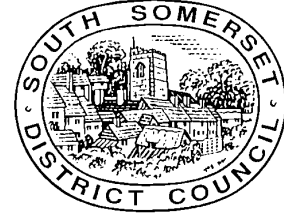


South Somerset District Council

Notice of Meeting



Area East Committee

Making a difference where it counts

Wednesday 8th August 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 **9.15am**.

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

This Agenda was issued on Monday 30 July 2018.

Alex Parmley, Chief Executive Officer

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



Information for the Public

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

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 8 August 2018

Agenda

Preliminary Items

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the previous meeting held on Wednesday 11th July 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 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 12th September at 9.00am.

5. Public Question Time

6. Chairman Announcements

7. Reports from Members

Items for Discussion

- 8. Area East Committee Forward Plan** (Pages 6 - 7)
- 9. Planning Appeals (For information only)** (Page 8)
- 10. Schedule of Planning Applications to be Determined by Committee** (Pages 9 - 11)
- 11. 18/01545/S73A - Woodland Escape, Nr. Midknowle Farm, North Barrow**
(Pages 12 - 17)
- 12. 18/01067/FUL - Land and Buildings at Rodgrove House Farm, Moor Lane, Wincanton** (Pages 18 - 26)
- 13. 18/01174/DPO - Vedelers Hey, Balsam Park, Wincanton** (Pages 27 - 30)

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

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

Appendix A

Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
12 September 18	Heart of Wessex Rail Partnership update report	To update members on the progress of the partnership and to consider funding contributions	Tim Cook
12 September 18	Wincanton Regeneration Programme	To update members on the progress of the programme	Helen Rutter / Pam Williams
12 September 18	Area East Plan Priorities	To update members on the Area East Plan Priorities	Helen Rutter / Tim Cook
10 October 18	Highways Update Report	To update members on the total works programme and local road maintenance programme	John Nicholson

Agenda Item 9

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

16/03476/FUL – Land OS 8735 Sandbrook Lane, North Cadbury

The change of use of land and the retention of one mobile home, one touring caravan, one shipping container, treatment plant, hardstanding, gates and fencing. (Informal Hearing) (Delegated Decision)

17/03964/OUT - Land OS 0059 to the South-East of Station Road, Milborne Port (Delegated Decision)
Outline application for residential development for up to 56 dwellings including access.

Appeals Allowed

None

Appeals Dismissed

None

Enforcement Appeals

None

Background Papers: None

Agenda Item 10

Schedule of Planning Applications to be Determined by Committee

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

Purpose of the Report

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

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 9.15am.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 9am.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
11	CARY	18/01545/S73A	Application to remove condition 8 (use of site between March and October inclusive) of approval 15/01078/COU	Woodland Escape, Nr. Midknowle Farm, South Barrow	Mr Robert Farrow
12	WINCANTON	18/01067/FUL	The erection of an agricultural workers dwelling	Land And Buildings At Rodgrove House Farm Moor Lane Wincanton	Mr & Mrs Gould
13	WINCANTON	18/01174/DPO	Application to vary S106 agreement dated 31st March 2017 between SSDC, Somerset County Council, Caroline Anne (otherwise Annie) Melville Boxall and Annie Margaret Nora Melville Elcomb (Deceased) acting through Executors to vary affordable housing contributions.	Vedellers Hey Balsam Park Wincanton	Stonewater 2 Limited

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

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

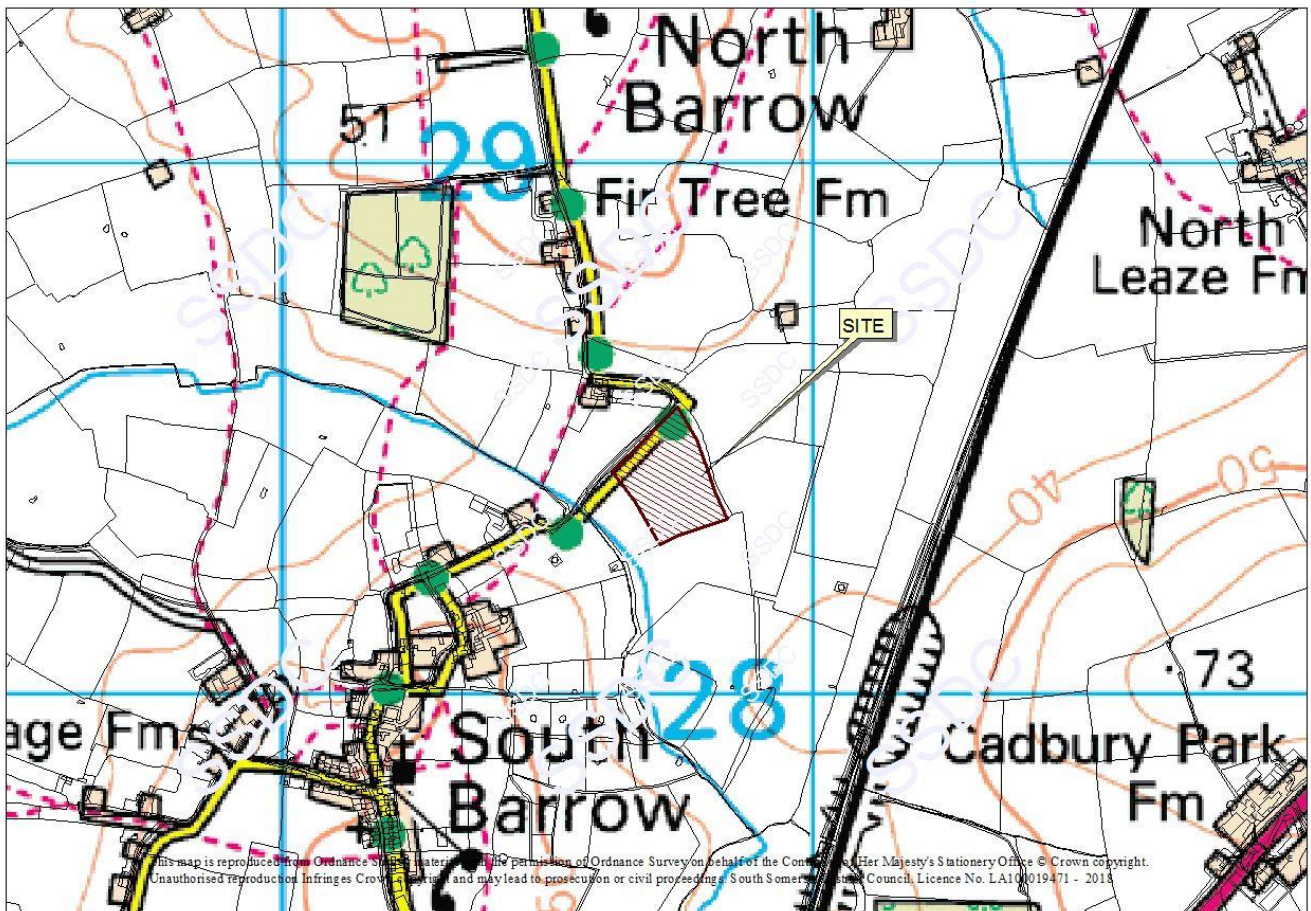
Agenda Item 11

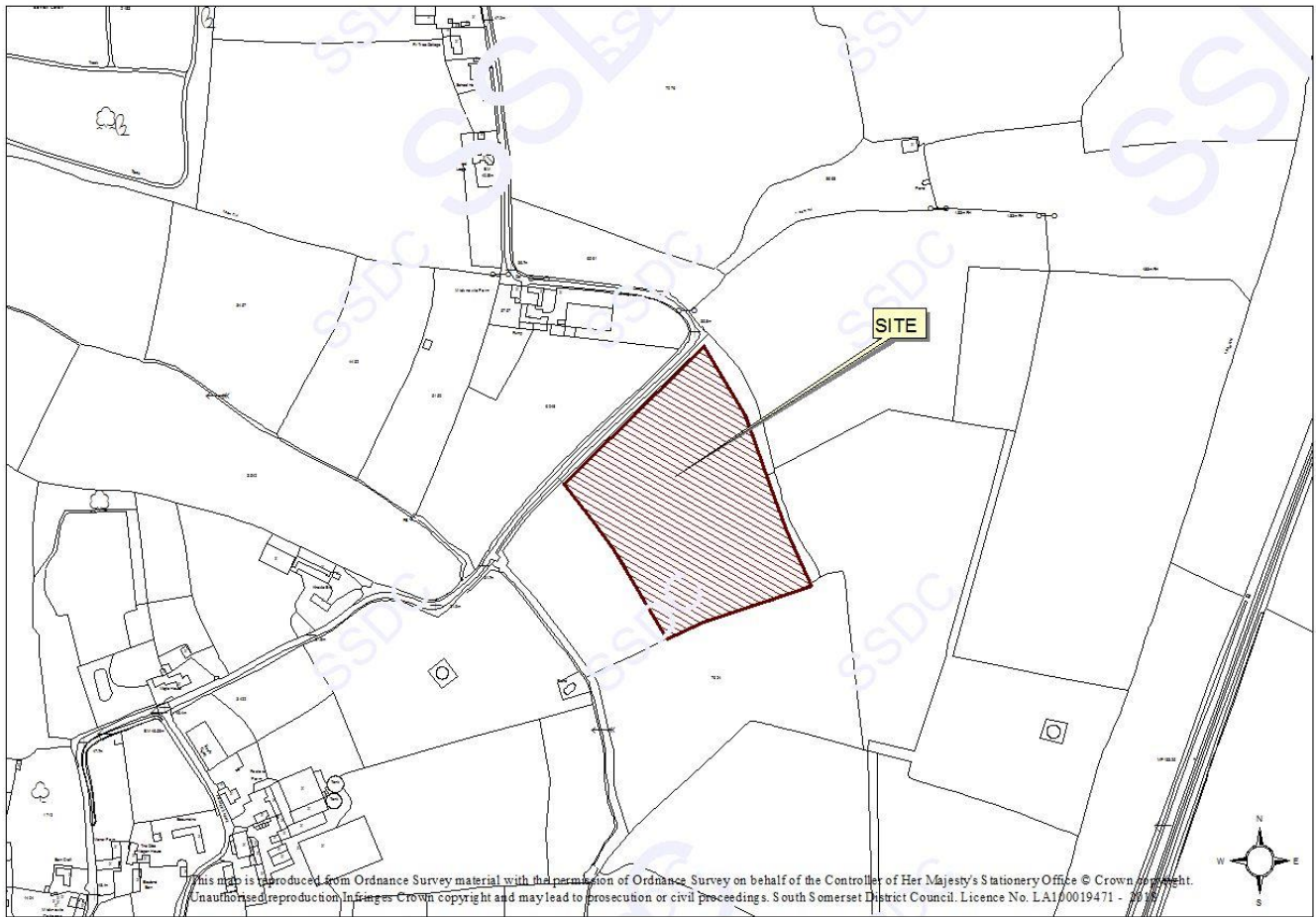
Officer Report On Planning Application: 18/01545/S73A

Proposal :	Application to remove condition 8 (use of site between March and October inclusive) of approval 15/01078/COU.
Site Address:	Woodland Escape Nr. Midknowle Farm South Barrow
Parish:	South Barrow
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	22nd June 2018
Applicant :	Mr Robert Farrow
Agent: (no agent if blank)	
Application Type :	Other Change Of Use

The application is before the committee at the request of the ward member, and with the agreement of the vice chair, as the ward member is concerned that the removal of the condition could lead to permanent occupation of the site.

SITE DESCRIPTION AND PROPOSAL





The proposal seeks permission to remove condition 08 (seasonal use restriction) of permission 15/01078/COU.

The original approval was granted 18 November 2015.

The permission was subject to condition 08, which states:

The use of the site for tourist accommodation hereby approved shall only take place between the months of March and October (inclusive). All tents, caravans, and other mobile structures, including the utility blocks and warden accommodation, shall be removed from the site for the remainder of the year unless otherwise agreed in writing with the local planning authority.

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

Permission was granted for the change of use of an area of woodland for use as a campsite. The approval is for the siting of up to 16 seasonal luxury camping units, the siting of 3 warden caravans/motorhomes and for 3 portable utility blocks. The permission included the provision of a new vehicular access to the north of the site.

The property consists of an area of young woodland surrounded by hedgerow. The site is not located within a development area or direction of growth as defined by the local plan.

HISTORY

15/01078/COU - Change of use of 8.2 acres (3.3HA) of young woodland for up to 16 seasonal luxury camping units and the siting of 3 warden touring caravans/motor homes and 3 portable utility blocks - Application permitted with conditions 18/11/2015

POLICY

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

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

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

Policy SD1 - Sustainable Development
Policy SS1 - Settlement Strategy
Policy SS2 - Development in Rural Settlements
Policy EQ2 - General Development
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards
Policy EP8 - New and Enhanced Tourist Facilities
Policy EQ4 - Biodiversity

National Planning Policy Framework

Chapter 3 - Supporting a Prosperous Rural Economy
Chapter 7 - Requiring Good Design

CONSULTATIONS

Parish Council - No comments. Confirmed that they will not be commenting.

County Highway Authority - Refers to standing advice

REPRESENTATIONS

One letter of objection was received from the occupier of a property in North Barrow, one from the occupier of a property in South Barrow, one from the occupier of a property in Seavington St Mary, one from the occupier of a property in Charlton Musgrove, and one from the occupier of a property in Yeovil. Objections were raised in the following areas:

- Impact on wintering wildlife
- No time for environment to recover
- Damage to access and campsite from traffic in winter
- Increased disturbance to neighbouring land from noise and smoke
- Lack of screening between the application site and the neighbouring plot of land
- Increased visibility of structures during winter
- Danger of permanent residents
- Highway safety concerns from increased traffic movements in winter months
- Increased light pollution
- Lack of local benefits

CONSIDERATIONS

Principle of Development

As such, there are no matters of principle to consider. The only matters that need to be considered here are those that the current application seeks to amend, which is essentially the removal of a condition to allow the site to be used year round, rather than the current 8 months.

Visual Amenity

The reason for the limitation being imposed in the first place was in the interests of visual amenity. As such, visual amenity must be considered as the primary consideration. It is considered that the site is well-screened by the existing woodland, and although the SSDC Landscape Architect was keen to ensure that the use ceased in the winter months when the scheme was originally considered, it is apparent that the loss of leaves in winter will not render the structures overly visible from public vantage points. That being the case, it is not considered, notwithstanding local concern, that the removal of the condition will render the development unacceptable from a visual amenity point of view, including in regard to increased light pollution.

Residential Amenity

The removal of the condition will have no demonstrable impact on residential amenity, as there are no adjoining residential properties. The nearest residential properties are sufficiently far to prevent any disturbance from the proposed increase length in use. It is noted that the owners of some of the neighbouring land are concerned about increased disturbance from noise and smoke, when they are using their land. They also raise a concern regarding the lack of screening between their land and the application site. However, the private use of agricultural/forestry land for amenity purposes is not considered to be sensitive receptor that the planning system can protect.

Highways

Notwithstanding local concerns, it is considered that the proposed variation to the permission will have no significant impact on highway safety. The highway authority was consulted and referred to their standing advice.

Other Matters

Local concerns have been raised regarding the impact on wintering wildlife, the fact that the environment will have no time to recover and the potential for increased damage to the access and campsite from traffic in winter. However, the condition was not imposed for any of these reasons, so it would be perverse to insist on its retention for these purposes. Furthermore, there is no reason to assume that the year round use of the site will have any impact on any protected species.

A local concern has also been raised in relation to the potential for the site to start accepting permanent residents. However, the use would still be subject to condition 09, which requires the camping site to be occupied for holiday purposes only and not to be occupied as a person's sole or main place of residence.

Conclusions

Accordingly the proposal to remove condition 08 is considered to comply with local plan policies SD1, SS1, SS2, EQ2, TA5, TA6, EP8, and EQ4, and the aims and objectives of the NPPF.

RECOMMENDATION

Permission be granted for the following reason:

01. The proposal removal of condition 08, to allow the year-round use of the site, is considered to respect the character of the area and cause no demonstrable harm to residential amenity or highway safety in accordance with the aims and objectives of local plan policies SD1, SS1, SS5, TA5, TA6, EQ2, and EQ3 and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans: site plan received 24 February 2015 and 8765-001 received 29 July 2015 both in relation to application 15/01078/COU

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

02. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping, as shown on the document titled 'Planting Proposal 15/01078/COU' received 17 February 2016 in association with the discharge of conditions on application 15/01078/COU, shall be carried out in the first planting and seeding season following the occupation of the structures or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to comply with policy EQ2 of the South Somerset Local Plan.

03. There shall be no more than sixteen units of tourist accommodation on site at any time.

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

04. There shall be no more than three units of warden accommodation on site at any one time.

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

05. There shall be no more than three utility blocks on site at any one time.

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

06. Prior to the siting of any of the units referred to in conditions 4, 5 and 6 on the caravan site hereby approved details of their size and appearance shall be submitted to and approved in writing by the local planning authority. Once approved such details shall be adhered to unless agreed otherwise in writing.

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

07. The camping site hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/ operators shall maintain an up-to-date register of the names of owners/occupiers of the units provided, and of their main home addresses, and shall make this information, available at all reasonable times to the local planning authority.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with policies SS1, SD1 and EP8 of the South Somerset Local Plan and the aims and provisions of the National Planning Policy Framework.

Agenda Item 12

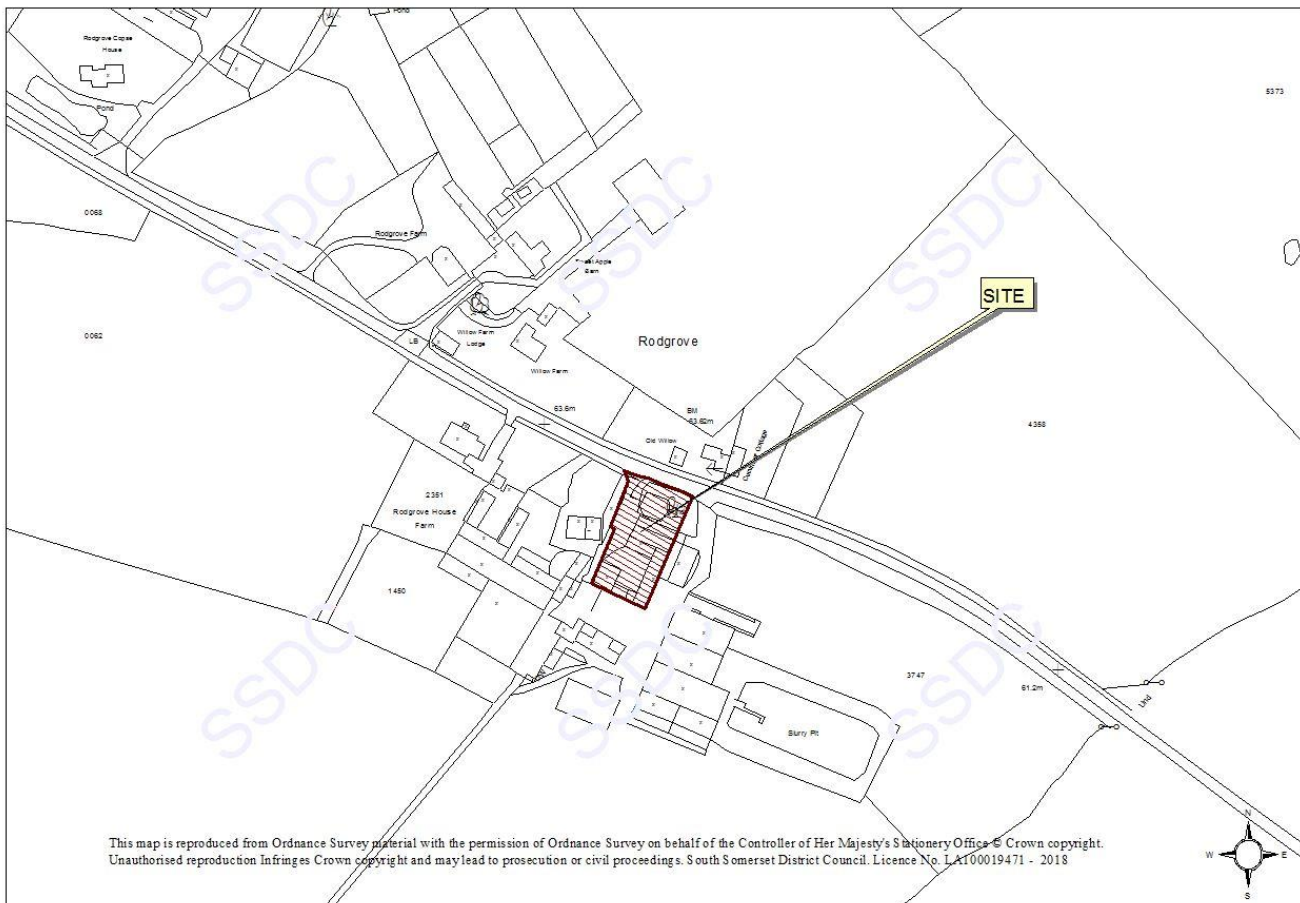
Officer Report On Planning Application: 18/01067/FUL

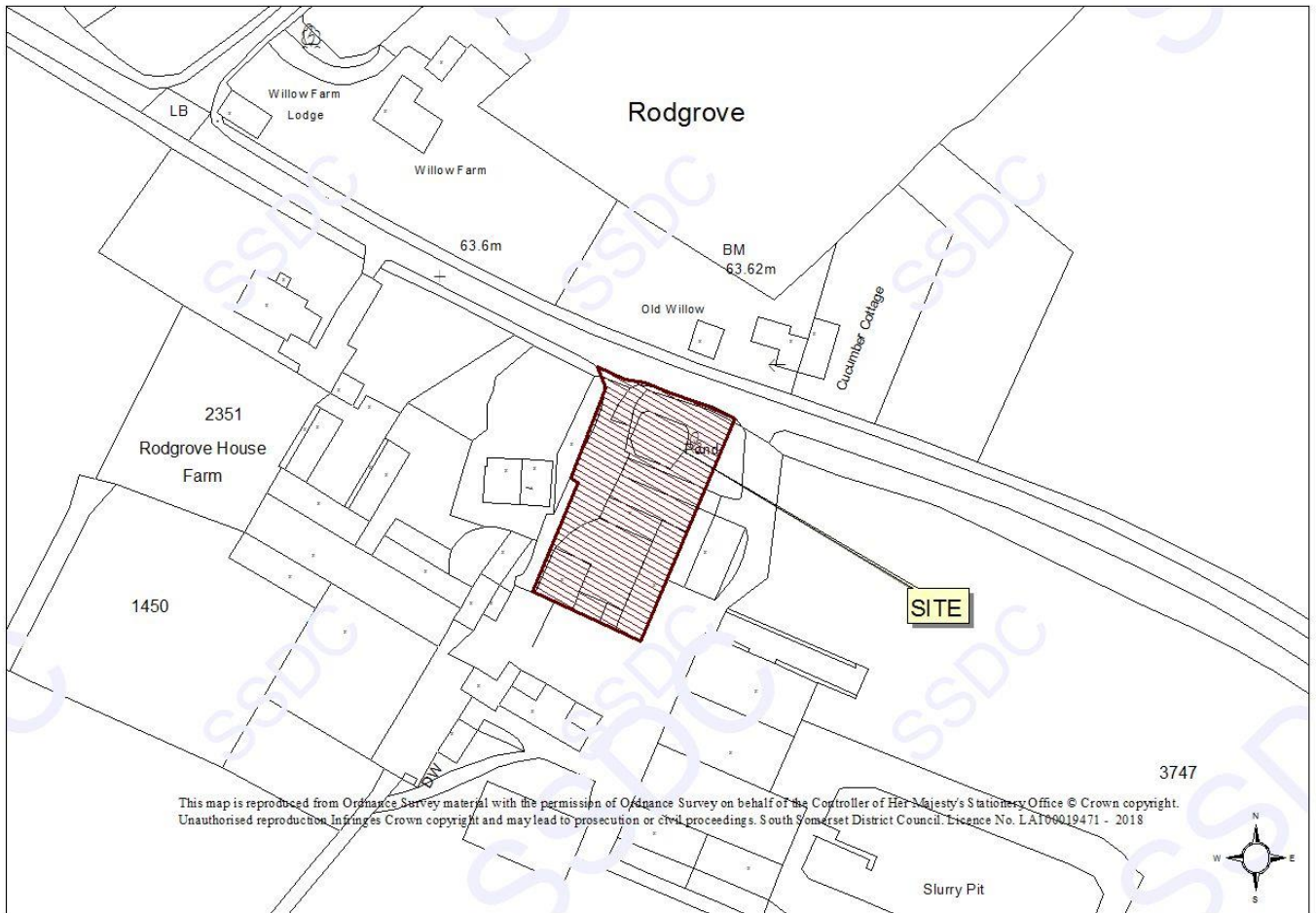
Proposal :	The erection of an agricultural workers dwelling.
Site Address:	Land And Buildings At Rodgrove House Farm Moor Lane Wincanton
Parish:	Somerton
WINCANTON Ward (SSDC Member)	Cllr Nick Colbert Cllr Colin Winder
Recommending Case Officer:	Jeremy Guise Tel: (01935) 462645 Email: jeremy.guise@southsomerset.gov.uk
Target date :	30 May 2018
Applicant :	Mr & Mrs Gould
Agent: (no agent if blank)	Mr Matt Williams Brimble Lea & Partners Wessex House High Street Gillingham SP8 4AG
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application has been called to East Area Planning Committee at the request of local ward members and with the agreement of the chairman, to allow assessment of the application in relation to the needs of the farm.

SITE DESCRIPTION AND PROPOSAL





This application relates to Rodgrove House Farm holding. It has been established, during the course of consideration of the application, that Rodgrove House Farm (the original farm house) does not form part of the current farm holding and that the applicant lives in Grove Cottage, whilst maintaining use of the Rodgrove Farm address. It has also been established that Temple lane Farm, sometimes referred to as Templars Farm, has since 2014 been substantially separated from the holding.

The farming land plan submitted with this application comprises of several pieces of land, of various sizes, within the vicinity of Rodgrove. The largest piece is roughly triangular shaped to the north of Templecombe Lane and the London-Exeter railway line. It is linked to fields to the north and east. Another group of fields, around Temple Lane and the railway, are located approximately 2 miles to the west. Formerly some of these fields were associated with Temple Lane Farm, further to the west.

The main complex of buildings is located to the east of Rodgrove House Farm (house and residential curtilage) which the submitted plans show to be in separate ownership. It consists of Grove Cottage, the applicant's residence, and a group of farm buildings. Grove Cottage is a fairly large house the result of previous extensions. Farm buildings including the partially constructed new milking parlour surround the site to the south and east.

A rectangular shaped piece of land (0.13ha) to the east of Grove cottage and fronting onto the road is outlined in red as the site of a proposed new agricultural worker's dwelling. It currently contains the stone walls and red brick dressed openings of a late nineteenth / early twentieth century farm outbuilding. The building appears in a partially demolished state with the roof removed since the last aerial survey, in 2006.

A pair of cottages: 'Old Willow' and 'Cucumber' are located on the opposite side of the road, to the north

The proposed house is shown as double fronted with a sub gable constructed of natural stone with a clay tile roof. Floorplans show an entrance hall, lounge, kitchen diner, 'snug', farm laundry, farm office and WC at ground floor level and three bedrooms, a dressing room, two bathrooms one en-suite and a study at first floor level.

The application is accompanied with a statement from the applicant agent which makes the following points:-

2.2 Rodgrove House Farm trades as T E Gould & Son and has been in the Gould family for over 30 years. It is a well-established dairy unit which converted to organic status in November 2017. The farm is run by Stephen Gould and his son James. Stephen's wife Geraldine Gould administers the farm business.

2.3 Rodgrove House Farm consists of 320 acres of owner/occupied land and a further 160 acres held on a tenancy or grass keep basis. As such, the total farm holding is 480 acres (194 hectares). A plan showing the extent of the land farmed by T E Gould & Son is provided as appendix to this Appraisal.

2.5 The farming stock consists of Holstein Friesian dairy cattle with 170-180 milking cows and the same amount of young stock of all ages. Once the milking parlour is completed next winter, the stock will be built up to 250

And

4.2 The labour requirements of the farming enterprise is set out in an appendix to this Appraisal. This demonstrates that the total hours required to maintain the dairy cows and the rest of the herd (i.e. direct management, milking, feeding, calving etc.) amounts to almost 1,250 hours per annum which is equivalent to 4.5 labour.

HISTORY

16//05295/FUL – Erection of an extension to farm building to form milking parlour and stock housing area Rodgrove House Farm Granted conditional planning permission 9th January 2016 (Note the layout plan includes a farm office and WC)

HISTORY : Temple Lane Farm

14/02005/FUL - Erection of 1 no agricultural workers dwelling (GR 371506/122535) Land OS 6060 Temple Lane Farm Templecombe Granted subject to conditions including condition 4 which stated:-

The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: Planning permission would not have been given but for the special need that has been established for the presence of a dwelling that serves the adjacent agricultural buildings in this location, further to policy HG15, ST3, ST5 and ST6 of the South Somerset Local Plan and the NPPF.

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) and the adopted Wincanton Neighbourhood Plan.

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 HG9 – Housing for agricultural and related workers
- Policy HG10 – removal of agricultural and other occupancy conditions
- Policy TA5 – Transport Impact of New Development
- Policy TA6 – Parking Standards
- Policy EQ1 – Addressing Climate Change in South Somerset

National Planning Policy Framework

- Chapter 3 – Supporting a prosperous rural economy
- Chapter 6 – Delivering a wide choice of high quality houses
- Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 11 – Conserving and Enhancing the Natural Environment

Other Material Considerations

- Wincanton Neighbourhood Plan
- Somerset County Council Parking Strategy

CONSULTATIONS

Wincanton Town Council – Recommends approval.

County Highway Authority – Standing advice applies

SSDC Highway Consultant: The principle of this development must be largely a planning matter to determine based on 'need' and 'justification'. While it could be argued that trips to and from the site may reduce as a result of the agricultural worker being housed on site, other day-to-day domestic trips need to be considered which could result in an increase in traffic movements at the entrance. The existing access appears reasonable but it would be useful if the agent could confirm on the plans the extent of the existing visibility splays at the entrance and propose improvements if necessary (it would appear that the applicant has control of the hedgerows either side of the access to provide improvements, if appropriate). On-site parking and turning provision in line with the SCC Standing Advice and Parking Strategy standards needs to be secured.

SSDC Ecologist: I've considered this application and I don't have any comments nor recommendations to make

REPRESENTATIONS

No representations have been received

CONSIDERATIONS

Principle of Development

Rodgrove is a very small hamlet located in open countryside where constraint policies, in the adopted Local Plan and NPPF apply on new residential development. Exceptions to these constraint policies are provided for in both the Local Plan and NPPF. Policy HG9: Housing for agricultural and related workers, applies to agricultural workers' dwellings. It states:-

A development proposal in the countryside to meet the accommodation needs of a fulltime worker in agriculture, horticulture, forestry, equestrian activities or other business where a rural location is essential should demonstrate that:

- *There is a clearly established existing functional need;*
- *The enterprise is economically viable*
- *Provision on-site (or in the immediate vicinity) is necessary for the operation of the business;*
- *No suitable accommodation exists (or could be made available) in established buildings on the site in the immediate vicinity;*
- *It does not involve replacing a dwelling disposed of recently as general market housing;*
- *The dwelling is no larger than that required to meet the operational needs of the business.*
- *The siting and landscaping of the new dwelling minimises the impact upon the local landscape character and visual amenity of the countryside and ensures no adverse impact upon the integrity of nationally and internationally designated sites, such as AONB*

Where a new dwelling is permitted, this will be the subject of a condition ensuring the occupation will be limited to a person solely or mainly working, or last working in the locality in agriculture, horticulture, forestry, equestrian activities or other rural businesses (or a surviving partner of such a person, and any resident dependents).'

Functional Need

It is quite difficult to assess exactly what the settled functional need of the farm holding is at present. It is clearly in a state of flux following changes in plans.

Historically, the farm obviously had Rodgrove Farm House and Grove Cottage. Plans for generational succession on this family holding were put in place with the 2014 decision to use Temple Lane Farm as replacement dairy heifer rearing and concentrate and expand milk production at Rodgrove Farm. Plans which SSDC accommodated by granting planning permission for a new agriculturally tied dwelling.

Those plans have changed Temple Lane Farm has been sold and no longer forms part of the family farm holding and the calving and heifer rearing operation relocated, contributing to the existing functional need. Some of the fields and land used to provide the functional case for the new agriculturally tied dwelling at Temple Lane Farm overlapped in part with the land used to provide justification for that dwelling.

The new milking parlour, approved under ref. 16//05295/FUL is in the process of being built, but is not complete or operational at present. The functional need is likely to change when the additional livestock arrives.

The enterprise is economically viable

The applicants experience in operating the farm and its size, back up the economic records provided that show it to be economically viable.

Provision on-site (or in the immediate vicinity) is necessary for the operation of the business

The applicant lives on the farm and is available to tend to animal welfare. The situation is therefore materially different from that at Temple Lane Farm where no dwelling existed before 2014, and that argument that a new dwelling was required for animal welfare was compelling. It is not clear that other agricultural workers need to live on the farm, and not simply be nearby in the countryside or settlements of Wincanton or Templecombe that are both close.

No suitable accommodation exists (or could be made available) in established buildings on the site in the immediate vicinity

The site is currently occupied by the stone walls and brick quoin openings of the remains of an attractive late nineteenth / early twentieth outbuilding. The roof has recently been removed from this building.

There is no evidence that the potential for adapting and converting this building into a dwelling suitable for and agricultural worker was properly explored. Even in its present state, it may still provide scope for re-building, especially if the clay roof tiles have been saved.

However, without partial rebuilding the building does not have potential to be converted to a dwelling. The uncertainty around the feasibility of undertaking this rebuild/ conversion, means that it does not provide sufficient justification for refusing planning permission on these grounds.

It does not involve replacing a dwelling disposed of recently as general market housing

There is evidence to suggest that dwellings associated with the farm have recently been disposed of, contrary to the spirit of policy HG9.

Supporting paragraph 10.59 acknowledges the potential for agricultural occupancy policies to be abused and make clear that the recent history of the holding will be examined in assessing an application for a new agricultural worker's dwelling. It states:-

The potential for abuse with the submission of applications for 'replacement dwellings' on agricultural holdings exists, therefore in order to minimise that potential, the history of the holding will be examined to establish the recent pattern of land use and whether any dwellings or buildings suitable for conversion or occupation have been recently sold separately from the farmland.

Farming is dynamic and changes to plans can be expected over time. But in the last 4 years the original main farmhouse for this working farm, Rodgrove Farm House, has been inherited by the applicant's sisters and separated from the farm, in 2016. It is believed to be rented out.

Furthermore, a newly built agriculturally tied dwelling on a neighbouring linked farm at Temple Lane, just 2.5 miles away, has been sold by the applicant.

When that application was submitted the applicant's then agents, Symonds & Sampson, stressed the interconnected nature of the business in the same farm holding.

The application was accompanied by a Design and Access statement, dated 1st May 2014, which sought to explain the background to the proposal. In relation to social context it stated:-

The proposed development lies in open farming countryside but close to the village of Templecombe which is only half a mile to the west. It is in an area scattered with farmsteads and farmhouses. The Applicant is a local farmer and the opportunity to properly develop the replacement dairy heifer rearing at Temple Lane Farm means that a house for his son (farm worker) to move into to manage the farm is now essential.

And in relation to social context:-

The Applicant has been successfully farming the holding and further land in the locality for many years. The intensification of the dairy herd at Rodgrove House Farm can only be achieved by concentrating the replacement heifer rearing and down calving of the dairy cows at Temple Lane Farm. This will enhance the economic stability of the farming business enabling one of the sons to move to Temple Lane Farm and secure his long term employment in the farming business and assist with succession.

The new, agriculturally tied, dwelling at Temple Lane Farm has been built and is occupied. It appears

to have been sold by the applicant shortly after planning permission was granted, in July 2014, together with some, but not all of the fields that were used to support that application. The exact amount of land sold with Temple Lane Farm is not known, but as some of the land used in support of that application was retained by the applicant and is now being used to support this application (appendix of the applicant's submission). It is a reasonable supposition that it is less than 69ha with potential implications for the long term viability of Templars Lane Farm as a standalone agricultural holding; and, of course, double counting in respect of functional need.

The agent claims simply and accurately that Templars Lane farm was sold with an agricultural tie intact and the letter of the Policy HG9 has not been breached. It is not known whether the current occupier complies with the agricultural tie condition.

However, this situation smacks of a business gaming the system, deliberately disposing of potentially suitable accommodation, in order to create a requirement for a new agricultural worker's dwelling. Such practice is contrary to the spirit of Policy HG9 of the adopted Local Plan and paragraph 55 of the NPPF.

Size and specification of the new dwelling

The Local Planning Authority seeks to contain the size and specification of new agricultural dwellings to ensure that they remain proportionate to the needs and income of the person requiring the accommodation. Agricultural ties on large, high specification, dwellings are likely to be less affordable to future generations of agricultural workers and generate future pressure on the Local Planning Authority to remove the tie.

Supporting paragraph 10.58 of the Policy HG9 provides guidance on the size and specification of new agriculturally tied dwellings. It states:-

Such dwellings should be commensurate with the needs of the holding and not the person requiring the accommodation. Unusually large dwellings in relation to the needs of the unit, or expensive construction in relation to the income it can sustain, should not be permitted. As such it is considered that an indicative guideline to the floor area of proposed dwellings of approximately 175sqm would adequately serve most holdings (based upon national statistics, which show the average floor area of a detached 3 bedroom property is 143sqm).

The proposed agricultural worker's dwelling is 243sqm. This is approximately 40% larger than the guidance size for and is built to a high specification.

The applicants agent argues that the size and specification of the dwelling is justified on the grounds that: it contains non-residential elements such as a farm laundry and farm office etc. which when subtracted from the floor area make the proposal only 17% larger than the guide figure, and that the Planning Authority has not in the past consistently applied the policy, approving larger agriculturally tied dwellings.

This argument is not accepted. The non-residential element is already allowed for in the 175sqm guide figure which, as para 10.58 supporting Policy HG9 makes clear, is 32sqm above the average floor size for a three bedroom house. In this case the need for an additional farm office is also questioned. The farm is, presumably, managed from Grove Cottage at present and could continue to be managed from there in the future. Furthermore the newly approved milking parlour includes provision for an office and WC in the premises.

The size scale and specification of the proposed new house is beyond that required for a second house on a farm site.

The siting and landscaping of the new dwelling minimises the impact upon the local

landscape character and visual amenity of the countryside and ensures no adverse impact upon the integrity of nationally and internationally designated sites, such as AONB

The proposed farm workers' dwelling is shown on the same location as the existing partially demolished farm outbuilding within the farmyard

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

It is not considered that the proposal would have any significant impact on the residential amenity of the neighbouring properties and therefore that it is in accordance with policy EQ2 of the South Somerset Local Plan.

Highways

The highway authority was consulted and referred to their standing advice. The SSDC Highways Consultant has made an assessment of the scheme and considers that there will be no adverse impact on highway safety, In addition it is noted that the on-site car and cycle parking proposed is sufficient and can be conditioned.

However, the site is located in a relatively isolated rural location where all shops and services will need to be accessed by car. Such locations are considered to be contrary to Policy TA5, Transport Impact of new Development, insofar as they do not maximise the potential for sustainable transport by (ii) *securing safe and convenient access on foot, cycle and public transport that addresses the needs of all*. Without a satisfactory agricultural justification being demonstrated for the proposed new dwelling, it is considered that Policy TA5 weights in the balance against the proposal.

The applicant has not included electrical charging points, and is therefore not in compliance with Policy TA1, Low Carbon Travel which states:-

All new residential development and employment developments in South Somerset should, should subject to general viability: ii. Provide for the charging of electric vehicles with an external charging point of at least 16 amps adjacent to each parking space and within the curtilage of the site. Such charging points should also be provided for garages within the development.

In the absence of a development proposal that satisfies wider planning policy aims and objectives and delivers sustainable development, the failure to provide on-site charging points, as per policy TA1, forms another refusal reason.

Conclusion

The application site is located in a relatively isolated rural location where new residential development is strictly controlled. New build dwellings are only permitted as exceptions to these policies where an applicant can demonstrate 'exceptional quality or the innovative nature of the design' (NPPF para. 55) or an essential need for a rural worker to live permanently at or near their place of work, Policy HG9, Housing for agricultural and related workers, of the adopted local plan. This sets criteria for the assessment of agricultural workers dwellings several of which the proposal currently fails to satisfy. As such it falls to be considered against the general residential constraint policies that apply in South Somerset and fails the usual policy tests.

RECOMMENDATION

Refuse for the following reason:

On the basis of the information provided in support of this application, and the planning records held in connection with this farming business, the proposal does not satisfy the requirements of Policy HG9, Housing for agricultural and related workers, of the adopted Local Plan. It replaces dwellings recently disposed of on the farm holding and the proposed dwelling is larger, and of a higher specification, than that required to meet the operational needs of the business. As such the proposal is contrary to Policy SD1, Sustainable Development; Policy SS1, Settlement Strategy, Policy HG9, Housing for agricultural and related workers and Policy TA5, Transport Impact of New Development of the adopted South Somerset Local Plan and paragraph 55 of the NPPF.

The proposed new residential development does not include 16amp electric charging points and, as such, does not contribute positively towards low carbon travel as required by Policy TA1ii of the adopted South Somerset Local Plan and paras 93 and 94 of the NPPF.

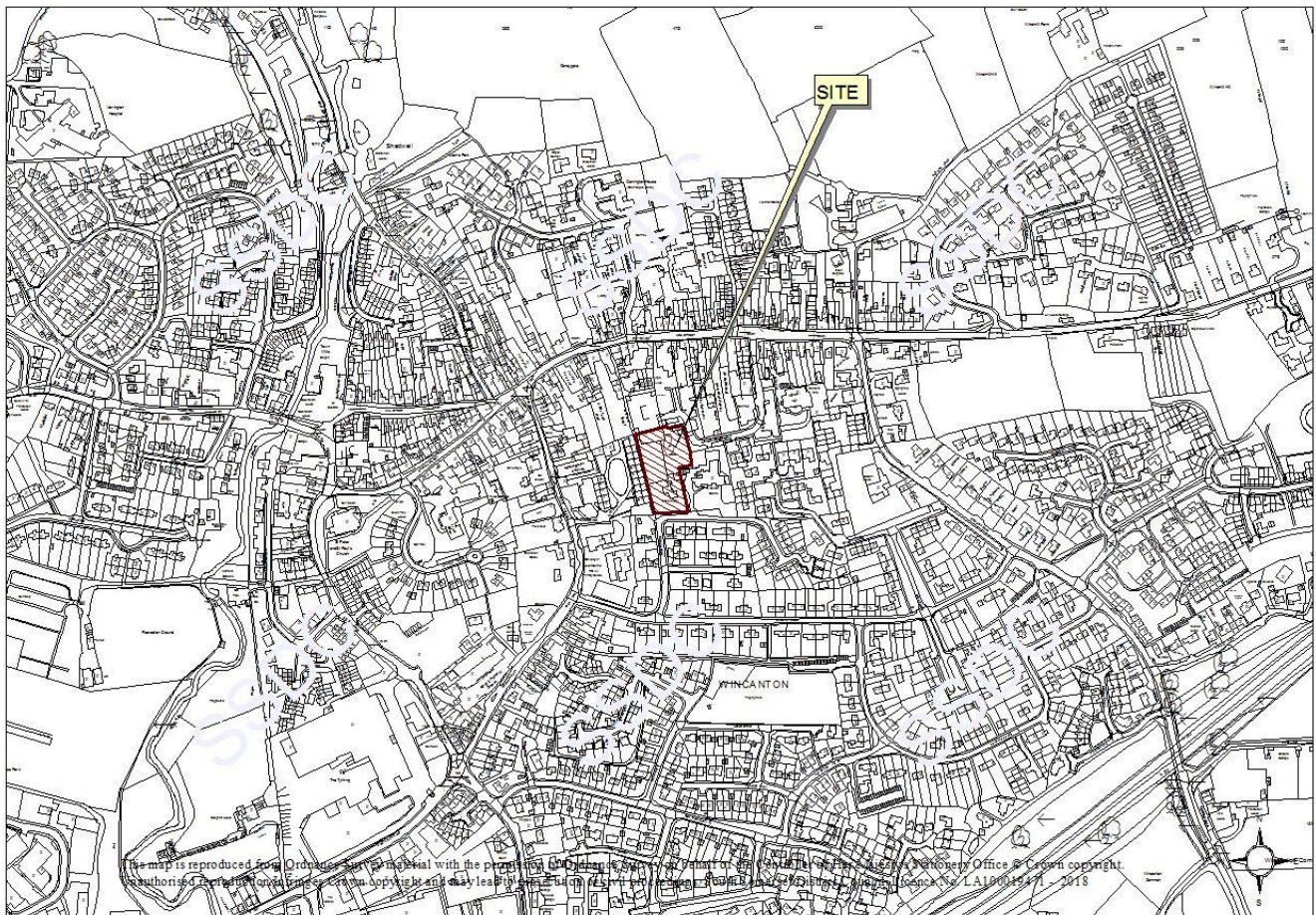
This decision is based on the following plans: Site Plans as existing; site plans as proposed; Elevations as proposed Location plan; floor plans as proposed; roof plan as proposed and 18035-1 Rev.A received 29th March 2018.

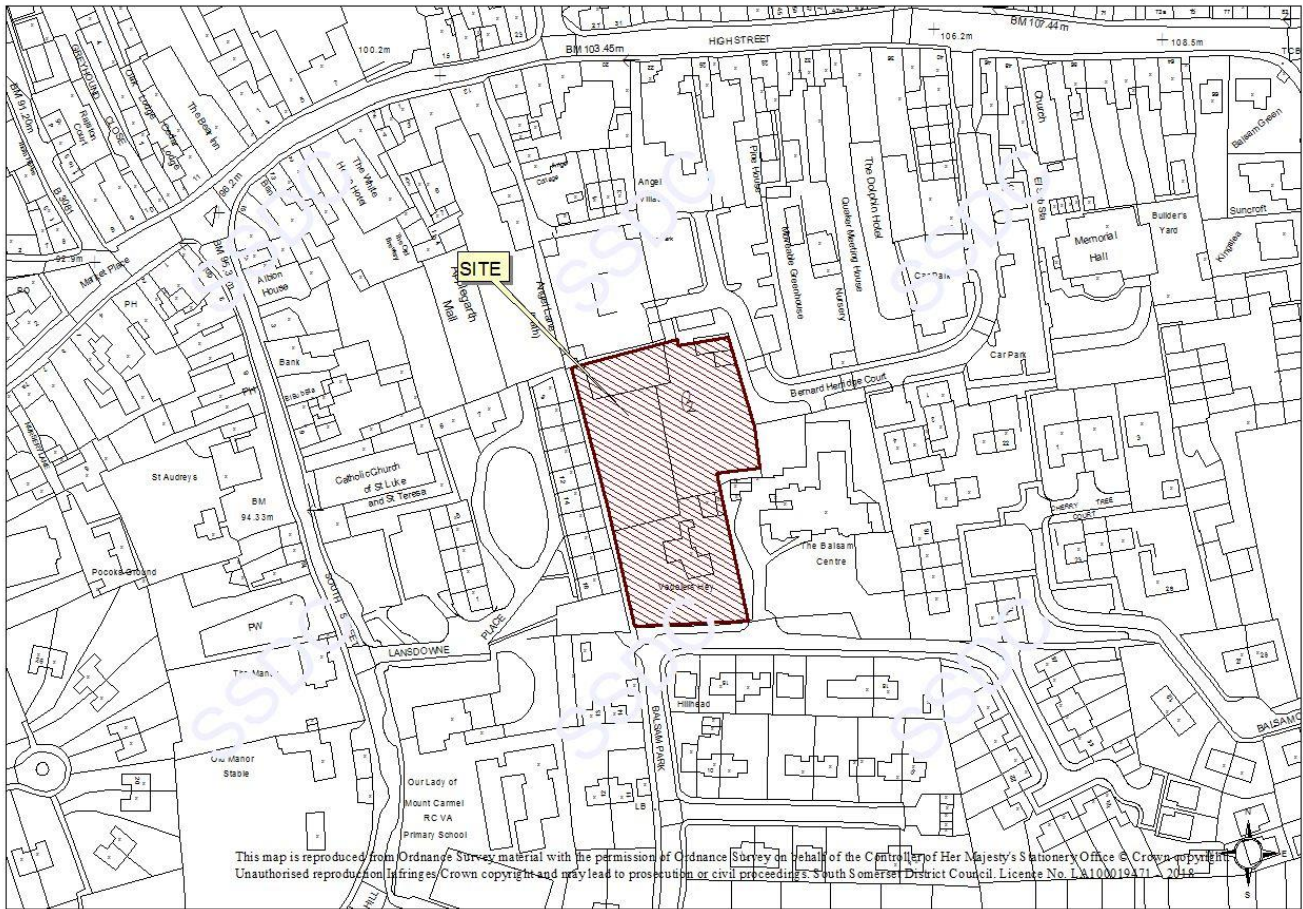
Agenda Item 13

Officer Report On Planning Application: 18/01174/DPO

Proposal :	Application to vary S106 agreement dated 31st March 2017 between SSDC, Somerset County Council, Caroline Anne (otherwise Annie) Melville Boxall and Annie Margaret Nora Melville Elcomb (Deceased) acting through Executors to vary affordable housing contributions.
Site Address:	Vedellers Hey Balsam Park Wincanton
Parish:	Wincanton
WINCANTON Ward (SSDC Member)	Cllr Nick Colbert Cllr Colin Winder
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	7th June 2018
Applicant :	Stonewater 2 Limited
Agent: (no agent if blank)	Clarke Wilmott LLP Blackbrook Gate Blackbrook Park Avenue Taunton TA1 2PG
Application Type :	Non PS1 and PS2 return applications

The application is before the committee, in line with the agreed practice, as it seeks to materially vary the amount or nature of a financial contribution that is secured through a section 106 agreement.





SITE DESCRIPTION AND PROPOSAL

This application is seeking to modify a section 106 agreement between South South Somerset District Council, Somerset County Council, Caroline Anne (otherwise Annie) Melville Boxall, and Annie Margaret Nora Melville Elcombe (deceased) acting through executors, dated 31st March 2017, which is an agreement relating to the following planning permission:

15/00288/OUT - Proposed demolition of existing dwelling and erection of up to 15 dwellings - Application permitted with conditions 31/03/2017

The legal agreement covers securing affordable housing, sports and recreation contributions, public open space, and education contributions.

The proposal seeks retrospective permission to vary the section of the agreement that deals with affordable housing. It seeks to vary the agreement by replacing the agreed affordable housing mix of sixty-seven percent social rented dwellings and thirty-three percent intermediate housing (e.g. shared ownership dwellings) with one hundred percent of the affordable housing as rent-to-buy dwellings.

RELEVANT HISTORY

17/04588/REM - Application for reserved matters following approval of 15/00288/OUT to include details of accesses, appearance, landscaping, layout and scale - Application permitted with conditions 20/04/2018

15/00288/OUT - Proposed demolition of existing dwelling and erection of up to 15 dwellings - Application permitted with conditions 31/03/2017

POLICY

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

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

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy EQ2 - General Development

Policy HG3 - Provision of Affordable Housing

National Planning Policy Framework

Paragraphs 203-206 - Planning Conditions and Obligations

CONSULTATIONS

SSDC Strategic Housing - No objections to the proposed variations

REPRESENTATIONS

None

CONSIDERATIONS

Unfortunately, the proposed changes to the section 106 agreement have already been carried out by deed of variation under the instruction of the SSDC Strategic Housing Department. The SSDC Development Management Department was made aware of the proposed changes and, for some reason, did not raise an objection to the incorrect procedure being followed. The current application has been submitted in an attempt to retrospectively legitimise the proposed changes, in terms of the process followed. Therefore, whilst the views of members of this committee are sought, it is not possible to revoke the proposed changes, as they have already been affected.

The SSDC Strategic Housing Department has been consulted and has raised no objections to the proposed changes. Indeed, they were instrumental in effecting the proposed changes to the agreement.

The original scheme was compliant with policy HG3 of the local plan in that at least 35% of the dwellings would be affordable. There are no changes to the minimum percentage of affordable units to be provided on site. The local plan (para. 10.28) allows for the type and tenure of affordable housing to be negotiated on a site by site basis, taking into account contemporary information from the housing register and any local imbalances. In this case, the type and tenure has been renegotiated with the Strategic Housing Department, taking into account the above factors. Although the process followed was incorrect, the outcome is in accordance with the policies and supporting text of the local plan.

On this basis, the proposed changes to the agreement should have been allowed.

RECOMMENDATION

To note the modifications to the section 106 agreement between South Somerset District Council, Somerset County Council, Caroline Anne (otherwise Annie) Melville Boxall, and Annie Margaret Nora

Melville Elcombe (deceased) acting through executors, dated 31st March 2017, and to agree that the changes accord with policy HG9 and supporting text (para. 10.28) of the South Somerset Local Plan.
