial rebuild. Therefore, even on the basis that the existing roof coverings are retained I find that the works go beyond the threshold of a conversion proposal and thus is not permitted development. As I have found that the subject building does not benefit from the permission granted by Class Q, it is not necessary or appropriate for me to consider the various criteria set out in paragraph Q.2 of the GPDO.
17. Therefore, for the reasons given above, I conclude that the proposal is not permitted development and that the appeal should not succeed.

*Richard S Jones*

INSPECTOR



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## Appeal Decision

Site visit made on 27 March 2018

**by Richard S Jones BA (Hons) BTP MRTPI**

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

**Decision date: 25 April 2018**

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**Appeal Ref: APP/R3325/W/17/3186158**

**Land and buildings at Acorn Industrial Park, Dimmer Lane, Castle Cary BA7 7JB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Andrew Hopkins, Andrew Hopkins Concrete Ltd, against the decision of South Somerset District Council.
  - The application Ref 17/01064/FUL, dated 2 March 2017, was refused by notice dated 13 July 2017.
  - The development proposed is to erect security a building and staff parking area. Erect perimeter security fencing all in association with the storage of 991 motor vehicles. Change of use of the land from B2 - B8 use.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether it has been demonstrated that the traffic likely to be generated by the proposal could be accommodated on the B3153 without harm to highway safety and to the living conditions of local residents.

### Reasons

3. The appeal site lies within the Dimmer Industrial Area which has a Certificate of Lawfulness for Class B2 Industrial Use. However, the appellant states that the site has no current users. This largely corresponds with my own observations in that a large part of the site appears as an open field, whilst other parts of the site are occupied by mounds of hard core.
4. The site lies close to various industrial buildings, agricultural buildings, a recycling centre and residential caravan. It is served by a private road, which links into the public highway at Dimmer Lane and in turn to the B3153.
5. My attention has been drawn to two previous appeal decisions<sup>1</sup> at the site, relating to proposals for a concrete batching plant. Whilst these decisions represent important material considerations, my decision is based upon the individual merits of the current proposal and the evidence submitted in support of it. Nevertheless, I find no reason to depart from the previous Inspectors' remarks about the 'fall-back' position. As per the previous appeals, it is now

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<sup>1</sup> Appeal References: APP/R3325/A/13/2210452 and APP/R3325/W/15/3024073

similarly argued that traffic movements from the proposed use would be significantly lower than those that could be associated with the lawful planning use of the site. However, as previously highlighted, the relevant Certificate does not extend to any permission to erect buildings on the site and there was no evidence that significant buildings and uses were to be developed. Whilst I note the appellant's reference to an approval for six small start-up units approved under 15/05361/FUL, I have limited details of this approval and I have not been provided with any other evidence which affects the limitations of the Certificate or of any options which could be pursued without the requirement for planning permission. I have therefore applied a similar approach to that of the previous Inspectors' in that the effect of the proposal on the B3153 should be measured against the appeal site's current absence of buildings and uses rather than against a theoretical maximum development potential.

6. Whilst Dimmer Lane incorporates a number of passing places along its length, it is however necessary to utilise the B3153 in order to reach the wider highway network. In this regard, I agree with the previous Inspectors' assessment of the characteristics of the B3153. It is narrow and winds through the settlements of Clanville and Alford in close proximity to residential properties, a number of which have only minimal set back from the highway. There are also several pinch points along the road with no footways. Consequently pedestrians are forced to walk in considerable danger on the carriageway or where vehicles have eroded the verges, indicating that the road is too narrow to allow large vehicles to pass each other safely. This is borne out in the photographic evidence provided by local residents.
7. There are also numerous blind exits on to the highway from properties fronting the road as well as junctions with limited visibility. Moreover, on each of the three occasions I drove the length of the B3151 between its junctions with the A37 and the A371, I noted a relatively high number of HGV movements. I therefore agree with the previous Inspectors' that difficult and potentially dangerous conditions exist as a result of the road's existing levels of use.
8. The current proposal is to store and valet cars at the site and then to send them out to car auctions or car retailers. The Transport Statement (TS) explains that movements would be transporter type vehicles along with limited numbers of vehicles associated with staff and servicing the site.
9. I note the reference to a similar sized operation at Henstridge Airfield for which the TS states generates 12 vehicular movements per day (six in and six out). The appellant then states that the level of weekly movements was 250, which resulted in 28 transporter movements per week – approximately five per day. Notwithstanding any inconsistencies in these figures, I have limited supporting evidence to substantiate them and limited details of the operation at Henstridge Airfield with which to compare with the appeal proposal. This in turn limits the weight I am able to apply to the figures presented. Moreover, although it is possible that in most cases these movements would be spread throughout the day, it is also possible that a number of transporters will arrive or depart at the same time, even if overall numbers are reduced by higher capacity transporters.
10. Whilst it is stated that there would be a 50-50 split of movements on the B3153 from its junction with Dimmer Lane, I have no certainty that this would

occur. Firstly drivers will inevitably take the most direct route to where they are going to or coming from. Secondly, there is a height restriction bridge along the western section of the B3153 and I have no evidence that loaded transporter vehicles would actually be able to pass under this bridge and therefore drive in this direction.

11. I note the appellant's TS states that for the most recent three year period no personal injury incidents have been recorded in the search area from the rail overbridge to the main junction near Castle Cary Rail Station and from the main road junction down Dimmer Lane to the appeal site. However, this is at odds with the Council's review of road safety data which is that there have been three recorded personal injury collisions during the last five-year review period (2013-2017) along the B3153 from the junction of Dimmer Lane heading eastwards to the A371/B3153 junction. The Council also refer to three recorded collisions from the junction of Dimmer Lane with the B3153, heading westwards to the A37/B3153 junction. The Council further highlight that there has been four collisions at the A37/B3153 junction in the last five years, including one fatality.
12. The TS states that a walking, visual inspection found no signs of potential problems or difficulty and concludes that there are no identified road safety problems to be mitigated. This assertion is not further substantiated and in my view the TS pays insufficient attention to the associated safety implications of the existing use of the B3153, not only from the HGV use but also pedestrian and cyclist use and its function as a road serving villages and residential properties. Moreover, little attention is paid to the characteristics of the B3153, including the fact that there are several pinch points along the road with no footways. Many of these concerns repeat those expressed by my colleagues' in dealing with the previous appeals at this site. Given the potentially dangerous conditions that exist as a result of the road's existing levels of use, it is imperative that such issues are robustly addressed. The conclusions of the TS are therefore at odds with my own and colleagues' observations and to the compelling evidence provided by local residents.
13. Therefore, even accepting the traffic generation figures presented by the appellant, set against the fallback position I have described, along with the characteristics of the B3153, and the size and characteristics of vehicular transporters being brought into this context, I consider that the proposal would likely result in an already unsatisfactory situation being made materially worse. This raises not only highway safety concerns but also likely additional harm to the living conditions of residents living adjacent to the B3153 through increased noise, vibration and diminished quality of the local environment for anyone wishing or needing to walk or cycle along this road.
14. I appreciate that the owner is trying to find an appropriate end user for his investment and will continue to do in the event that this appeal is dismissed. I also appreciate that the vehicular movements associated with the proposed use would be less than that associated with the previous proposals for a batching plant and that no objections have been raised by the Highway Authority and that the proposal was recommended for approval by the Council's Planning Officers. Nevertheless, the proposal is subject to significant local opposition and the concerns raised from their experiences of living along the B3153 largely reflect my own observations and I attach considerable weight to them.



15. I therefore conclude that it has not been demonstrated that the traffic likely to be generated by the proposal could be accommodated on the B3153 without undue harm to highway safety and to the living conditions of local residents. This would be contrary to South Somerset Local Plan Policies TA5 and EQ2. These seek to ensure, amongst other matters, that the expected nature and volume of traffic generated by the development would not have a detrimental impact on the character or amenity of the area and would not compromise the safety and/or function of the local or strategic road networks in terms of both volume and type of traffic generated. These are matters of which outweigh the advantages of the scheme, most notably its economic benefits.
16. I have noted the appellant's reference to paragraph 32 of the National Planning Policy Framework, which states, amongst other things, that development should only be prevented or refused on transport grounds where the residual impacts of development are severe. However, case law has established that this addresses matters of highway capacity and congestion, rather than highway safety considerations in themselves.

**Conclusion**

17. For the reasons explained, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

*Richard S Jones*

INSPECTOR

# Agenda Item 13

ACTION LIST from Area East Committee – 11 April 2018

Item	Action Requested	Action taken/by whom
1	Members requested feedback from the Regulation Committee.	Verbal update to be provided at AEC meetings
2	Concern over PC's not receiving paper copies of planning applications. Clarify whether Parishes have been notified of this change.	A decision has yet to be taken about whether to stop supplying paper copies to Parishes. However, letters have been sent to all Parishes encouraging them to subscribe to the weekly planning list in line with our approach to digitally enabling customers.
3	E-mail parish clerks to advise that a meeting was taking place between SCC and Highways England to discuss the proposal to dual the A303; this would be the final opportunity for members of the public to comment on the proposals.	HE providing direct updates to the adjacent Parishes. SSDC represented on the various working groups.
4	NC asked whether the Wimpy funding had been received	Meeting set-up with NC & lead officers to agree way forward

# Agenda Item 14

## Schedule of Planning Applications to be Determined by Committee

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

### Purpose of the Report

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

### Recommendation

Members are asked to note the schedule of planning applications.

**Planning Applications will be considered no earlier than 10.15am.**

Members of the public who wish to speak about a particular planning item are recommended to arrive for 10am.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
15	WINCANTON	17/02643/OUT	Outline application for up to 23 dwellings with approval for means of access sought and all other matters reserved for future consideration	Land at Dancing Lane, Wincanton	Mr Mervyn Dobson and Mr Tim Adams
16	TOWER	18/00481/FUL	Change of use of land to residential and the conversion of existing garage to annexe ancillary to dwelling with oak framed extension and timber decking. Proposed installation of two conservation style roof lights to dwelling.	Border Farm, Border Lane, Brewham	Mr Richard Linley
17	CARY	18/00403/FUL	The installation of 7 replacement windows and a means of fire escape to first floor	The Orchard Inn, Galhampton Hill, North Cadbury	Mr Darren Brown

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

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

## **Referral to the Regulation Committee**

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

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

## **Human Rights Act Statement**

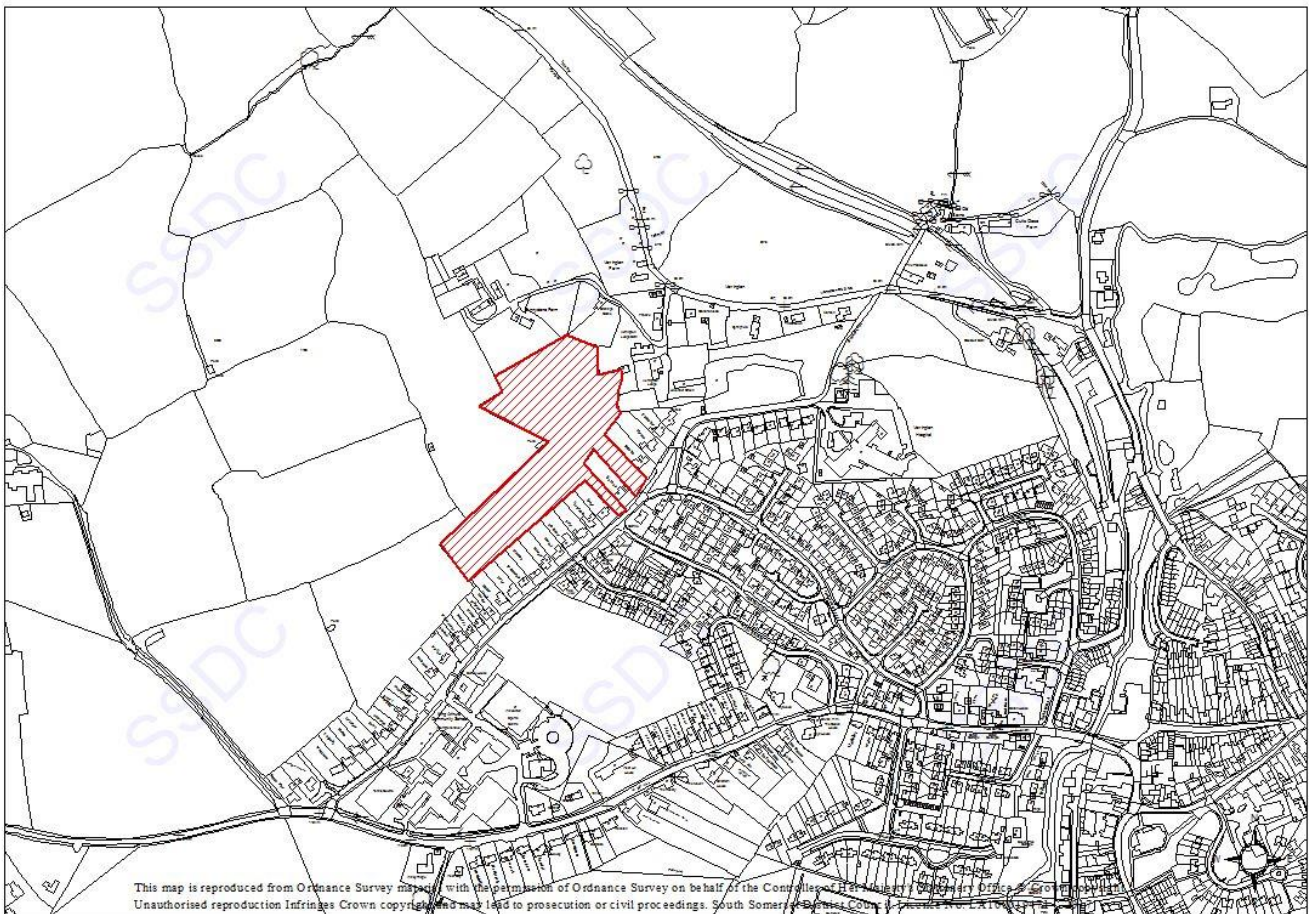
The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest.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

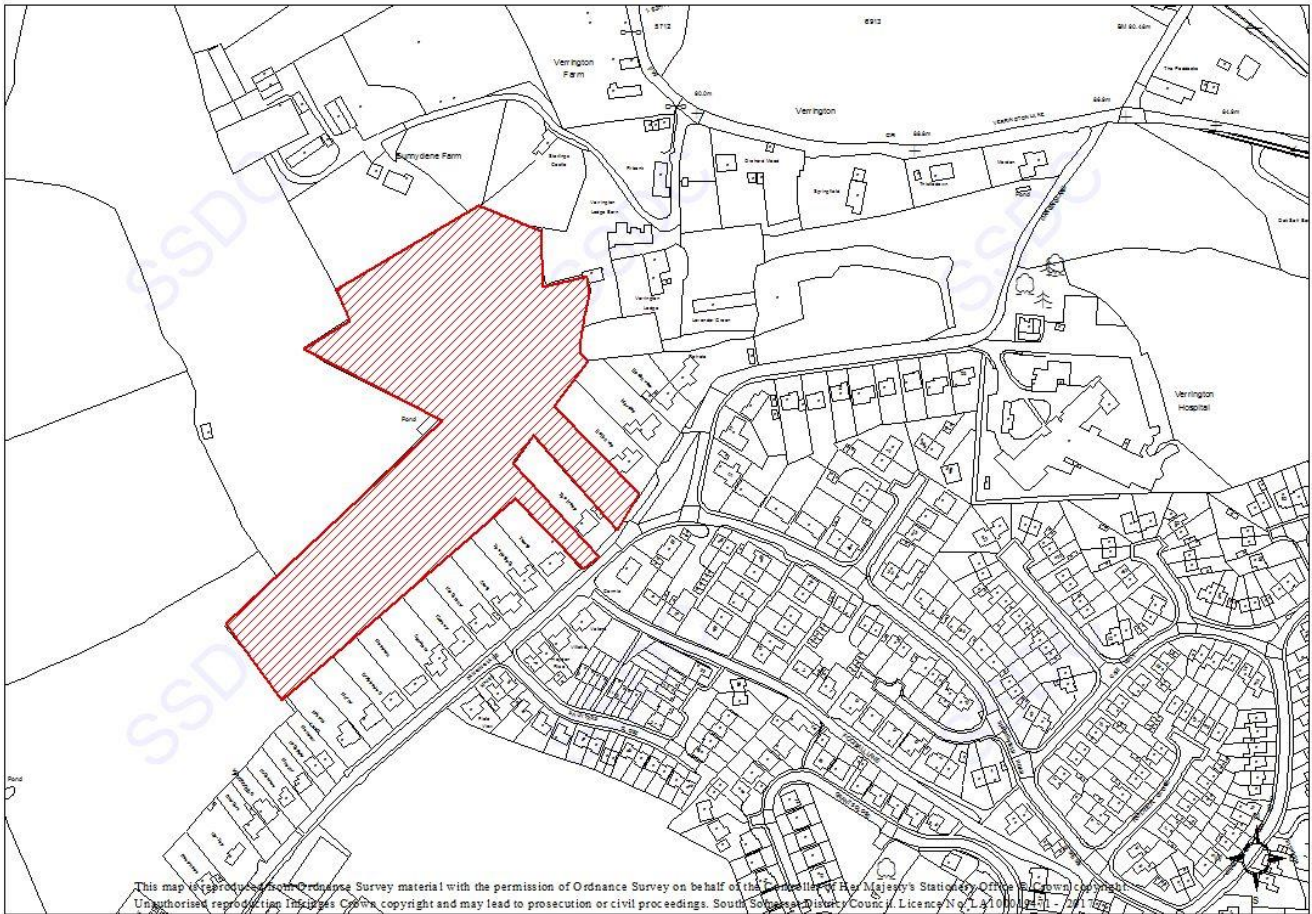
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# Agenda Item 15

## Officer Report On Planning Application: 17/02643/OUT

<b>Proposal:</b>	Outline application for up to 23 dwellings with approval for means of access sought and all other matters reserved for future consideration (Revised scheme) (GR:370409/128841)
<b>Site Address:</b>	Land At Dancing Lane Wincanton
<b>Parish:</b>	Wincanton
<b>WINCANTON Ward (SSDC Member)</b>	Cllr Nick Colbert Cllr Colin Winder
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date:</b>	21st September 2017
<b>Applicant:</b>	Mr Mervyn Dobson And Mr Tim Adams
<b>Agent: (no agent if blank)</b>	Mr Mervyn Dobson Mortimer House Mortimer Lane Mortimer READING RG7 3AJ
<b>Application Type:</b>	Major Dwlgs 10 or more or site 0.5ha+





## APPLICATION HISTORY

The application was originally considered at Area East Committee on 13th December 2017 at the request of the ward members, and with the agreement of the area chair, in order to allow the contributions to be publicly debated. The committee resolved to defer the application to allow further discussions with the agent and ward members regarding planning obligations. The application was again considered at Area East Committee on 10th January 2018. The committee resolved to approve the application subject to:

- a) The prior completion of a section 106 agreement or unilateral undertaking (in a form acceptable to the Council's solicitor(s) in conjunction with the Ward Members) before the decision notice granting planning permission is issued to secure a planning obligation review mechanism, designed to recoup a proportion of any available surplus.
- b) For the following reason:  
  
The principle of residential development in this sustainable location on the edge of a market town is considered acceptable. The proposed development of the site would respect the character of the area, with no demonstrable harm to the setting of the nearby listed building, highway safety, flood risk and drainage, protected species, or residential amenity. As such the proposal complies with local plan policies SD1, SS1, SS5, SS6, TA5, TA6, HG3, EQ2, EQ3, EQ4, and HW1, and the aims and objectives of the NPPF.
- c) A variety of conditions, as set out at the end of this report.

## **APPLICANT'S POSITION**

The scheme is before the committee again as the developer and the Council's officers cannot agree on an acceptable wording for the section 106 agreement or unilateral undertaking to secure a planning obligation review mechanism (or overage clause). The applicant has made it clear they will not sign a review mechanism in the form the Council would expect. As an alternative the applicant has offered an agreement that, in summary, secures the following:

If:

- a) the development has not commenced within 18 months of the last reserved matter/ pre-commencement conditions approval, and
- b) the developer has not constructed 3 dwellings within 3 years of last reserved matters or pre-commencement conditions approval

then there shall be a penalty.

- The Penalty - on the 3rd and 5th anniversary of the approval of the last reserved matters/pre-cons they shall pay £10,000 for each dwelling which hasn't yet reached slab level
- Additionally if they pay £100,000 upfront (or at any time) they will no longer be liable for any obligation. The total amount payable is capped at £100,000

The applicant has made it clear that they will appeal against non-determination in the event that the committee's resolution to require a review mechanism, of the type typically used by the council, is not changed.

## **OUR ADVICE**

We are clear that what is being offered is not a review mechanism as specified by the current committee resolution; the typical mechanism we would expect requires the developer to carry out a financial review shortly before completion of the development. If that review shows there is more profit than originally expected, the parties agree that some of the profit is paid to the local authority to be put toward policy-compliant planning obligations. It is considered that what is being proposed is a mechanism to bring development forward rather than recovery of obligations that would have been due if viability had not been proven to be an issue.

We also consider it is not in line with the original recommendation of the District Valuer. [The District Valuer's recommendation was that the application is not viable with policy compliant contributions, but that any approval should be subject to a review mechanism designed to recoup a fair proportion of any available surplus (up to a maximum represented by policy compliance).] It is our advice that the type of mechanism being offered by the applicant is not necessary to make the development acceptable, and would therefore fail the tests for planning obligations set out in the Community Infrastructure Levy Regulations 2010.

Since the developer has disputed the requirement for an overage clause, we have since conducted a review of the available appeal decisions on the same subject and have taken legal advice. Taking into account previous appeal decisions, the legal advice is that there would be a significant risk of the LPA losing an appeal against non-determination in these specific circumstances, given the support in the NPPF in respect of requiring a financial review on developments of this size is questionable and the lack of reference in local plan policy to overage clauses.

## **RECOMMENDATION**

As such, in the specific circumstances of this site, taking into account:



- 1) the legal advice being offered, and
- 2) the fact that the District Valuer does not consider that the site is viable for 100% open market housing (and the chance of actually gaining income from an overage clause is therefore slim)

our recommendation is to remove the previously imposed requirement for:

- a) The prior completion of a section 106 agreement or unilateral undertaking (in a form acceptable to the Council's solicitor(s) in conjunction with the Ward Members) before the decision notice granting planning permission is issued to secure a planning obligation review mechanism, designed to recoup a proportion of any available surplus.

In all other respects the resolution should remain unaltered. The alternative mechanism being offered by the applicant should not be taken up.

### **PLANNING CONDITIONS AND INFORMATIVES IMPOSED AS PART OF THE RESOLUTION TO APPROVE THE SCHEME:**

01. Details of the appearance, landscaping, layout, and scale of the development hereby permitted (hereinafter 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.

02. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

03. The development hereby permitted shall be carried out in accordance with the following approved plans: location plan at 1:5000 scale, received 20 June 2017.

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

04. The development shall be implemented in accordance with the ecological mitigation and enhancement measures detailed in section 4 of the Ecological Impact Assessment (EAD, Sep 2014) unless otherwise agreed in writing.

Reason: For the protection, conservation, and enhancement of biodiversity in accordance with NPPF chapter 11.

05. No works shall commence on the site until the works within the public highway shown on drawing 13780/T04, received 20 June 2017, have been fully implemented. A detailed design and specification for those works shall be submitted to and approved in writing by the local planning authority before any works take place and thereafter be adhered to in full.

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

06. Any proposed roads approved at the reserved matters stage, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling,

before it is occupied, shall be served by a properly consolidated and surfaced footpath and carriageway constructed to at least base course level between the dwelling and the existing public highway of Dancing Lane. The roads shall be subsequently completed in accordance with an approved timetable. The timetable shall be submitted to an agreed in writing by the local planning authority before any dwelling so served is first occupied.

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

07. Before each dwelling hereby permitted is first occupied, a properly consolidated and surfaced access linking it to the relevant access road shall be constructed in accordance with details which shall first be submitted to and approved in writing by the local planning authority. These access shall not be surfaced in lose stone or gravel.

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

08. As part of a reserved matters application, a plan showing parking spaces in accordance with the Somerset County Council Parking Strategy shall be submitted to an approved in writing by the local planning authority. Each parking space shall be properly consolidated in the approved manner before any dwelling it is intended to serve is first occupied and shall thereafter be made available at all times solely for the parking of vehicles in association with those dwellings.

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

09. The development hereby permitted shall not commence until a construction management plan has been submitted to an approved in writing by the local planning authority. The plan shall include details of construction vehicle movements, construction operation hours, construction vehicular routes to and from the site, construction delivery hours, expected number of construction vehicles per day, vehicle parking for contractors, specific measures to adopted to mitigate construction impacts in pursuance of compliance with the Environmental Code of Construction Practice and a scheme to encourage the use of public transport by contractors, The plan as approved shall be fully adhered to at all times through the construction period.

Reason: In the interests of highway safety and residential amenity and in accordance with policies EQ2, TA5 and TA6 of the South Somerset local plan.

10. As part of a reserved matters application, details of a 'no build zone' shall be submitted in plan form to and approved in writing by the local planning authority. The 'no build zone' shall correspond closely to the area shown as undeveloped on illustrative layout site layout plan ref no 1174/03 dated 30 July 2014 and submitted as part of application 14/01704/OUT. No development shall take place within the 'no build zone' other than any that may be required in association with any approved drainage scheme.

Reason: In the interests of visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

11. The development hereby permitted shall not commence until details of a scheme for the protection of trees and vegetation around the periphery of the site, and specifically in the vicinity of Verrington Lodge, has been submitted to and approved in writing by the local planning authority. The scheme as approved shall be adhered to in full throughout all phases of construction activity relevant thereto.

Reason: In the interests of visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

12. As part of a reserved matters application, details of measures for the enhancement of biodiversity, to include a landscape and ecology enhancement and management plan relating specifically to the 'no build zone', shall be submitted to and approved in writing by the local planning authority. These measures shall be implemented in accordance with the approved details.

Reason: in the interests of conserving and enhancing biodiversity in accordance with policy EQ4 of the South Somerset Local Plan.

13. Prior to, and within 2 months of, the commencement of each significant stage of ground works, an update survey for badger setts shall be undertaken by a competent person, the identity of whom shall first be submitted to and approved in writing by the local planning authority. A schedule of the said significant stages shall be submitted to and approved in writing by the local planning authority before any development commences. If any badger setts are found to be present within 30 metres (including on adjoining land) of any area of activity, the works shall not proceed until a method statement for the protection of badgers has been submitted to and approved in writing by the local planning authority and any necessary Natural England licences have been obtained. Any method statement thus approved shall be implemented in full in the approved manner.

Reason: in the interests of conserving and enhancing biodiversity in accordance with policy EQ4 of the South Somerset Local Plan.

14. The development hereby permitted shall not commence until such time as a surface water drainage scheme (to include a full drainage masterplan, associated drainage calculations and a management plan governing future responsibility for and maintenance of the scheme) has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented and subsequently maintained and managed in accordance with the timing/phasing arrangements and management plan embodied within it.

Reason: In the interests of local amenities and protecting against flood risk and in accordance with local plan policy EQ1 and the aims and objectives of the NPPF.

15. Prior to the commencement of the development, a Measures only Travel Plan Statement is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of highway safety and sustainable development and in accordance with policies SS1, SD1, TA5 and TA6 of the South Somerset local plan.

**Informatives:**

01. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.

02. 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.
03. The developer should be aware of the concerns of the SSDC Conservation Officer in regard to the submitted indicative layout and the likely impact on the setting of the nearby listed building. Similarly the developer should be aware of local concerns in regard to the submitted indicative layout as to the potential impact on the residential amenity of adjoining residents. Before submitting any reserved matters application the developer is advised to contact the planning department to discuss how the indicative layout could be amended to address the above concerns.
04. Please be advised that subsequent full or reserved matters approval by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place Please complete and return Form 6 Commencement Notice. You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk)

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# Agenda Item 16

## Officer Report On Planning Application: 18/00481/FUL

<b>Proposal:</b>	Change of use of land to residential and the conversion of existing garage to annexe ancillary to dwelling with oak framed extension and timber decking. Proposed installation of two conservation style roof lights to dwelling.
<b>Site Address:</b>	Border Farm Border Lane Brewham
<b>Parish:</b>	Brewham
<b>TOWER Ward (SSDC Member)</b>	Cllr Mike Beech
<b>Recommending Case Officer:</b>	Jeremy Guise Tel: 01935 462645 Email: jeremy.guise@southsomerset.gov.uk
<b>Target date:</b>	16th April 2018
<b>Applicant:</b>	Mr Richard Linley
<b>Agent: (no agent if blank)</b>	Mr Tim Downes Tim Cole Downes Limited Little Orchard Station Road Ansford Castle Cary BA7 7PD
<b>Application Type:</b>	Other Change Of Use

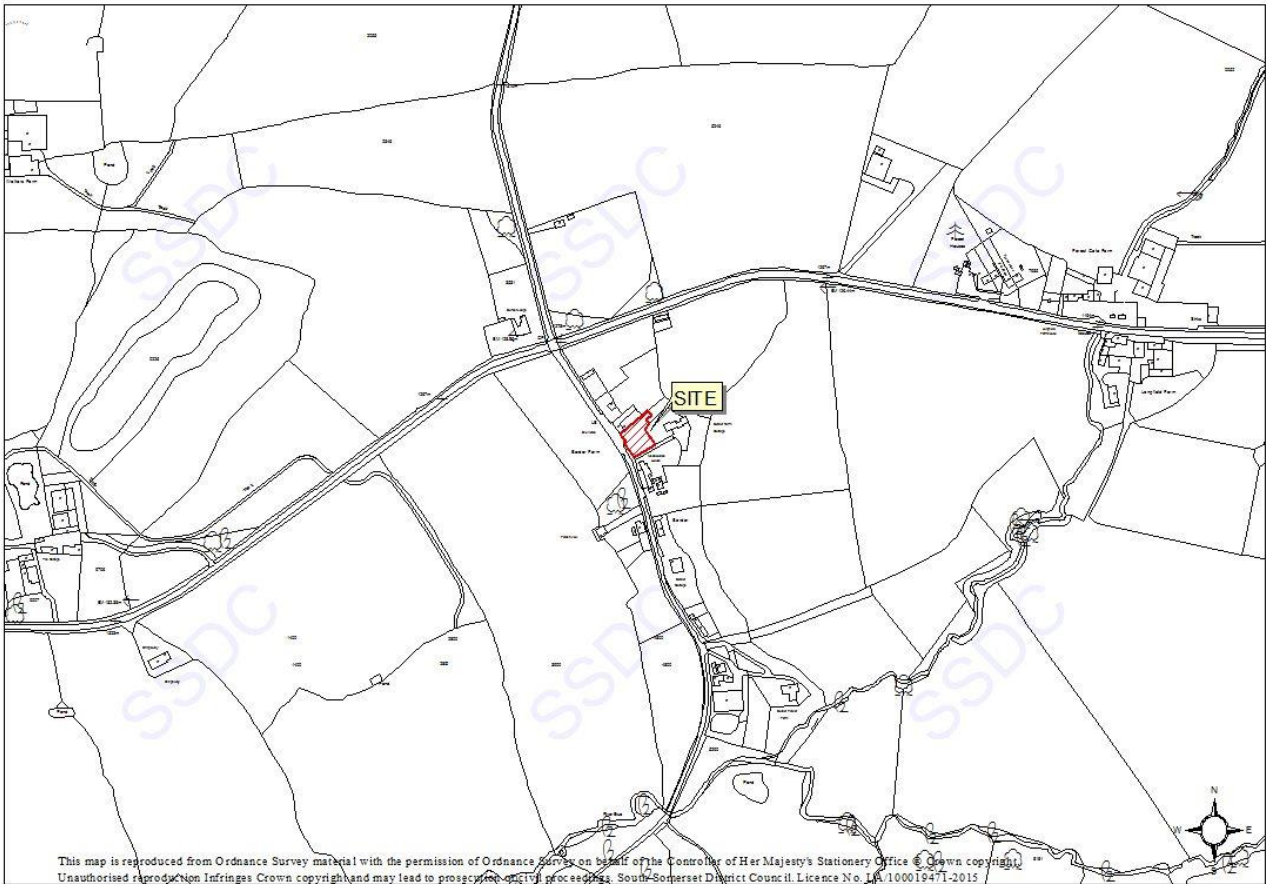
### REASON FOR REFERRAL TO COMMITTEE

This application is brought to East Area Planning Committee because:-

Cllr. Beech - *I think that there are good reasons to say yes to this so would like to bring it to committee.*

Cllr. Weeks - *I would like this application to come to Committee as it conforms to policy SS2 it is in a sustainable location it has the support of the Parish Council it also promotes social / family cohesion.*

### SITE DESCRIPTION AND PROPOSAL



The application property is a double fronted, listed farmhouse located in Brewham, a dispersed hamlet in the north east of the district. The property has a double pitch roof and a small single storey 'lean-to' at the side. A modern garage structure is located to the west.

Planning permission is sought for: the installation of two conversion style roof lights to the 'lean-to' element of the main dwelling; the conversion of existing garage to a residential annexe ancillary to dwelling; a 31.8sqm oak framed extension to the building; timber decking to create a raised platform and change of use of a rectangular shaped piece of land to the rear to residential curtilage. The application is accompanied with a Design and Access Statement (DAS) which states that the residential accommodation would be an ancillary residential annexe.

In response to planning case officer queries about the application, the applicant's agent has provided some further information:

*The applicants' parents in law are in their late 70's and visit often for extended periods of time. These visits are becoming longer as they get older.*

*Two adult couples living in a modest farmhouse is not an ideal situation, so a perfect solution is to give them independence while still being very close to the main dwelling.*

*Looking further ahead, it is very likely that this could become a more permanent arrangement as they age close to their family. A much better alternative to a state funded care home.*

*It would be a 'granny annexe' in the truest sense.*

*The glass extension would offer a little more space and a bright, warm environment.*

*It is not intended for the proposal to have separate curtilage or used by anyone other than close family.*

*We would be very happy for any subsequent approval to be conditioned accordingly.*

## **HISTORY**

97/00728/LBC - Demolition of existing porch and erection of replacement porch and open fronted double garage Conditional permission 07/05/1997

97/00615/FUL - Erection of replacement porch and open fronted double garage conditional permission 07/05/1997

94/01703/LBC Alterations and erection of a first floor extension to dwelling house Conditional permission 14/06/1994

94/010704/FUL Alterations and erection of a first floor extension to dwelling house Conditional permission 14/06/1994

## **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).

The policies of most relevance to the proposal are:

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

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

**National Planning Policy Framework**

Chapter 6 - Delivering a wide choice of high quality homes  
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  
Chapter 12 - Conserving and Enhancing the Historic Environment

**Other Material Considerations**

Somerset County Council Parking Strategy

**CONSULTATIONS**

**Brewham Parish Council** - discussed this application and had no comments except that they are happy to support.

**County Highway Authority** - Standing advice applies

**SSDC Conservation Officer** - I have no objection to this proposal

**SSDC Highway Consultant** - No significant highway issues provided the proposed annexe is ancillary to the main residence. There appears to be sufficient space within the site to off-set the loss of parking resulting from the conversion of the garage and to provide any additional parking for the annexe.

**REPRESENTATIONS**

No letters received

**CONSIDERATIONS**

**Principle of Development**

SSDC recognises the contribution that residential annexes can make to accommodate the needs of extended families and dependent adults. Ideally annexes should be attached to the established dwelling, so that they can be integrated back into the main dwelling once the need for the annexe accommodation has gone, or positioned in such a way that they cannot easily be occupied independently.

Where a proposed annexe is located in the countryside, outside a recognised settlement, it is important that the annexe accommodation is clearly secondary and capable of re-integration back into the main dwelling once the requirement has gone. Strict restraint policies are applied to new residential dwellings in the countryside outside settlements. These are set out in policy SS1 Settlement Strategy which states:-

Yeovil is a strategically significant town and the prime focus for development in South Somerset



The following are Market Towns where the provision will be made for housing, employment shopping and other services that increase their self- containment and enhance their roles as service centres

- Primary Market Towns: Chard, Crewkerne, Ilminster and Wincanton
- Local Market Towns: Ansford/Castle Cary, Langport/Huish Episcopi and Somerton

The following are Rural Centres which are those market towns with a local service role where provision for development will be made that meets local housing need , extends local services and supports economic activity appropriate to the scale of the settlement:

-Rural centres: Bruton, Ilchester, Martock/Bower Hinton, Milborne Port, South Petherton and Stoke sub Hamdon.

Rural Settlements will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2)

The proposed annexe does not satisfy the dependency, reintegration and size criteria. The intended occupants are not currently dependent relatives, but family members who visit frequently and may, or may not, live in the accommodation in the future. The proposed annexe is not attached to the dwelling and is somewhat separate with an obvious potential for future division with a separate access and garden. Furthermore, the size of the annexe, once the extension has been added, is comparable to that of a small dwelling in the countryside.

### **Visual Amenity**

There are three elements to this proposal: the insertion of conservation style roof lights into the main dwelling house; the conversion and extension of the garage to create residential annexe, and the extension of the residential curtilage

All three elements are considered to be acceptable in terms of visual amenity. The conservation style roof lights are appropriate for the listed building. The annexe extension is sufficiently separate from the listed building for it not to adversely impact upon its setting, and the curtilage extension involves a relatively narrow strip of land situated between existing curtilages. Its change to a domestic use will not be noticeable within the wider landscape. As such, the impact on visual amenity is considered to be acceptable in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

### **Residential Amenity**

The barn to the north has been converted to a residential use. The proposed development would result in residential development closer to the boundary, but it would be single storey and designed to avoid overlooking. It is not considered that the proposal would have any significant impact on the residential amenity of any adjoining occupiers in accordance with policy EQ2 of the South Somerset Local Plan.

### **Highways**

The highway authority was consulted and have referred to their standing advice. The SSDC Highways Consultant has made an assessment of the scheme and considers that there is adequate parking space on site for the house and its proposed annexe. As such, it is considered that there will be no adverse impact on highway safety in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

### **Conclusion**

The conservation style roof lights are considered to be acceptable in terms of their impact upon the listed building, but the conversion, extension and change of use of the garage to an annexe use are considered to result in residential accommodation that is too separate from the main house. It is therefore considered to be contrary to policies SD1 and SS1 of the South Somerset Local Plan.

**RECOMMENDATION:-** Refuse permission

**SUBJECT TO THE FOLLOWING:**

01. The proposed residential annexe by virtue of its size, degree of self-containment and detachment from the existing dwelling would be tantamount to the creation of a separate residence in an isolated rural location where strict restraint policies on new residential development apply. As such it is contrary to policy SD1 - Sustainable Development and policy SS1 - Settlement Strategy

**Informatives:**

01. This decision is based upon the following plans 1378/001; 1378/002; 1378/003; 1378/004 and 1378/005 Rev.A received 9th February 2018
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# Agenda Item 17

## Officer Report On Planning Application: 18/00403/FUL

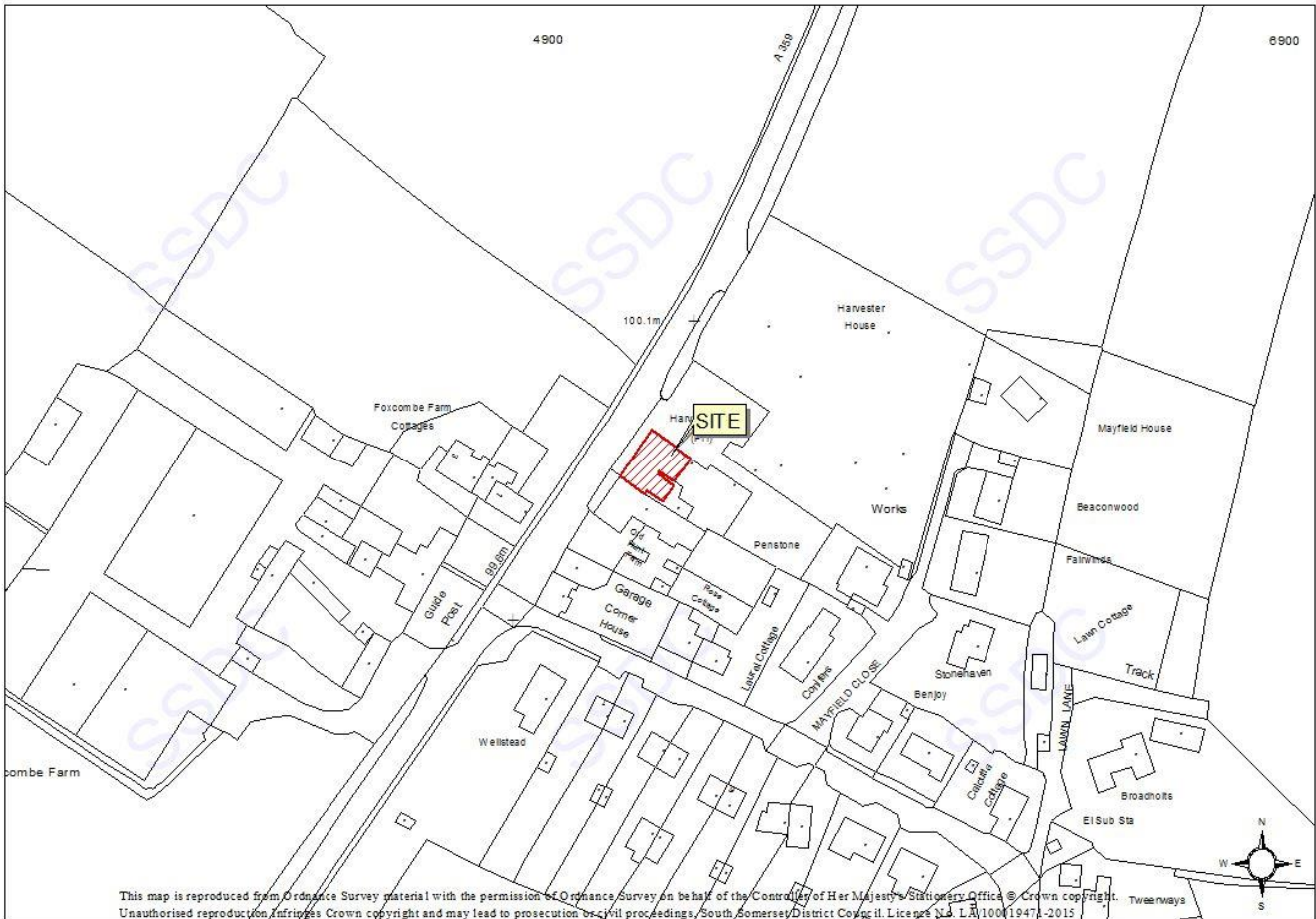
<b>Proposal:</b>	The installation of 7 replacement windows and a means of fire escape to first floor.
<b>Site Address:</b>	The Orchard Inn Galhampton Hill North Cadbury
<b>Parish:</b>	North Cadbury
<b>CARY Ward (SSDC Member)</b>	Cllr Nick Weeks Cllr Henry Hobhouse
<b>Recommending Case Officer:</b>	Sam Fox Tel: 01935 462039 Email: sam.fox@southsomerset.gov.uk
<b>Target date:</b>	11th April 2018
<b>Applicant:</b>	Mr Darren Brown
<b>Agent: (no agent if blank)</b>	
<b>Application Type:</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee at the request of the Ward Member with the agreement of the Area Chairman as the comments of the Parish Council are contrary to the officer's recommendation.

### SITE DESCRIPTION AND PROPOSAL





The site is located to the north of the village fronting the A359 Galhampton Hill.

The property is a semi-detached, two-storey public house adjoining a Grade II listed residential dwelling to the south. There are residential dwellings to the west/southwest, one of them also being Grade II listed, with planning permission granted for further residential development to the north and east.

This application seeks permission for the installation of 7 replacement windows and a means of fire escape to first floor.

**HISTORY**

None relevant

**POLICY**

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

For the purposes of determining current applications the local planning authority considers that the adopted development plan is the South Somerset Local Plan (2006-2028). On this basis the following policies are considered relevant:-

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

SD1 - Sustainable Development  
SS1 - Settlement Strategy  
Policy EQ2 - General Development  
Policy EQ3 - Historic Environment

National Planning Policy Framework  
7 - Requiring good design  
12 - Conserving the historic environment

## **CONSULTATIONS**

**Parish Council** - No objection

**County Highway Authority** - No observations

**Highway Consultant** - No highways issues, no objection

**Conservation Officer** - The Orchard Inn is a traditional building, which looks to have been a pub for a long time - see reference to 'New Inn' on 1888 OS map. It is attached to a listed building, and makes a positive contribution to its setting.

The application is lacking in detail. No section details or manufacturers details of the windows have been submitted. The blue sheets supplied are not at all helpful. I have to assume that the windows will be a standard profile upvc system. There is a reference to a 'Georgian' window on the application form, which most commonly means the panes of glass will be divided with glazing bars - usually internal on a standard upvc window.

The existing timber windows do not appear to be historic. I am satisfied that they can be replaced, but the replacements must be appropriate for this setting in terms of design and material. Standard upvc windows will harm the appearance of the building and the setting of the adjacent listed building. Traditional flush fitting timber windows (which can be draught proofed and double glazed) will look much better. They will enhance the appearance of the building - improving the impression of the business - and will not cause harm to the setting of the adjacent listed building.

As the application stands I must recommend refusal due to the harm caused by the proposal.

## **REPRESENTATIONS**

None received

## **CONSIDERATIONS**

### **Description**

The proposal involves the replacement of all the existing timber front windows and one rear window on the building with white UPVC windows. The building has been altered over time with various windows and extensions, more recently the addition of a UPVC conservatory to the rear. The property is attached to a Grade II listed dwelling to the south side with the public house car park to the north separating it from a residential development plot to the north.

### **Visual amenity**

The proposed windows, whilst similar to the existing in terms of colour, are different in terms of the design and profile. The conservation officer has recommended refusal of the proposal as he considers the use of a standard UPVC profile window in this instance will detract from the character of the host building and more importantly will have a harmful impact on the setting of the adjoining Grade II listed

dwelling. Whilst he has advised a traditional flush fitting timber window be used with double glazing and draught proofing, he would consider a more refined UPVC replacement system with a profile more in keeping to a traditional flush fitting timber window. Whilst this option was presented to the applicant, it would appear the subject windows have already been purchased and, therefore, a change is not currently an option. On this basis it is considered that the proposal would harm the character of the property, would have a detrimental impact on the visual amenity of the area and would have a harmful impact on the setting of the adjoining Grade II listed dwelling.

### **Residential amenity**

It is not considered that the proposal would harm local residential amenity.

### **Conclusion**

Given the comments of the Conservation Officer it is considered the proposal would be character of the host building and the setting of the adjoining listed building, contrary to policies EQ2 and EQ3.

### **RECOMMENDATION**

Permission be refused for the following reason:

01. The replacement windows, by virtue of their materials, form and design, are not appropriate on this building and would detract from the character and appearance of the property and the setting of the adjacent listed building which is not outweighed by any public benefit. Consequently their installation is contrary to Policies EQ2 (General Development) and EQ3 (Historic Environment) of the South Somerset Local Plan (adopted 2006-2028) and Chapter 7 (Requiring Good Design) and Chapter 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (March 2012).
-