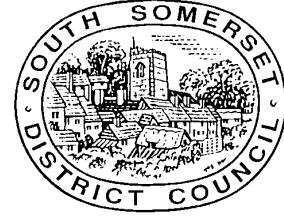


South Somerset District Council

Notice of Meeting



Area East Committee

Making a difference where it counts

Wednesday 9th January 2019

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 Friday 21 December 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 9 January 2019

Agenda

Preliminary Items

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the previous meeting held on Wednesday 12th December 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 13th February 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)** (Pages 8 - 19)
10. **Schedule of Planning Applications to be Determined by Committee** (Pages 20 - 21)
11. **18/03121/DPO - Land Rear Of Wayside Farm, Station Road, Ansford** (Pages 22 - 26)
12. **18/01892/REM - Land South Of Cemetery, Cemetery Lane, Wincanton** (Pages 27 - 35)
13. **18/01885/OUT - Hale Bungalow, Hale Lane, Cucklington** (Pages 36 - 40)
14. **18/03230/FUL - Land at Limington Road, Ilchester** (Pages 41 - 44)

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
13 February 19	Policing in Area East	To update members on recent issues in Area East	Avon and Somerset Police
13 February 19	Community Grants	Update Report	Pam Williams
13 February 19	Community Transport Update Report	To update members on the Community Transport	SSCAT Bus Manager
13 March 19	Wincanton Town Centre Strategy	Update report to include outcome of public consultation and next steps	Pam Williams/Peter Paddon
13 March 19	Citizens Advice South Somerset	Update Report	Angela Kerr, Citizens Advice South Somerset
12 June 19	Area Delivery Plan	Progress Report	Stephen Barnes

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

18/01977/PAMB – Plaishbridge Farm, Long Lang, Cucklington
Notification for prior approval for the change of use of one existing agricultural building into 4 No. dwellings. (Officer Decision)

18/00275/FUL - Land West Of Elliscombe Cottages Gibbet Road Maperton
Erection of a barn and demolition of existing barn/agricultural store. (Officer Decision)

18/00214/COL – Higher Farm, Woolston Road, North Cadbury
Application for a Lawful Development Certificate for the existing use of land as residential. (Officer Decision)

18/01929/OUT - Land OS 7026 Main Street Barton St David
Outline application for the erection of 6 dwellings with parking and landscaping. (Officer Decision)

Appeals Allowed

16/00232/OPERA & 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. (Officer Decision)

The appeal is allowed, the Enforcement Notice is corrected and quashed, and planning permission is granted.

Appeals Dismissed

None

Background Papers: None



Appeal Decisions

Hearing held and an unaccompanied site visit on 6 December 2018

by Tim Belcher FCII, LLB (Hons), Solicitor (Non-Practising)

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

Decision date: 13 December 2018

Appeal A Ref: APP/R3325/C/17/3190705

Land OS 8735, Sandbrook Lane, North Cadbury, Yeovil, Somerset

- The appeal is made under Section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 ("the 1990 Act").
- The appeal is made by Tony Junge against an Enforcement Notice issued by South Somerset District Council ("the Council").
- The Enforcement Notice was issued on 23 October 2017.
- The breach of planning control as alleged in the Enforcement Notice is:
 - (a) Without planning permission, the making of a material change of use of the Land by the siting of a mobile home, a touring caravan, a shipping container and a treatment plant on the Land for residential purposes, in the approximate location shown edged and hatched blue on the plan attached to the Enforcement Notice; and
 - (b) Without planning permission, the carrying out of operational development connected with the above use, namely the creation of areas of hard standing and the erection of timber fencing and gates.
- The requirements of the Enforcement Notice are:
 - (i) Cease the use of the Land for the siting and residential occupation of the mobile home and touring caravan;
 - (ii) Remove from the Land the mobile home, touring caravan, shipping container and treatment plant; and
 - (iii) Remove from the Land the areas of hard standing, timber fencing, timber gates, any services connected to the residential use of the Land and any other non-agricultural paraphernalia.
- The period for compliance with the requirements is nine months.
- The appeal is proceeding on the grounds set out in Section 174(2)(a) and (g) of the 1990 Act.

Summary of Decision: The appeal is allowed, the Enforcement Notice is corrected and quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B Ref: APP/R3325/W/17/3190704

The Paddocks, Sandbrook Lane, North Cadbury, Yeovil, BA22 7BQ

- The appeal is made under Section 78 of the 1990 Act against a refusal to grant planning permission.
- The appeal is made by Tony Junge against the decision of the Council.
- The undated application Ref 16/03476/FUL, was received on 4 August 2016 and was refused by notice dated 18 August 2017.
- The development proposed is 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.

Summary of Decision: The appeal is allowed.

Procedural Matters – Appeals A & B

1. The land to which the Enforcement Notice and planning application relate are described differently in the headings above. They are the same area of land.
2. The Enforcement Notice refers in paragraph 3(a) to the treatment plant which has been installed at the Appeal Site as being a material change of use. I do not agree with that. It is operational development and should be included in paragraph 3(b). I consider that this matter can be addressed if I correct the Enforcement Notice. This correction can be made without injustice to either the Council or Tony Junge.
3. The Council agreed at the Hearing that if the Ground (g) appeal had to be determined they had no objection to the period for compliance being extended from nine months to one year as requested by Dr. Simon Rushton ("Dr. Rushton") on behalf of Tony Junge and his family.
4. The description of the development in Appeal B refers to a change of use but it does not specifically state that the change of use is to a gypsy caravan site. Everyone is aware of this and I consider that it should be specifically referred to if any planning permission is to be granted.
5. In my Appeal Decision I will refer to:
 - (a) The land to which Appeals A & B relate as "the Appeal Site".
 - (b) The terms "gypsy" to include both gypsies and travellers.

Relevant Background Matters

6. The Appeal Site is:
 - (a) Occupied by Tony Junge, his partner and five dependent children.
 - (b) Located within the open countryside.
7. I was advised that the proposed position of the caravans and the shipping container do not fall within the Flood Zone. Tony Junge advised me that no part of the Appeal Site had flooded since the gypsy caravan site use commenced in about July 2016.
8. Sandbrook Lane:
 - a) Provides access to and egress from the Appeal Site.
 - b) Forms part of the Macmillan and Leland Regional Trails.
 - c) Is part of a National Cycle Route.
9. The children living at the Appeal Site have a generous area within the Appeal Site where they can play.
10. The occupiers of the Appeal Site rely on water extracted from the ground for most of their on-site water based uses.
11. The Council do not raise any issue regarding the status of Tony Junge and his family as gypsies as defined in PPTS. Tony Junge explained that he had personally been living a nomadic habit of life since he was seventeen years old. This included travelling throughout the country seeking out work. His work

includes buying and selling of cars; hedge cutting; gardening and clearance of sites. He made the planning application leading to Appeal B himself and did not mention in that application that he was a gypsy. However, he instructed Dr. Rushton shortly after making the application and by September 2016 it was made clear to the Council that Tony Junge and his family were claiming the status of gypsies. I have no evidence before me to doubt the gypsy status claimed by Tony Junge and his family.

Appeals A (Ground (a)) & Appeal B

Policy

12. The Development Plan for the area includes Policies SS2, EQ2 and HG7 of the South Somerset Local Plan 2006-2028 ("the Local Plan").
13. I have also been referred to:
 - (a) Paragraphs 3-4, 8-15, 22-28 and Annex 1: Glossary of Planning Policy for Traveller Sites 2015 ("PPTS").
 - (b) Paragraph 2 of the National Planning Policy Framework 2018 ("NPPF").
14. The relevant parts of the Local Plan explain that:
 - a) Experience in the District suggests that applicants for gypsy sites favour small owned sites.
 - b) The targets for the provision of gypsy sites in the District are minimum requirements.
 - c) Criteria are specified to guide the location of gypsy sites. The relevant criterion in this case is that the development should not have a significant adverse impact on the landscape character and visual amenity of the area.
15. PPTS explains:
 - a) When assessing the suitability of sites in rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

Comment: This indicates that rural areas such as the Appeal Site are not excluded from accommodating gypsy caravan sites as a matter of principle. It is also clear from my site visits to North Cadbury that the scale of the use at the Appeal Site (one-pitch) does not dominate the nearest settled community.
 - b) Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure, amongst other things, that sites in rural areas avoid placing an undue pressure on the local infrastructure.

Comment: Government policy of very strictly limiting new gypsy sites in open countryside would not be breached in this case so long as the development accords with the Local Plan. There is no evidence before me that the use of the Appeal Site as a one pitch gypsy caravan site would place undue pressure on local infrastructure.

Main Issues

16. Having regard to the Local Plan I consider the main issue in this case is whether the impact of the gypsy caravan site use (as shown on Drawing No. TDA.2313.02 Rev A) would significantly harm the character or appearance of the Appeal Site or the surrounding area.

Reasoning

17. When the application was submitted to the Council the development had been carried out. Initially there were no plans submitted with the application indicating any proposed changes to the development that had been carried out.
18. Rhodri Crandon ("Mr. Crandon") on behalf of Tony Junge accepts that the close boarded fence and gates at the entrance to the Appeal Site and the close boarded fence around part of the site adjacent to the Wessex Water Compound ("that Water Compound") does have a substantial adverse visual effect upon the Appeal Site's immediate setting as seen from Sandbrook Lane.
19. However, Mr. Crandon explained that the Appeal Site is generally well screened by the natural undulating topography of the area and the mature stream-side trees associated with the River Cam. I also took the opportunity of trying to see the Appeal Site from Corkscrew Lane and, like Mr. Crandon, I was unable to identify the Appeal Site from there. Balancing the significant harm from Sandbrook Lane and the lack of harm from the wider area Mr. Crandon came of the view that the Appeal Site (in its current form) creates moderate harm to the landscape character and appearance. Mr. Crandon points out that the Council's former Landscape Architect ("Mr Archer") concluded in February 2017 that the visual impact of the development was considered to be "moderate adverse".
20. I do not wholly agree with these assessments. I consider the close boarded fencing and gates together the significant area of stoned hardstanding at the entrance creates such significant harm when seen from Sandbrook Lane that the lack of harm from other viewpoints does not reduce the overall harm to the character and appearance of the Appeal Site and the surroundings to moderate harm. In my view it remains as significant harm.
21. In July 2017 Mr. Crandon lodged landscaping and revised site layout proposals to amend the development. The main changes included:
 - a) The removal of the entrance fencing/gates and its replacement with post and rail fencing & matching gates.
 - b) A new access track from the gates to the area where the mobile home and shipping container would be sited together with an informal central verge.
 - c) The repositioning of the mobile home and shipping container.
 - d) Various soft landscaping proposals including trees and native understorey planting.
22. Mr. Archer commented on Mr. Crandon's proposed changes on 19 July 2017 and suggested three further improvements but nonetheless concluded that even if these changes were incorporated this would not overcome the harm to the character of the Appeal Site and the surrounding area.

23. Mr. Crandon submitted, as part of the appeal papers, a further revision which incorporates the majority of Mr. Archer's suggested improvements.
24. I have had full regard to the amendments suggested by Mr. Crandon. The stark uncharacteristic fencing and gates (including the fencing around the Water Compound) would be removed. The unacceptable extensive area of hardstanding, particularly at the entrance to the Appeal Site, would be reduced and the planting of native understorey and new trees would, in my opinion, transform the adverse visual impact of the current entrance and make it acceptable. Significant areas of new hedgerows would also be planted within the Appeal Site. A further extensive area of hardstanding within the Appeal Site would be replaced by a grassed area and the majority of the Appeal Site's perimeter would be planted with wildflowers.
25. I accept that the landscape character of the Appeal Site would change from that of being one of the pastoral fields in this area but the introduction of any gypsy caravan site in the open countryside is going to change the character of the parcel of land where the caravan site is provided. However, I have explained that there is no prohibition on gypsy sites in the open countryside within the Local Plan or at national level.
26. The mobile home and shipping container in their proposed positions would be largely screened from public view by those using Sandbrook Lane due to the extensive roadside hedge (which would be retained). Tony Junge has requested the retention of the close boarded fence immediately behind the roadside hedge so as to prevent light pollution from the mobile home spilling out onto Sandbrook Lane during the hours of darkness. I see no visual harm arising from the retention of this part of the close boarded fencing as it is largely screened by the roadside hedge. Further, Tony Junge is willing to retain that hedge at a height of not less than 2m (which reflects other hedgerows along Sandbrook Lane).
27. I agree with Mr. Crandon's assessment that once the proposed alterations to the hard landscaping have been carried out and when the new planting has been established the visual impact of the development will only have a slight adverse impact on the Appeal Site and the surrounding area. This is clearly a level of harm that is significantly less than the "significant adverse effect" referred to in Policy HG7 of the Local Plan.
28. Accordingly, I conclude for the reasons explained above that the impact of the residential use of this gypsy caravan site (as shown on Drawing No. TDA.2313.02 Rev A) would not significantly harm the character or appearance of the Appeal Site or the surrounding area. The gypsy caravan site use would be in accordance with the Local Plan.

Other Matters

29. I explained at the Hearing that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. I have concluded that the appeal proposal accords with the Development Plan.
30. The NPPF explains that development proposals that accord with an up-to-date development plan should be approved without delay.

31. I do not consider that it is necessary for Tony Junge to submit details of the treatment plant or the surface water disposal system as these have been in place for over two years and there is no evidence before me that these result in any planning problems.
32. Other material considerations have been raised both for and against this development. The main arguments against the development are:
- a) That Tony Junge did not seek planning permission for the development prior to carrying it out. Tony Junge explained why that was the case including that he was advised by contractors that certain elements of the development did not require planning permission. Both Tony Junge and his partner said that they did not know that planning permission was required. Once they had been informed of the need for planning permission an application was lodged quickly thereafter. Whilst there is no evidence before me that Tony Junge knew that planning permission was required I consider that as a man who carries on commercial businesses it would have been prudent to make enquiries as to what permissions (including planning permission) he needed prior to carrying out the development. This issue has caused considerable concern for the settled community who perceive the blatant breach of planning control as undermining a system which they adhere to. I consider that limited weight against the grant of planning permission should be attributed to this matter.
 - b) That there appears to be significant antagonism between some members of the settled community and Tony Junge and his family. However, Tony Junge explained that he uses the facilities in the locality, he attempts to be friendly and that his children socialise with other youngsters living in the settled community. I consider that the grant of planning permission would allow Tony Junge and his family to continue to integrate into the local community whilst still allowing Tony Junge and his family to continue their cultural lifestyle as gypsies. No weight against the appeal arises from this matter.
 - c) That the development carried out causes light pollution in what is otherwise a dark environment. Tony Junge is willing to only use external lighting that has been approved by the Council. Therefore any adverse light pollution (if any) that the residential use has resulted in can be addressed when details of external lighting are provided to the Council through an appropriately worded condition. No weight against the appeal arises from this matter.
 - d) That noise and disturbance is caused to residents living adjacent to Sandbrook Lane by Tony Junge's low loader returning to the Appeal Site late at night. Tony Junge disputed that he used the low loader late at night on any regular basis. Further, he agreed that he would leave his low-loader at his compound and that only domestic cars will be parked at the Appeal Site. This can be secured by the imposition of a planning condition and this will eliminate any noise problems. No weight against the appeal arises from this matter.
 - e) That the widening of the entrance to the Appeal Site and its residential use had resulted in harm to the ecology of the area. There is no evidence before me that these matters have had any adverse impact on ecology in the area. I was advised that the Council's ecologist raised no objection at the application stage. No weight against the appeal arises from this matter.

- f) That the residential use of the Appeal Site had resulted in highway safety issues along Sandbrook Lane. Clearly the introduction of the residential use has increased vehicular traffic along Sandbrook Lane. Sandbrook Lane is a rural single track road with some informal passing places. My impression was that vehicular use of Sandbrook Lane was very low and there was no evidence to the contrary. When vehicles meet other vehicles or horses travelling in the opposite direction one of the vehicles has to reverse to a suitable point where the vehicles/horses can pass one another. This is inconvenient but in my assessment it has no implications for highway safety. The inconvenience caused is likely to be short-lived and is part and parcel of living in an area served by narrow lanes. No weight against the appeal arises from this matter.
- g) That the residential use has increased the amount of litter along Sandbrook Lane. Tony Junge and his partner explained that they clear litter from Sandbrook Lane – they are not the cause of that litter. No weight against the appeal arises from this matter.
- h) That local residents suffered from nuisance caused by Tony Junge’s children’s use of motorcycles. I was informed by Tony Junge that the incidents referred to by local residents could not be attributed his children because they were back at the Appeal Site before the times of these incidents. Further, Tony Junge and members of his family had reported incidents of nuisance caused by motorcyclists along Sandbrook Lane to the Police. No weight against the appeal arises from this matter.
- i) That unspecified incidents had resulted in some members of the local community feeling intimidated by Tony Junge and his family. In my view there is nothing intimidating about the use of land as a gypsy caravan site per se. If the occupiers of such a site, and I am not saying they are in this case, cause anti-social behaviour which results in harm or fear of harm to others then these issues need to be addressed through the relevant agencies and cannot be resolved through the planning system. No weight against the appeal arises from this matter.
- j) That the Appeal Site is used in part by Tony Junge in connection with his businesses. Tony Junge explained that he did not and neither did he want to use the Appeal Site for such uses. There is no evidence before me that the Appeal Site is used for business purposes. A planning condition can be imposed to control this. No weight against the appeal arises from this matter.

Planning Balance – Appeals A & B

33. I have explained that the proposal complies with the Development Plan. Limited weight against the appeals arises from the matter referred to in paragraph 32(a) above. However, I remain firmly of the view that planning permission should be granted in this case.

Overall Conclusions – Appeal A

34. For the reasons given above:

- a) I shall uphold the Enforcement Notice with the correction explained above.

- b) I conclude that the appeal should succeed on Ground (a) and planning permission will be granted.
- c) The appeal on Ground (g) does not therefore need to be considered.

Overall Conclusions – Appeal B

35. For the reasons given above I conclude that the appeal should be allowed.

Formal Decision – Appeal A

36. It is directed that the Enforcement Notice be corrected by:

- (a) The deletion of the wording in paragraph 3 (a) and the substitution of the following wording, “Without planning permission, the making of a material change of use of the Land by the siting of a mobile home, a touring caravan and a shipping container on the Land for residential purposes, in the approximate location shown edged and hatched blue on the attached plan; and”
- (b) The deletion of the wording in paragraph 3 (b) and the substitution of the following wording, “Without planning permission, the carrying out of operational development connected with the above use, namely the creation of areas of hard standing, the erection of timber fencing and gates and the installation of a treatment plant”.

Subject to these corrections the appeal is allowed, the Enforcement Notice is quashed and planning permission is granted on the application deemed to have been made under Section 177(5) of the Act for the development already carried out, namely

- a) the use of the land at The Paddocks, Sandbrook Lane, North Cadbury, Yeovil, BA22 7BQ, as shown on the plan attached to the Enforcement Notice, for the siting of a mobile home, a touring caravan and a shipping container for residential purposes; and
- b) the creation of areas of hardstanding, the erection of timber fencing and gates and the installation of treatment plant on the land at The Paddocks, Sandbrook Lane, North Cadbury, Yeovil, BA22 7BQ, subject to the conditions set out in the Schedule of Conditions below.

Formal Decision – Appeal B

37. The appeal is allowed and planning permission is granted for the change of use of land to a gypsy caravan site and the retention of one mobile home, one touring caravan, one shipping container, treatment plant, hardstanding, gates and fencing at The Paddocks, Sandbrook Lane, North Cadbury, Yeovil, BA22 7BQ in accordance with the terms of the undated application, Ref 16/03476/FUL which was received by the Council on 4 August 2016 subject to the conditions set out in the Schedule of Conditions below.

Tim Belcher

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: H. M. Land Registry Plan for Title Number ST78206 and Drawing No. TDA.2313.02 Rev A.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 2) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).
Reason: To avoid any ambiguity as to who can occupy the site and to accord with Policy HG7.
- 3) No more than one mobile home, one touring caravan and one shipping container shall be stationed on the site at any time.
Reason: To avoid any ambiguity as to the number of caravans and shipping containers that can be stationed on the site and to limit the harm to the character and appearance of the area.
- 4) The mobile home, the shipping container and the dog kennel shall be sited in accordance with Drawing No. TDA.2313.02 Rev A within three months of the date of this permission.
Reason: To avoid any ambiguity as to the position of the mobile home, shipping container and dog kennel and to limit the harm to the character and appearance of the area.
- 5) No vehicles other than private domestic cars shall be parked on the site.
Reason: To ensure that large commercial vehicles are not kept at the site as their use (especially late at night) could result in noise and disturbance for local residents living adjacent to Sandbrook Lane.
- 6) No commercial or business activities whatsoever shall take place on the site.
Reason: To ensure that the use of the site does not have any adverse impact on the character or appearance of the area or the living conditions of the occupiers of properties adjacent to Sandbrook Lane.
- 7) No external lighting shall be retained or installed within the site unless details of the external lighting have been submitted to and approved in writing by the Local Planning Authority. Any such approved lighting shall be carried out in accordance with the approved details.
Reason: To ensure that no unacceptable light pollution results from any external lighting within the site.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other Order revoking and re-enacting that Order with or without modifications), no walls, fences or other means of enclosure other than those shown on Drawing No. TDA.2313.02 Rev A shall be erected on the site unless otherwise approved in writing by the Local Planning Authority. Any such development approved by the Local Planning Authority shall be carried out in accordance with the approved details.

Reason: To ensure that no harm to the character or appearance of the area results from unacceptable permitted development in the open countryside.

- 9) The hedge along the frontage of Sandbrook Lane shall not be reduced below the height of two metres unless otherwise agreed in writing by the Local Planning Authority.

Reason: The prevailing height of hedges along this part of Sandbrook Lane is about two metres. Further, the hedge screens the close boarded fence erected immediately behind it. If the hedge was reduced to a level whereby the fence was seen which may harm the character and appearance of the area.

- 10) The hard landscaping details shown on Drawing No. TDA.2313.02 Rev A shall be fully implemented within three months of the date of this permission.

Reason: To ensure that the harm caused by the close boarded fence and gates at the entrance to the site and the close boarded fence around the Water Compound is reduced.

- 11) The scheme of soft landscaping identified on Drawing No. TDA.2313.02 Rev A shall be implemented in its entirety during the first available planting season. Any trees or plants which within a period of five years from the date of this permission die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the site is adequately landscaped and to improve the visual amenity of the site.

APPEARANCES

FOR THE APPELLANT

Dr Simon Rushton BSc(Hons), MA, MA & MRTPI	Rushton Planning Limited
Rhodri Garth Crandon BA(Hons), Dip Landscape Architecture	Tirlun Design Associates Limited
Chris Stonard	Somerset Youth Offending Team
Tony Junge	Appellant
Sonia Crabb	Appellant's Partner

FOR SOUTH SOMERSET DISTRICT COUNCIL

Neale Hall BSc(Hons), Higher Degree (Professional Management), PGDip (Town & Regional Planning), MRTPI	Senior Officer (Planning)
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INTERESTED PERSONS

Malcolm Hunt – Chairman of North Cadbury & Yarlington Parish Council
Angela Hunt – Local Resident
Alan Brain – Local Resident
Marcus & Susan Gilbert - Local Residents
Eva Lagasse – Local Resident
Veronica Dunce – Local Resident

DOCUMENTS

Document 1 –	E-Mail from Chris Stonard to Simon Rushton dated 19 December 2018.
Document 2 –	Letter dated 22 August 2018 – Somerset County Council to Tony Junge & Sonia Crabb.
Document 3 –	Transport Care Plan dated 22 August 2018.
Document 4 –	Landscape Statement – Rhodri Crandon – November 2017.

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	18/03121/DPO	Application to modify a S106 agreement between South Somerset District Council, Somerset County Council, Waddeton Park Ltd and Michael John Berry and Joy Berry dated 13th October 2016 in relation to affordable housing obligations.	Land rear of Wayside Farm, Station Road, Ansford	Stonewater Ltd
12	WINCANTON	18/01892/REM	Reserved Matters application for the erection of 60 dwellings, including access, appearance, landscaping, layout and scale.	Land South Of Cemetery Lane Wincanton	Cavanna Homes (South West) Ltd
13	TOWER	18/01885/OUT	Erection of 3 dwellings	Hale Bungalow, Hale Lane, Cucklington	RT SH DJ BM Boyes
14	IVELCHESTER	18/03230/FUL	Erection of an agricultural building	Land at Limington Road, Ilchester	Mr Marcus Lloyd

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.

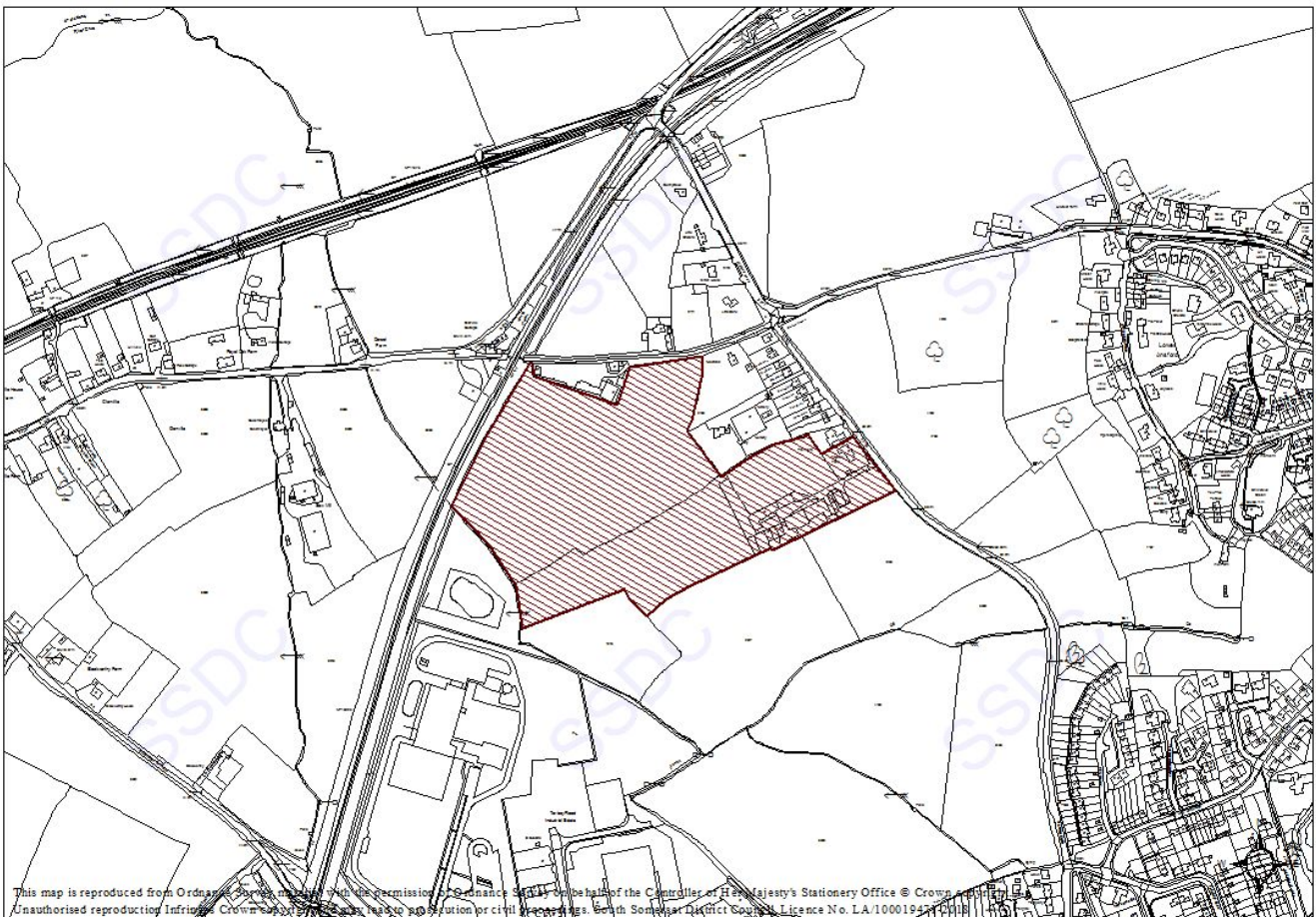
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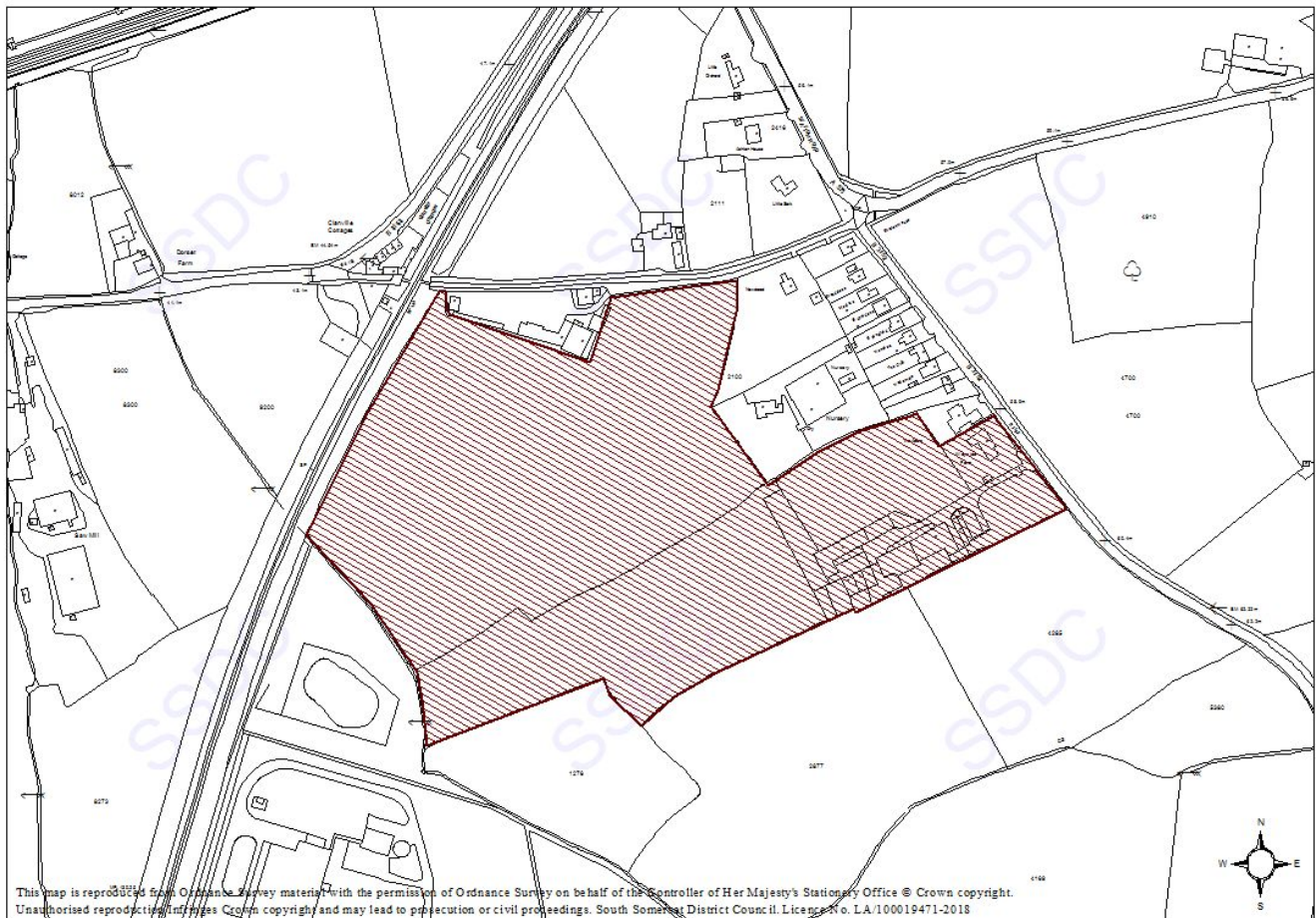
Officer Report On Planning Application: 18/03121/DPO

Proposal :	Application to modify a S106 agreement between South Somerset District Council, Somerset County Council, Waddeton Park Ltd and Michael John Berry and Joy Berry dated 13th October 2016 in relation to affordable housing obligations.
Site Address:	Land Rear Of Wayside Farm Station Road
Parish:	Ansford
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 :	23rd November 2018
Applicant :	Stonewater Ltd
Agent: (no agent if blank)	Clarke Willmott 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 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 vary a Section 106 agreement dated 13th October 2016 between South Somerset District Council, Somerset County Council, Waddeton Park Limited, and Michael John Berry and Joy Berry, which is an agreement relating to the following planning permission:

14/05623/OUT - Outline planning application for the demolition of all existing structures (including the farmhouse and agricultural buildings) and development to provide up to 125 residential units (including 35% affordable housing), associated landscaping, access and infrastructure - Application allowed on appeal 12/01/2017

The legal agreement secures 35% of the units as affordable housing, secures financial contributions towards sports, arts and leisure, secures the provision of a LEAP, secures the provision and maintenance of onsite public open space, secures financial contributions to education, and secures the provision and implementation of a travel plan.

The proposal originally sought to vary the agreement in relation to the provision of the LEAP and in relation to the affordable housing. The proposal has since been amended to relate solely to the affordable housing provision. The proposed variations are as follows:

- 1) To provide flexibility to the agreement of the "Affordable Housing Mix" and the trigger for the completion of the Dwellings in accordance with the Housing Mix by allowing this to be agreed in writing with the Council without the need for a further Deed of Variation
- 2) To change the requirements for the Affordable Housing Mix for one and two bed dwellings so as to remove the specified split between flats and houses for the 1 and 2 bed units and adjust the floorspace accordingly.
- 3) To increase the rent to be charged for Affordable Rented from 79% to 80% (as per the NPPF definition).
- 4) To vary the definition of The Scheme Standard to remove the reference to Code Level 3.

5) To update the Mortgagee in Possession wording to reflect the Council's current standard wording.

HISTORY

18/02986/REM - Reserved Matters application for the erection of 125 dwellings, open space, highways, car parking, landscaping and ancillary development - Pending consideration

18/02141/DPO - Application to part discharge a section 52 agreement dated 30/10/1987 preventing non-fragmentation of land between South Somerset District Council and Mr and Mrs M J Berry - Application permitted 14/08/2018

15/04066/OUT - Outline planning application for the demolition of all existing structures (including the farmhouse and agricultural buildings) and development to provide up to 125 residential units (including 35% affordable housing), associated landscaping, access and infrastructure (revised application) - Application refused 16/10/2015

15/00043/EIASS - Screening opinion for outline planning application for the demolition of all existing structures (including the farmhouse and agricultural buildings) and development to provide up to 125 residential units (including 35% affordable housing), associated landscaping, access and infrastructure - EIA not required 13/02/2015

14/05623/OUT - Outline planning application for the demolition of all existing structures (including the farmhouse and agricultural buildings) and development to provide up to 125 residential units (including 35% affordable housing), associated landscaping, access and infrastructure - Application allowed on appeal 12/01/2017

14/02906/OUT - Residential development of up to 75 dwellings, with associated means of access with all other matters reserved (appearance, landscaping, layout and scale) - Non determined (appeal against non-determination withdrawn)

POLICY

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

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

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy EQ2 - General Development

Policy HG3 - Provision of Affordable Housing

CONSULTATIONS

Ansford Parish Council -

"Ansford Parish Council is totally opposed to any reduction in the affordability of the units proposed and the long term allocation of the agreed proportion of affordable units on the development and therefore we are opposing this request to modify the existing agreement between SSDC and Mrs and Mrs Berry."

Castle Cary Town Council -

"This application was discussed at a Town Council Meeting on Monday 19th November 2018 and Castle Cary Town Council wish to raise concerns about the proposal to amend this S106 agreement."

The amendments propose to change far more than the affordable housing contribution and need to be

considered very closely.

The needs for community and leisure facilities in Castle Cary and Ansford have also changed considerably in the two years since the document was signed and, if changes are being made by the Owner, the Town and Parish Councils of Castle Cary and Ansford should be allowed to consider and consult on changes to the payments due under the S106 agreement."

SSDC Strategic Housing - No objections

REPRESENTATIONS

One letter of objection received from the occupier of a neighbouring property. They raise objections in the following areas:

- Loss of view
- Loss of tranquillity
- Houses not required
- Loss of property value
- Construction disturbance
- Inadequate screening from development
- Assurance that developers will not interfere with mature trees in objector's garden
- Incorrect name on one of the forms
- Railway station car park inadequate for increased commuters.

CONSIDERATIONS

The proposed changes to the section 106 agreement are all minor in nature. The impact of each is discussed in turn below.

- 1) To provide flexibility to the agreement of the "Affordable Housing Mix" and the trigger for the completion of the Dwellings in accordance with the Housing Mix by allowing this to be agreed in writing with the Council without the need for a further Deed of Variation.

This is a technical matter and would allow similar variations to be made in the future without the need for a formal deed of variation and the consequent need to involve solicitors. Any variation to the mix would still need to be agreed in writing with the LPA, and any such proposal would still be discussed and agreed with ward members prior to any agreement being offered. The proposal just allows for more flexibility in the system.

- 2) To change the requirements for the Affordable Housing Mix for one and two bed dwellings so as to remove the specified split between flats and houses for the 1 and 2 bed units and adjust the floorspace accordingly.

The S.106 is currently very specific on how many of the proposed 1 and 2 bed units will be flats and how many will be houses. The proposed variation would allow the developer to decide how many should be flats and how many should be houses, depending on what is most required at the time of development. The actual mix of units on site will be agreed through the subsequent reserved matters application.

- 3) To increase the rent to be charged for Affordable Rented from 79% to 80% (as per the NPPF definition).

The NPPF contains a definition of affordable housing for rent, which is as follows:

"Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent)."

The proposal variation would bring the definition contained within the legal agreement into line with this definition.

- 4) To vary the definition of The Scheme Standard to remove the reference to Code Level 3.

This relates to the Code for Sustainable Homes. The code is no longer mandatory, and the 'green' credentials of any new-build dwelling is best controlled through the requirements of the building regulations.

- 5) To update the Mortgagee in Possession wording to reflect the Council's current standard wording.

This is a simple update to reflect the current good practice.

Parish/Town Council and Neighbour Comments

Castle Cary Town Council have raised concerns about the other proposed changes to the legal agreement, specifically in relation to the LEAP provision. However, these variations have now been dropped from the proposal.

Ansford Parish Council have objected to the application as they are opposed to any reduction in the affordability of the units proposed and the long term allocation of the agreed proportion of affordable units. However, the reduction in affordability proposed is from a 21% reduction on market rent to a 20% reduction, in line with government guidance in the NPPF. Such a reduction is considered to be negligible and, in any case, to accord with national planning policies. The proposal would not represent a reduction in "*...the long term allocation of the agreed proportion of affordable units.*"

A neighbouring occupier has raised a number of concerns. However, these all relate to the impact of the actual development (which has already been allowed) and not to the matters under consideration here.

Conclusion

There are no other material planning reasons that are known, or have been brought to the council's attention, why the agreement should not be varied as requested. As such, the application is considered to accord with the aims and objectives of the NPPF and policy HG3 of the South Somerset Local Plan and is recommended for approval.

RECOMMENDATION

To agree to allow the variation of the Section 106 agreement dated 13th October 2016 between South Somerset District Council, Somerset County Council, Waddeton Park Limited, and Michael John Berry and Joy Berry and to refer the matter to SSDC Legal Services to prepare an appropriate deed of variation.

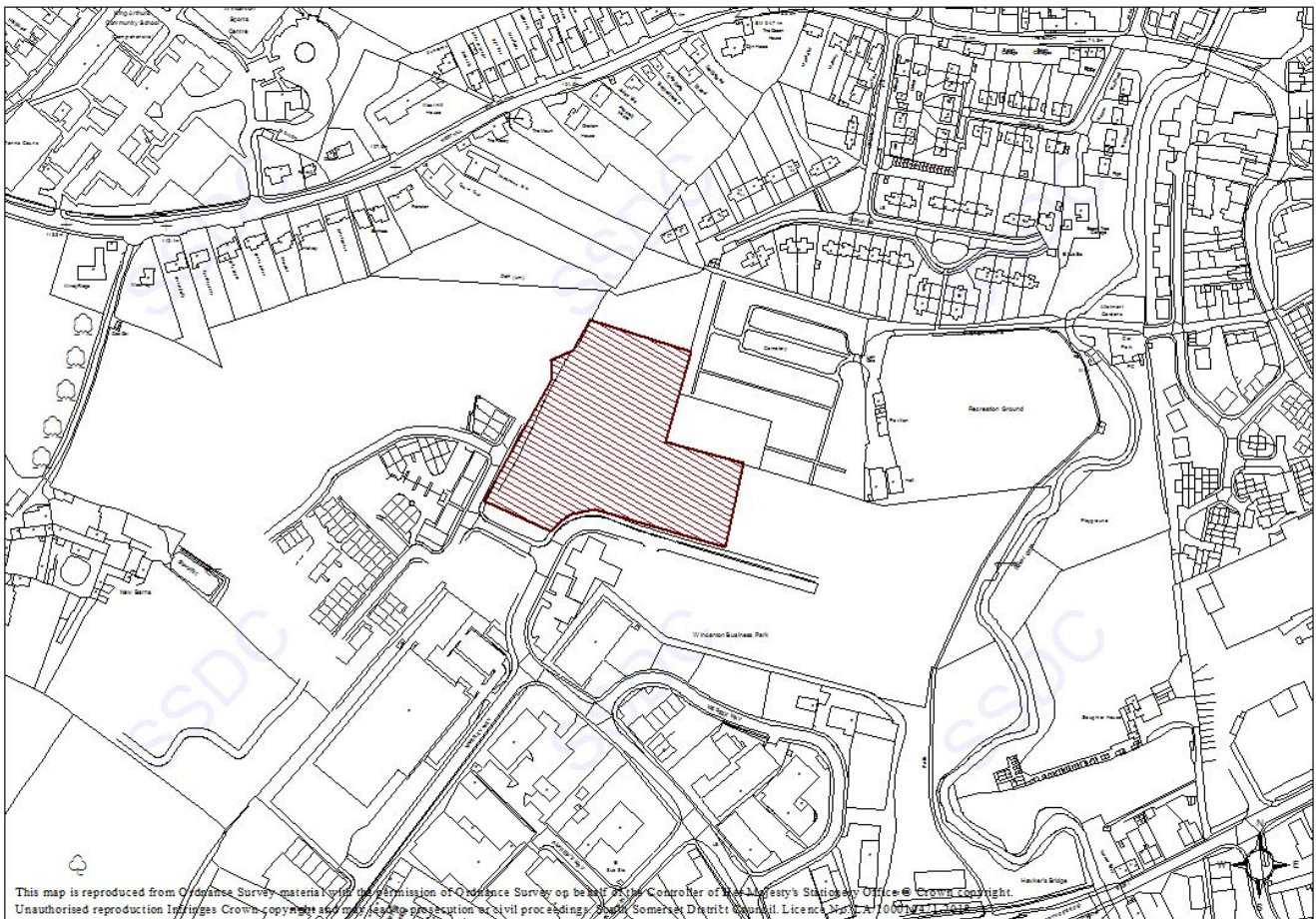
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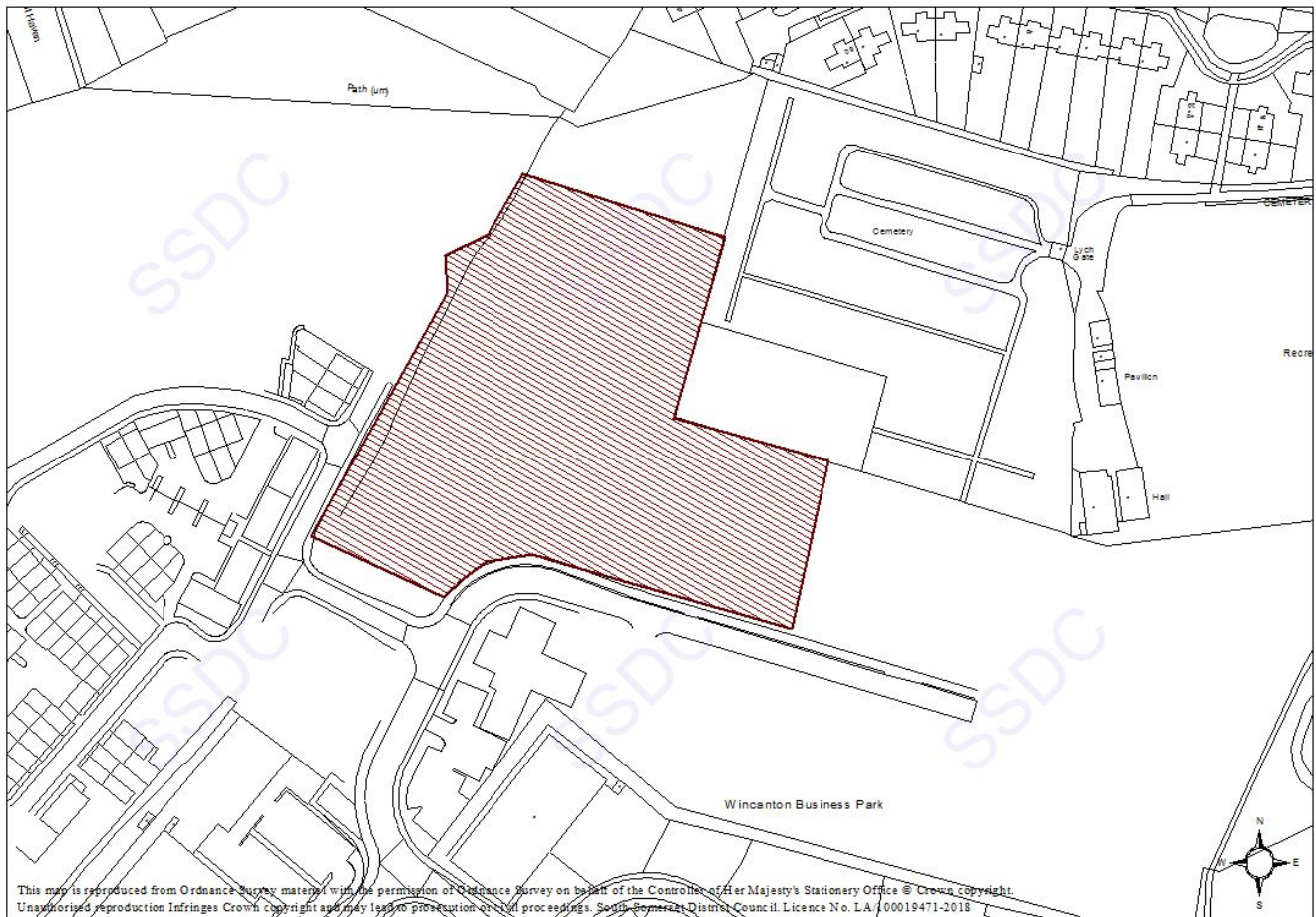
Officer Report On Planning Application: 18/01892/REM

Proposal :	Reserved Matters application for the erection of 60 dwellings, including access, appearance, landscaping, layout and scale.
Site Address:	Land South Of Cemetery Cemetery Lane 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 :	10th October 2018
Applicant :	Cavanna Homes (South West) Ltd
Agent: (no agent if blank)	Mr Robin Upton WYG Planning Hawkridge House Chelston Business Park Wellington TA21 8YA
Application Type :	Major Dwlgns 10 or more or site 0.5ha+

The application is before the committee, at the request of the ward members and with the agreement of the area chair, to seek clarity on footpaths to and from the two schools, ecology, and the relationship with the adjacent business park.

SITE DESCRIPTION AND PROPOSAL





This application seeks approval of the reserved matters for the residential development of land. Access was considered at the outline stage. The site consists of an area of open land laid to grass with some hedged and some open boundaries. The site is located within the development area as defined by the local plan. The site was master planned as a new primary school, and is subject to a legal agreement requiring it to be offered to the County Council for that purpose.

The site is close to various residential properties, including some still under construction, various commercial properties, and a cemetery.

The indicative layout plan considered at outline stage showed the provision of a new vehicular access from the unclassified highway known as Dyke's Way. The access was shown onto a new internal estate road serving 60 dwellings, in a mixture of flats and houses. The plan showed the provision of various pedestrian rights of way through the site, along with adopted road, private drives and parking courts.

The outline permission was approved subject to a variety of conditions, none of which the current application conflicts with. The outline permission was also subject to a section 106 agreement which dealt exclusively with the transfer of land elsewhere in the settlement to allow the expansion of the existing primary school rather than the building of a new school on the application site.

The detailed scheme now being considered shows the provision of 60 dwellings, served by roads with three points of access onto the existing public highway. The majority are of two storey design, although 4 buildings (containing 8 dwellings in total) will be of three storey design. The dwellings will be finished in a mixture of red brick and off-white render, below brown and grey tiles.

HISTORY

16/01659/OUT - Outline application with some matters reserved for residential development, associated landscaping, cycleway and footpath links and new vehicular access - Application permitted with conditions

01/11/2016

05/00960/OUT - The provision of a mixed use development comprising residential, employment, education and community uses with approximately 250 no. dwellings - Application permitted with conditions 28/12/2006

POLICY

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

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

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS5 - Delivering New Housing Growth

Policy SS6 - Infrastructure Delivery

Policy PMT4 - Wincanton Direction of Growth

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy HG3 - Provision of Affordable Housing

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

Policies of the Wincanton Neighbourhood Plan

Policy 7 - Housing Types

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development

Chapter 5 - Delivering a Sufficient Supply of Homes

Chapter 12 - Achieving Well-Designed Places

CONSULTATIONS

Wincanton Town Council - Recommends approval on the proviso that the current land owner is obligated to secure the cemetery extension on all sides and to replant hedgerows.

County Highway Authority - Initially raised several areas of concern. On the receipt of amended plans, they provided the following comments:

"The application is for the reserved matters from the outline consent (planning reference 16/01659/OUT) approved in November 2016. Access was not a reserved matter within this outline application and was considered in detail at that time, although the applicant now proposes significant alterations to the access arrangements for this development. I understand from the applicant that the Local Planning Authority (LPA) are happy to consider the access arrangements as part of this reserved matters application.

Comments within the previous formal response remain applicable regarding issues where no amendments have been proposed.

Travel Plan

The applicant has submitted a revised measures only Travel Plan (TP) for this development, in accordance with the LPA's decision at the outline planning stage. The applicant has confirmed that the TP will be finalised based

on any approved estate layout (rather than the layout currently included within the TP), and the TP would meet the required standard for approval on this basis.

Parking

The revised proposals have now removed parking places on carriageways which would be offered for adoption as public highway. This has reduced the available parking within the estate as whole, but the provision is still generally in line with the adopted Somerset County Council Parking Strategy (SPS), and as such the HA does not raise any objection.

The applicant has indicated their intention to provide secure cycle parking and electric vehicle charging facilities in line with SPS guidance, and it is recommended that this be conditioned on any planning consent.

Access

The applicant has provided revised designs that include three vehicular access points to Dyke's Way across the existing footway/ cycleway along the site's frontage with that road.

The HA previously raised concern regarding this altered access arrangement. However, the applicant has now provided details of their review of junction spacings to confirm they are appropriate and demonstrated that suitable visibility will be achieved. In addition, the form of these accesses has now been amended so that priority will be given to cycles and pedestrians on the footway/ cyclepath. The detail of these accesses will be reviewed at the design stage, but the HA confirms that the general arrangement shown on the submitted plans is acceptable and raises no objection to the revised access arrangements. However, a condition is recommended to ensure that the details of the access proposals are agreed and implemented prior to the occupation of any property on the estate.

The HA previously raised concern that the volume of vehicle traffic using the western 'mews' access to Dyke's Way would in practice be significantly higher than that using the main estate access. The applicant has accepted the principle of limiting use of this access, and the revised design now includes a feature aimed at preventing vehicular traffic using the mews road as a 'short cut', while still allowing through movements for pedestrians and cycles. The HA supports the principle of this arrangement, but concern remains regarding the proposed implementation of this feature and its effectiveness, particularly over the long term. A condition is recommended, should the LPA determine to approve this application, to ensure through vehicle movement on this mews court road is prevented.

Estate Roads

The Department for Transport (DfT) have now clarified their advice regarding the use of shared surfaces and confirmed that these can be used within residential estates such as this. However, the applicant should still bear in mind that it remains their responsibility to ensure shared surfaces are appropriate when used. This has particular importance with reference to the design of the northern estate road arm, with a 1.8m wide footway possibly at carriageway level and a separate 0.5m wide service strip. While this would not affect the grant of any planning consent, the applicant should be aware that the detailed design of this road, including widths and surface materials, would be reviewed as part of any consideration of its suitability for adoption.

Forward visibility is shown within the estate, but the splays fall outside of the proposed footways, and thus there is a risk of future obstruction. The footways should include minor widening where appropriate so that the splays fall within them. However, it is also noted that the land required for the forward visibility splays may be reduced, depending on the radius of the internal bends. At present the visibility splays have been constructed for a 15mph design speed, but speeds may in fact be lower at these bends and forward visibility may be reduced to suit. These issues may be considered at the detailed design stage, should the roads be put forward for adoption.

The applicant has submitted plans demonstrating the swept path of vehicles accessing the estate and turning within private streets such that they can egress in forward gear. While these are mostly acceptable, the swept path of the private car turning within the street at the north eastern estate corner (insert F of drawing VD18811-101.1) does not appear to work in practice. The swept path either appears to run over a kerbline, or a large area is left at level which is likely to be parked on rather than left free for manoeuvring. A condition is therefore recommended on any consent to require the applicant to submit plans for approval showing the proposed

parking and turning areas to ensure this issue is appropriately addressed.

The revised proposals now include a feature to prevent through traffic using the proposed mews road between Dyke's Way and the internal estate road, to address the HA's concerns regarding the unacceptably high volume of vehicle traffic that would otherwise use the access onto Dyke's Road. As stated above, while the HA supports the principle of this approach, the feature as designed is not suitable; the route for pedestrians is unclear and the apparent use of bollards may result in use by vehicle traffic in the longer term if not adequately maintained. As the mews road would not be suitable for adoption if offered, and will thus remain a private street, conditions are recommended to ensure the applicant submits a design that would provide appropriate access for pedestrians and cyclists but that would provide strong measures to prevent abuse by vehicular traffic, and to ensure the long term maintenance of this feature.

Conclusions

The applicant has submitted further details and amended proposals that have addressed the majority of the concerns raised by the Highway Authority. A number of issues remain outstanding, but these could be addressed by the imposition of suitable conditions, should the Local Planning Authority determine to grant approval of this reserved matters application."

They go on to recommend the use of conditions to:

- Secure details of suitable vehicular and pedestrian access to the development.
- Secure details of measures to prevent the through use of the Mews road by vehicular traffic to travel to and from the internal estate road to Dyke's Way, while still permitting such through use by pedestrians and cyclists.
- Ensure the gradients of the proposed drives are no steeper than 1 in 10.
- Secure appropriate street lighting.
- Secure properly consolidated parking and turning prior to the occupation of any buildings.
- Secure the provision of appropriate cycle parking.
- Secure the provision of appropriate electric vehicle charging points.
- Appropriate hardstanding in front of garage doors.

SSDC Streetscene Services - Calculates that the development should provide 0.23ha of informal open space on site. They note that only 0.03ha is provided, and that is not within the red line. On that basis they state that they require an additional 0.2ha of usable open space.

SSDC Ecologist - States that all necessary ecological issues have been dealt with through the outline application and discharge of conditions. He therefore has no further comments to make.

SCC Rights of Way - Notes the public footpath adjoining the site. They raise no objections to the scheme and note the duties of the developer in relation to the right of way.

Avon and Somerset Police - Initially raised concerns with the proposed layout. On the receipt of amended plans they confirmed that their concerns had been addressed.

REPRESENTATIONS

One letter was received from the occupier of a neighbour property. They raise no explicit objections or support, but raise several areas of concern:

- Indicative layout preferable due to access issues and 'sealing-off' of cemetery extension
- Footpath issues
- Ancient hedgerow removal and resulting adverse ecological impacts

CONSIDERATIONS

History and Principle of Development

The principle of development is established by outline permission 16/01659/OUT.

Highways

The county highway authority has considered the scheme in detail. On the receipt of amended plans, they raised no objections to the proposal, subject to a number of conditions being imposed on any permission. Such conditions, with some alteration to their wording, are considered to be reasonable and necessary.

As such, subject to suitable conditions, it is considered that there will be no significant adverse impact on highway safety in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

Visual Amenity

The position and quantum of development was established at reserved matters stage. A detailed landscaping scheme has been submitted, which is considered to be acceptable. The proposed design of the buildings and layout are considered to be acceptable from a visual amenity point of view. The proposed materials are considered to be appropriate to the context.

As such, the proposal is considered to be of a satisfactory standard of design that would have no adverse impact on visual amenity in compliance with policy EQ2 of the South Somerset Local Plan.

Residential Amenity

It is not considered that the window layout and general bulk of the dwellings are such that they would give rise to undue overlooking or an overbearing relationship with neighbouring properties. Therefore the proposal would not harm residential amenity.

Open Space

No contributions were secured at the outline stage (due to the school land issues, which were considered in detail at that stage), including onsite open space. As such, notwithstanding the request of SSDC Streetscene Services, there is no mechanism in place to secure their formally requested provision. However, it is noted that the site will have very good links to existing open space in close proximity to the site. As such, the lack of onsite open space is considered to be acceptable on this occasion.

Other Matters

The town council has recommended approval of the scheme on the proviso that the current land owner is obligated to secure the cemetery extension on all sides and to replant hedgerows. However, the land in question is not within the applicant's ownership or control, and its provision as a cemetery extension is not linked to the application being considered. As such, it would not be reasonable to impose any conditions on the developer relating to the three side of the land that do not border their site. It is proposed to plant a native species hedge along the boundary of their site with the land, which is considered to be sufficient.

A neighbour has indicated that they preferred the indicative layout submitted at outline stage. However, that layout was indicative only and in no way binding on the applicant. As discussed above, the currently proposed layout is considered to be acceptable.

A neighbour has raised a concern regarding the impact on a nearby footpath. However, SCC Rights of Way has considered the scheme and raised no objections.

A neighbour has raised a concern regarding the proposed loss of a hedgerow and the resulting ecological impacts. However, the SSDC ecologist is satisfied that there will be no adverse impacts on protected species and that ecological issues have been properly considered through the outline permission and discharge of relevant conditions.

Policy 7 of the Wincanton Neighbourhood Plan sets out what housing types should be provided in new developments. It states that "*...new homes provided as part of a development scheme should fall within one or more of the following categories:*

> 1 and 2 bedroom homes (a significant proportion of which should be designed to cater for an ageing population, including bungalows, and are encouraged to have room sizes that meet the national prescribed

standards)

> 3 bedroom homes (with reasonable sized gardens to allow informal play) unless there are demonstrable reasons why this is not possible or desirable. On large sites of 10 or more homes, at least 50% of dwellings should be provided as 1 or 2 bedroom homes, where practical providing accommodation suitable for an ageing population (particularly in locations within easy walking distance of local shops and facilities)."

The application proposal is for 20 two-bed dwellings, 37 three-bed dwellings, and 3 four-bed dwellings. The proposal therefore does not comply with the above policy as 50% of the dwellings are not one or two bedroomed, and 3 four-bedroom properties will be provided. However, a significant majority of the dwellings fall within the permitted categories and, as such, it is considered that any harm arising will be limited and not significant enough to warrant refusal of the scheme. It is also recognised that the outline scheme was developed and determined before the neighbourhood plan was adopted and wholesale changes to the makeup of the scheme would be difficult after the outline scheme has been determined.

Conclusion

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

RECOMMENDATION

Permission be granted for the following reason:

01. The proposal, by reason of its size, scale and materials, respects the character of the area, and causes no demonstrable harm to residential amenity or highway safety in accordance with the aims and objectives of policies EQ2, TA5 and TA6 of the South Somerset Local Plan and the aims and provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans:

LP.01-P3
SL.01-P12
ML.01-P6
RS.01-P6
SH.01-P7
SS.01-P1
CSL.01-P3
DCS-A
HT.RIP.pe-1P4
HT.RIP.pe2-P3
HT.BRA.pe1-P3
HT.BRA.pe2-P2
HT.BRA.pe3-P2
HT.STE.pe1-P2
HT.STE.pe2-P2
HT.BRO.pe-P2
HT.LON.pe-P3
HT.CHI.pe2-P2
HT.COR.p-P2
HT.COR.e1-P2
HT.COR.e2-P2
P.3-4.p-P2
P.3-4.e-P2
P.5-6.p-P2
P.5-6.e-P1
P.13-14.p-P2

P.13-14.e-P2
 P.36-37.p-P2
 P.36-37.e-P1
 P.38-40.p-P2
 P.38-40.e1-P2
 P.38-40.e2-P2
 P.54-56.p-P2
 P.54-56.e-P2
 P.59-60.p-P2
 P.59-60.e-P2
 GAR1.pe-P2
 GAR2.pe-P1
 GAR4.pe-P2
 GAR5.pe-P1
 Cut and Fill 183852-GA-002
 Drainage Layout 183852-PDL-001
 Finished Levels 183852-GA-001
 Long Sections 183852-P-001-Profiles-Layout1
 493_01 Planting Plan 01_Rev E
 493_01 Planting Plan 02_Rev E
 493_01 Planting Plan 03_Rev E
 Tree Protection Plan 05071 TPP.AIA 8.5.18
 Ecology Technical Note 30 May 2018
 Flood Risk Addendum 183852-FN-001
 Micro Drainage Calcs SWSNT1
 Micro Drainage Calcs SWSNT2
 Micro Drainage Calcs SWSNT3

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 specified on drawings 493/01E, 493/02E and 493/03D, shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the character and appearance of the area in accordance with policy EQ2 of the South Somerset Local Plan.

03. No part of the development hereby permitted shall be occupied or brought into use until the construction of suitable vehicular and pedestrian access to the development has been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

04. No part of the development hereby permitted shall be occupied or brought into use until details of measures to prevent the through use of the Mews road by vehicular traffic to travel to and from the internal estate road to Dyke's Way, while still permitting such through use by pedestrians and cyclists, have been submitted to and approved in writing by the Local Planning Authority. Such measures are to be implemented in accordance with the approved plans prior to the occupation of any dwelling served by the Mews road or by the estate road north of its access with the Mews road, and shall be maintained in the agreed form thereafter at all times.

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

05. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
- Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.
06. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed within the development in accordance with a design and specification to be approved in writing by the Local Planning Authority.
- Reason: In the interests of highway safety and in accordance with policy TA5 of the South Somerset Local Plan.
07. No building shall be occupied or otherwise used for any purpose until properly consolidated and surfaced parking spaces and turning areas for vehicles have been constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning areas shall be kept clear of obstruction at all times and not used other than for the turning of vehicles in connection with the development hereby permitted.
- Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.
08. Prior to first occupation of any dwelling secure covered cycle parking at the rate of one space per bedroom shall be provided for that dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.
09. Prior to first occupation of any dwelling facilities for the charging of electric vehicles shall be provided for that dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of green travel and in accordance with policy TA1 of the South Somerset Local Plan.
10. In front of every garage hereby approved, there shall be an area of hard standing at least 5.5 metres in length (as measured from the nearside edge of the highway to the face of the garage doors) where the doors are of a roller shutter/sliding/inward opening type and at least 6 metres in length where the doors are of an up-and-over type.
- Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

Informatives:

01. The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to existing or proposed public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.
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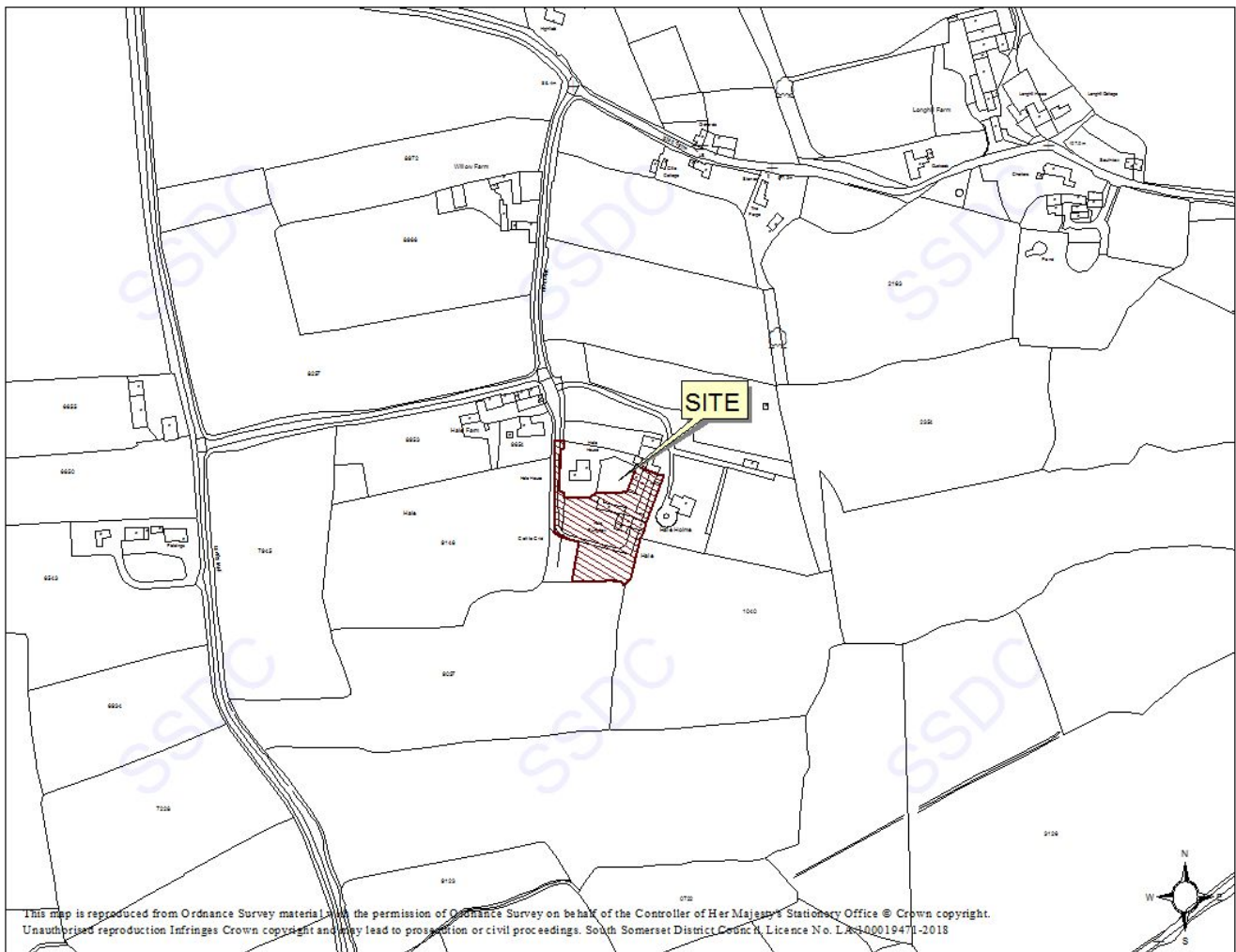
Agenda Item 13

Officer Report On Planning Application: 18/01885/OUT

Proposal :	Redevelopment of site by the erection of 3 dwellings
Site Address:	Hale Bungalow Hale Lane Cucklington
Parish:	Cucklington
TOWER Ward (SSDC Member)	Cllr Mike Beech
Recommending Case Officer:	Neale Hall Tel: 01935 462363 Email: neale.hall@southsomerset.gov.uk
Target date :	9th August 2018
Applicant :	RT SH DJ BM Boyes
Agent: (no agent if blank)	Mr Paul Dance Paul Dance LTD 11 North Street Stoke Sub Hamdon Somerset TA146QQ
Application Type :	Minor Dwellings 1-9 site less than 1ha

Referral for referral to committee:- To obtain a balanced decision given the local interest in this application

SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for the redevelopment of adjoining commercial and agricultural buildings through the construction of two houses and a replacement house to the existing bungalow. The dwellings are proposed to be two storey with two being self build properties for family members. All matters, with the exception of access are reserved for future consideration. The site consists of a bungalow and adjacent commercial and agricultural buildings all in fairly poor condition. The site is located outside of the physically defined development area on the edge of a small cluster of residential properties and farm buildings divorced from the main settlement of Cucklington and therefore the site is considered to be in open countryside.

The existing vehicular access is proposed to be used with internal arrangements for turning and parking to be considered at the reserved matters stage.

RELEVANT HISTORY

940845 - the change of use to former garage and store to parking storage and repair of agricultural equipment in connection with agricultural engineering business.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and 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 EP3 - Safeguarding Employment Land
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards
Policy HG3 - Provision of Affordable Housing
Policy HG5 - Achieving a Mix of Market Housing

National Planning Policy Framework
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 15 - Conserving and enhancing the natural environment

CONSULTATIONS

Cucklington Parish Council - Recommends refusal for the the following main reasons:-

The application is inaccurate and therefore invalid, the proposal exceeds the adopted village plan and will alter the character of the area, the location is unsustainable, the two storey dwellings will alter the character and materially damage the residential amenity of adjoining properties.

County Highway Authority - No Objection subject to conditions

SSDC Highways Consultant - Refers to SCC

Archaeology - No objection

REPRESENTATIONS

A number of letters of objection have been received. The applicant has responded to a number of the objections raised. One letter of support has also been received. The representations raised the following issues:

- Inaccurate application and plans, not in accordance with the adopted village plan, increased vehicular traffic, Highway safety, unsustainable location, impact on residential amenity, loss of commercial premises, water supply insufficient, sewage, electric supply routing, contamination of buildings and ground, right to enjoy current outlook, outside settlement, limited services.
- The proposal would detrimentally impact upon the rural character and appearance of the locality.
- Impact on trees.
- Need for housing, tidy up brownfield site, no impact on area, in reach of services at Wincanton.

CONSIDERATIONS

Principle of Development

The site is located outside of the development area, where development is usually strictly controlled. Policy SS2 of the local plan allows for some development in rural settlements with basic facilities, such as Cucklington. However, whilst the site is in the parish of Cucklington, it is outside the main built form of the settlement, along narrow country roads with no pavements or street lights. As such, the future occupiers of any dwellings on this site are likely to be dependent on the private motor vehicle for their day to day needs. The site is not considered to be within the rural settlement of Cucklington and, consequently, the exceptions to restrictive rural development policies set out by policy SS2 are not considered to apply.

Whilst it is accepted that that there will be a social benefit in providing a contribution towards the supply of housing within the district, there will clearly be an adverse impact on the environment in terms of the likely reliance of future occupiers on the private motor vehicle for all of their daily needs. It is not considered that the benefit of providing two additional dwellings towards the housing supply in South Somerset, even when combined with the small economic benefit of employment during the construction phase, is significant enough to outweigh the harm to the environment that would be created by the provision of dwellings in this location outside

of any significant settlements and remote from services, facilities, and employment opportunities. Furthermore, the scheme does not accord with the aims of paragraph 170 of the NPPF for diverging from restrictive countryside development policies.

It is also considered the loss of the agricultural engineering business would be contrary to Policy EP3 and no justification has been given.

As such, in line with concerns raised by representations, the principle of three two storey dwellings in this location is not considered to be acceptable, and does not accord with the policies of the local plan and the aims and objectives of the NPPF.

Highways

The highway authority considered the impact of the scheme on the local highway network. In planning terms it is considered the application is not in an accessible sustainable location. There are no footpaths to the roads linking to the limited village services. The reduced visibility and nature of the roads (whilst considered by highways to be acceptable) is of concern in respect of pedestrian safety due to the lack of dedicated footway and distance from the village. It is therefore considered the proposal is contrary to the aims of policy EQ2 and paragraph 91 of the NPPF.

Visual Amenity

The proposal lies to the South of Cucklington on the edge of a small group of buildings in open countryside. The start of the linear main built area of the village is located approximately 750m to the north via road and it is here where the residential core of the village is established. The wider pattern of the parish also includes limited dispersed farmsteads and cottages that lay beyond the village edge. Once away from the small development clusters the context is clearly rural in between.

It is clear that the application site lays at some distance from the main village and is unrelated. In laying to the south of the village, the plot projects a residential use into the open countryside setting. National planning guidance seeks to protect the character of the countryside, and local plan policy EQ2 seeks to conserve local character and reinforce local distinctiveness. By definition, the proposal will result in an erosion of the countryside - by virtue of domestic expansion, of a residential expression within this rural context. Consequently it is considered the proposal is contrary to policy EQ2 and Chapter 15 of the NPPF.

Given the above conclusions, and in accordance with local concerns, it must be considered that the proposal would have an adverse impact on the character of the locality contrary to local plan policy EQ2 and the aims and provisions of the NPPF.

Representations

In considering the representations it is to be noted the applicant submitted an amended site plan to address some of the concerns over boundaries and highway ownership. The applicant also responded to some of the points of objection raised by contributors. In terms of insufficient water supply, sewage matters, electric supply routing (utilities); this is a matter for the applicant to address. The potential impact on trees and protection would be a matter to be considered at the reserved matters stage. The enjoyment of the outlook is not a material planning consideration as it is well documented there is no right to a view in planning terms. Potential contamination issues would be dealt with at reserved matters stage. The need for housing in the District is accepted, however the above considerations address this issue in relation to this specific site. The site is not considered a brownfield site due to a lack of maintenance of the buildings in use.

Conclusion

The principle of development in this location is not considered to be acceptable. The proposed housing is located in an unsustainable unsafe location. The impacts on the character of the area and highway safety matters arising are considered to be unacceptable.

RECOMMENDATION

Refuse for the following reasons:

SUBJECT TO THE FOLLOWING:

01. The proposal would represent new residential development in open countryside, for which an overriding essential need has not been justified. The application site is remote from local services and as such will increase the need for journeys to be made by private vehicles. This identified harm is not outweighed by the contribution of the proposal towards the supply of housing in the district or by any other perceived benefit arising from the scheme. The proposed development therefore constitutes unsustainable development that is contrary to policies SD1, SS1 and SS2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.
 02. The proposal, by reason of its location would represent an unsafe location for residential development contrary to policy EQ2 and Paragraph 91 of the NPPF.
 03. The proposal, by reason of its siting, would be at odds with the character of the area and local landscape contrary to policy EQ2 of the South Somerset Local Plan and the aims and provisions of the NPPF.
-

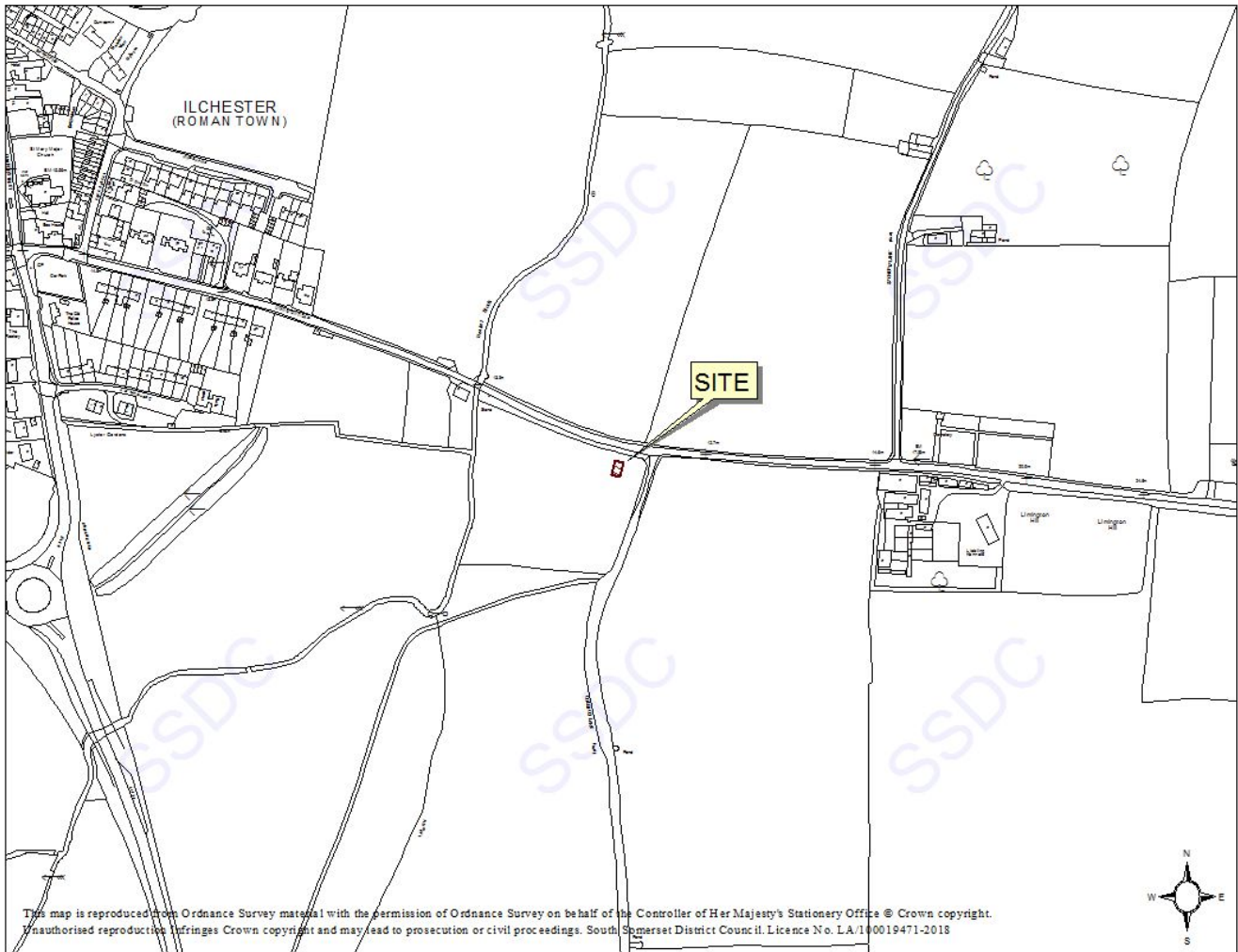
Agenda Item 14

Officer Report On Planning Application: 18/03230/FUL

Proposal :	The erection of an agricultural building for the storage of farm machinery.
Site Address:	Land At Limington Road Ilchester
Parish:	Limington
IVELCHESTER Ward (SSDC Member)	Cllr A Capozzoli
Recommending Case Officer:	Neale Hall Tel: 01935 462363 Email: neale.hall@southsomerset.gov.uk
Target date :	4th December 2018
Applicant :	Mr Marcus Lloyd
Agent: (no agent if blank)	
Application Type :	Minor Other less than 1,000 sq.m or 1ha

Reason for referral to Committee:- Ward member would like the committee to consider the acceptability of siting of the building in this location contrary to officer recommendation.

SITE DESCRIPTION AND PROPOSAL





The site lies to the east of Ilchester in open countryside with the road characterised by hedges to either side with open views over the countryside beyond to the north and more restricted views during summer to the south. The site is also in a zone 3b flood risk area.

This application seeks permission for the erection of an agricultural building for the storage of farm machinery. The site area is 1.192 Ha or approximately 3 acres. The building is proposed to be located in the north eastern corner of the site near the road. The building would be constructed of green metal sheeting on a 15 cm concrete base and measure approximately 9m x 6m x 4m with two 4.5 m roller garage type doors with a mono pitch roof. No details have been provided of the existing ground levels and proposed floor levels.

The existing use of the site has been described on the application form as farm implement store and tractor for use with cattle.

There are a number of structures already present in both corners of the field behind the hedgerows near the roadside. There is no record of any permissions relating to these structures and no permitted development rights exist for the erection of buildings on this size of unit.

HISTORY

18/02283/AGN - non determined
16/02013/PREAPP

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and 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 SS2 - Development in Rural Settlements
- Policy EQ2 - General Development
- Policy TA5 - Transport Impact of New Development
- Policy TA6 - Parking Standards
- Policy EQ1 - Addressing Climate Change in South Somerset
- Policy EQ2 - General development

National Planning Policy Framework

- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment

CONSULTATIONS

Limington Parish Council - No response received

County Highway Authority -Standing advice

SSDC Highways Consultant - No Objection

Historic England - No comments

Environment Agency - Standing advice applies

Archaeology - No Objections

REPRESENTATIONS

None received

CONSIDERATIONS

The site is located in the open countryside within a defined flood risk area of high vulnerability and as such development is directed away from these areas in the first instance. The submitted flood risk assessment is merely a statement and not a technical document of any robust standard or technical format and does not include any detailed calculations that would be expected to justify development in a high risk area. The applicant has not provided any satisfactory statement of justification for the provision of a building associated with agriculture use.

Principle of Development

The application is deficient of any justification or Flood Risk Assessment of any standard that would be expected to attempt to justify a proposal in this location given the site constraints. The lack of substantive information can only undermine the validity of the application.

The site is in a Zone 3b Flood Risk Area where only essential infrastructure is permitted (subject to criteria) and this proposal does not comply with PPG - Flood risk and coastal change Paragraph: 064 Reference ID: 7-064-20140306 where Table 3: Flood risk vulnerability and flood zone 'compatibility' applies in this respect. In these circumstances the application of the sequentail test is not required.

The site is located outside of the development area, where development is usually strictly controlled. Policy SS2 of the local plan allows for some scale development in rural settlements with basic facilities. The landscape impact of the proposal would be detrimental to the surrounding open countryside.

However, the scheme does not accord with the aims of paragraph 170 of the NPPF for diverging from restrictive

countryside development policies.

The principle of the development is clearly contrary to the development plan in force and therefore unacceptable being contrary to policies of the local plan and NPPF.

It is therefore considered that the development in principle is unacceptable.

Conclusion

The applicant has failed to provide any substantive justification for a development within the open countryside and fails the criteria set out in PPG Flood risk and coastal change Paragraph 64, being in a high risk flood zone.

RECOMMENDATION

Refuse for the following reasons:

01. The proposal would represent new development in open countryside, for which an overriding essential need has not been justified. The proposed development therefore constitutes unsustainable development that is contrary to policies SD1, SS1 and SS2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.
 02. The site is in a Zone 3b Flood Risk Area and does not comply with National PPG Flood risk and coastal change Paragraph: 064 and is contrary to South Somerset Local Plan (2006-2028) policy EQ1 in this respect.
-