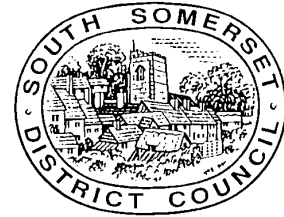


**South Somerset District Council**

*Notice of Meeting*



# Area East Committee

*Making a difference where it counts*

**Wednesday 13th February 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 **10.15am**.

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

This Agenda was issued on Tuesday 5 February 2019.

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



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

## **Information for the Public**

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

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

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

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

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

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

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

## **Public participation at committees**

### **Public question time**

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

### **Planning applications**

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

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

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

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

The order of speaking on planning items will be:

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

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

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

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

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

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

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

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

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# **Area East Committee**

## **Wednesday 13 February 2019**

### **Agenda**

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

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

To approve as a correct record the minutes of the previous meeting held on Wednesday 9<sup>th</sup> January 2019.

#### **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 13<sup>th</sup> March 2019 at 9.00 am.

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

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

## **7. Reports from Members**

### *Items for Discussion*

- 8. South Somerset Community Accessible Transport Update** (Pages 6 - 8)
- 9. Area East Neighbourhood Policing Update** (Page 9)
- 10. Area East Committee Forward Plan** (Page 10)
- 11. Planning Appeals (For Information Only)** (Page 11)
- 12. Schedule of Planning Applications to be Determined by Committee** (Pages 12 - 14)
- 13. 18/02986/REM\*\* - Wayside Farm, Station Road, Ansford** (Pages 15 - 26)
- 14. 18/02992/FUL - The Old Cider House, Alford Well, Farm Lane, Alford** (Pages 27 - 32)
- 15. 18/02145/OUT - Land Adj Highbrook, Devenish Lane, Bayford** (Pages 33 - 38)
- 16. 18/01931/COU - The Club House, Henstridge Sports And Leisure Centre, Marsh Lane, Henstridge** (Pages 39 - 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

## **South Somerset Community Accessible Transport Update**

Representatives from South Somerset Community Accessible Transport will attend Area East Committee to provide a brief verbal update on the service and to discuss contents of update report provided as appendix A.

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## **Appendix A – South Somerset Community Accessible Transport - Annual Report 2018/19**

*Report by: Mike Rowlands, Operations Manager, SSCAT*  
*Contact Details: [sscatbus@gmail.com](mailto:sscatbus@gmail.com) or (01963) 34594*

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

In September 2017 SSCAT experienced a severe financial setback when its bid for continued National Lottery funding was unsuccessful. As a consequence, its budgeted revenue funding shortfall was in the region of £36,850 (excluding depreciation on vehicles) and urgent action was needed to address this immediate substantial deficit and prepare a medium/long term plan to place the charity on a more secure financial footing.

The first, and most necessary, course of action was to review our charging structure. Although we pride ourselves on maintaining an affordable local community transport service, it was clear that we could not survive on the rates then being charged. On 1 January 2018, fare charges were increased by approximately £2 per person per return journey, or £1 for bus pass holders (with the other £1 being reclaimed under the SCC discretionary concessionary fares scheme). Fares were increased again on 1 January 2019 to cover inflation. Our passengers have been very understanding of the necessity for this increase and, not wanting to lose SSCAT, have supported our action.

Local town and parish councils were asked for their support through an annual precept allocation, which received 15 positive responses from the 25 councils in the SE Somerset area, amounting to £8650. This support has proved invaluable in providing much needed certainty and continuity of funding.

In addition, the Friends of Wincanton Community Hospital have pledged £9000 a year over 3 years (2018, 2019 and 2020) and a number of additional fundraising initiatives aim to raise over £6000 in 2018/19. We have been successful in being selected by the Co-op as one of its charities to be supported in 2019 in raising funds towards computerising our bookings, servicing/maintenance records and management/admin systems.

We have also looked at our costs and planned small savings in a few areas. Inevitably however our largest costs are vehicle maintenance, fuel and salaries, all of which will increase and are unavoidable.

Our budget for 2018/19, with the above action and support, is aiming to hit a break-even target (excluding depreciation on vehicles) by March 2019.

Local businesses have been issued with our latest newsletter to make them aware of our services and to gain their support.

SSCAT minibuses are a vital link in helping to maintain or create new connections for the people of SE Somerset; they also meet the governments' current remit of helping prevent isolation and loneliness.

There is little doubt that funding of the SSCAT 'Ring & Ride' service to cover all operational revenue costs, even with the current support from councils and other funders, will be challenging. Over the next year or so, we will also need to replace one of the older minibuses, which we aim to achieve through further fundraising.

Local town and parish councils' support is therefore an essential component in our financial recovery plan and is very much appreciated. We hope to receive their continued support.

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

**Statistics: Jan – Dec 2018**

**Calendar Year**

	<b>2017</b>	<b>2018</b>
<b>Total mileage</b>	<b>68477</b>	<b>68207</b>
<b>Single passenger journeys</b>	<b>23698</b>	<b>24032</b>
<b>Group journeys</b>	<b>281</b>	<b>292</b>
<b>Social car single passenger journeys</b>	<b>1166</b>	<b>1332</b>

{Average journey length (2018) in 'Ring & Ride CAT bus = 2.8 miles}

As reported last year, an area of concern is the DfT consultation about the future operation of Section 19 & 22 permits (which allow the use of paid, non PSV drivers). A possible outcome could require SSCAT (and other CT operators) to hold a PSV 'O' Licence and all drivers a PCV D1 (by test) and Driver Certificate of Professional Competence. Other additional requirements are also mandatory eg fitting of tachographs in every vehicle, class VI MOTs etc. This would come with significant cost implications if introduced and would seriously challenge the viability of Community Transport. The DfT is undertaking further work in order to determine the final approach to take and has delayed its intended response which was due last autumn.

In December 2018 we became a casualty of Somerset County Council cuts when we were given notice that our school contract for King Arthurs would be terminated on 15<sup>th</sup> February 2019 (for a contract that should have run until 31 July 2023). This came as very disappointing news and will result in a loss of income in the region of £12,800.

**M M Rowlands**  
**Operations Manager**  
**SSCAT**

**4 February 2019**



# Agenda Item 9

## **Area East Neighbourhood Policing Update**

Representatives from Avon and Somerset Police will attend Area East Committee to provide a brief verbal update on local policing matters for the area.

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# Agenda Item 10

## **Area East Forward Plan**

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

## **Purpose of the Report**

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

## **Recommendation**

Members are asked to:-

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

## **Area East Committee Forward Plan**

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

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

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

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

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

**Background Papers:** None

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## Appendix A

### Area East Committee Forward Plan

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background and Purpose</b>	<b>Lead Officer</b>
<b>13 March 19</b>	Caryford Hall Community Grant	Update Report	Pam Williams
<b>13 March 19</b>	Wincanton Town Centre Strategy	Update report to include outcome of public consultation and next steps	Pam Williams/Peter Paddon
<b>13 March 19</b>	Allocation of the Members Discretionary Budget	To allocate the Members Discretionary Budget.	Tim Cook
<b>13 March 19</b>	Citizens Advice South Somerset	Update Report	Angela Kerr, Citizens Advice South Somerset
<b>12 June 19</b>	Area Delivery Plan	Progress Report	Stephen Barnes

# Agenda Item 11

## **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**

18/02585/PAMB - Chestnut Farm Thorn Castle Cary.  
Notification for prior approval for the change of use of agricultural building to 1 No. dwelling (Officer Decision)

### **Appeals Allowed**

None

### **Appeals Dismissed**

None

**Background Papers:** None

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# Agenda Item 12

## Schedule of Planning Applications to be Determined by Committee

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

### Purpose of the Report

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

### Recommendation

Members are asked to note the schedule of planning applications.

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

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

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
13	CARY	18/02986/REM	Reserved Matters application for the erection of 125 dwellings, open space, highways, car parking, landscaping and ancillary development.	Wayside Farm Station Road Ansford	Engie Regeneration Ltd and Stonewater Developments Ltd
14	CARY	18/02992/FUL	Change of use of an existing timber stable block to a boarding cattery of up to six pens	The Old Cider House, Alford Well Farm Lane, Ansford	Mrs Petra Hughes
15	TOWER	18/02145/OUT	Outline application for the erection of a two storey detached dwelling with new vehicular access	Land adj Highbrook, Devenish Lane, Bayford	Mr Shaun Paul
16	BLACKMOOR VALE	18/01931/COU	The use of part of the building as residential accommodation for facilities manager (retrospective)	The Club House, Henstridge Sports and Leisure Centre, Marsh Lane, Henstridge	Henstridge Golf and Leisure

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

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

## **Referral to the Regulation Committee**

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

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

## **Human Rights Act Statement**

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

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# Agenda Item 13

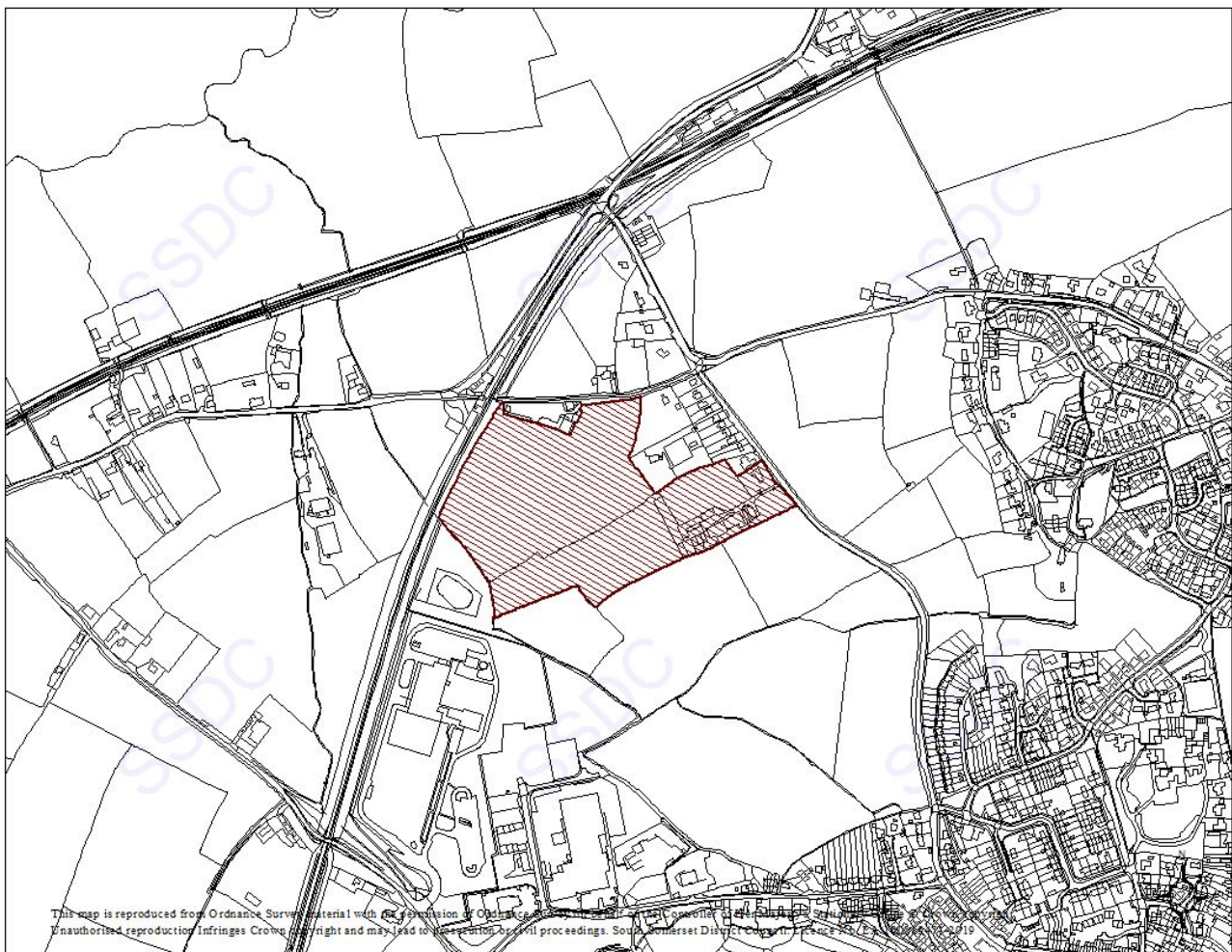
## Officer Report On Planning Application: 18/02986/REM\*\*

<b>Proposal :</b>	Reserved Matters application for the erection of 125 dwellings, open space, highways, car parking, landscaping and ancillary development.
<b>Site Address:</b>	Wayside Farm Station Road Ansford
<b>Parish:</b>	Ansford
<b>CARY Ward (SSDC Member)</b>	Cllr Nick Weeks Cllr Henry Hobhouse
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date :</b>	11th January 2019
<b>Applicant :</b>	Engie Regeneration Ltd And Stonewater Developments Ltd
<b>Agent: (no agent if blank)</b>	Pegasus Planning Group Ltd First Floor, South Wing Equinox North, Great Park Road Almondsbury Bristol BS32 4QL
<b>Application Type :</b>	Major Dwgs 10 or more or site 0.5ha+

### REASON FOR REFERRAL

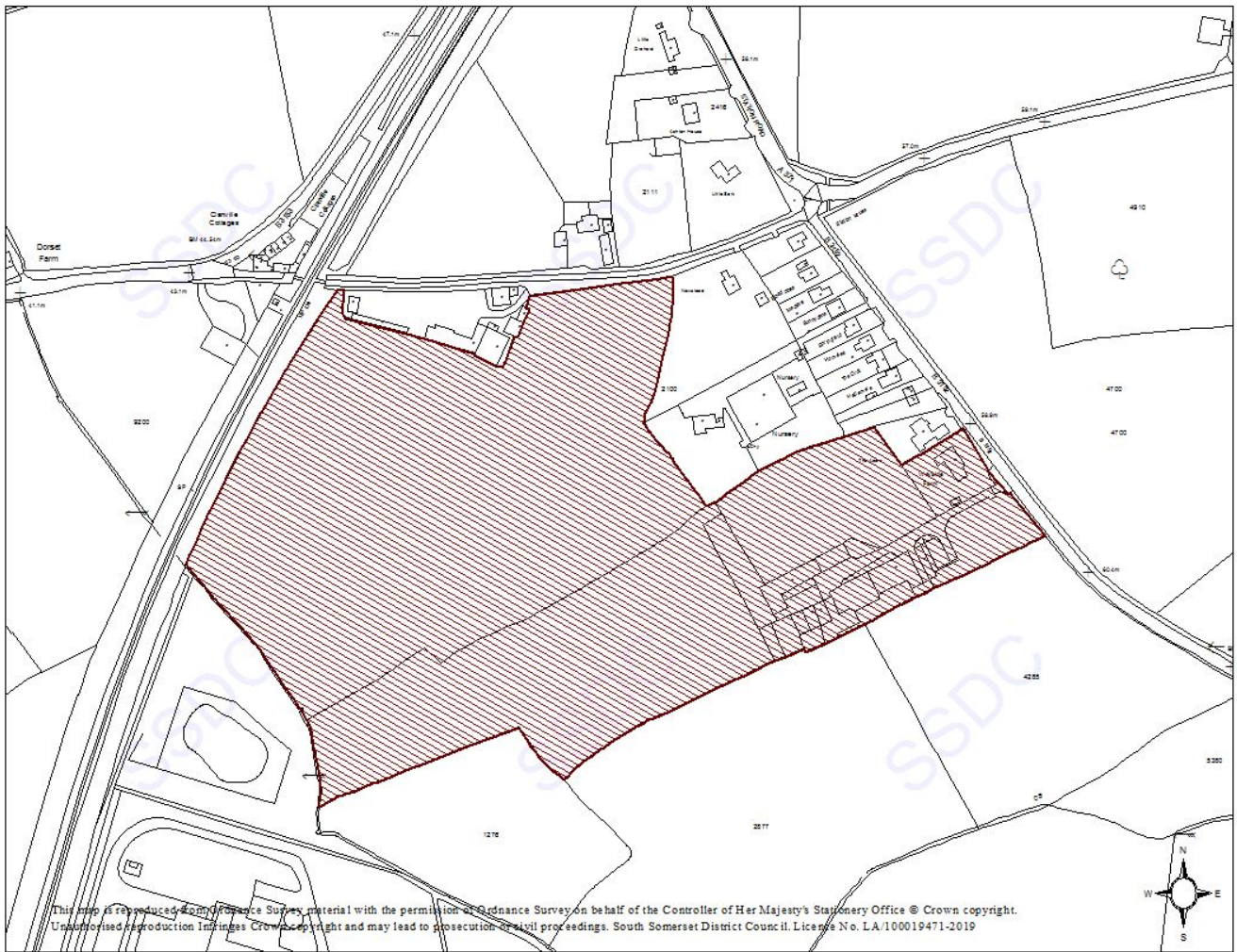
The application is referred to the committee at the request of the ward member and with the agreement of the area vice-chair as the ward member is concerned that connectivity to existing footpaths and footways is inadequate.

### SITE DESCRIPTION AND PROPOSAL



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This application seeks approval of the reserved matters for the erection of 125 dwellings, open space, highways, car parking, landscaping and other ancillary development. Access was considered at the outline stage. The 7.57 hectare site at Wayside Farm lies to the rear of the row of dwellings at the northern end Station Road and its junction with the A371. It comprises two agricultural fields (grade 3b) and the farm house and buildings of Wayside Farm. It is bounded by the railway line to the west, and unclassified green land to the north, Station Road to the east and agricultural land to the south. The site is within the direction of growth for Castle Cary/Ansford set out in the South Somerset Local Plan.

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 secured a travel plan, the provision of 35% of the units as affordable housing, leisure contributions, the provision of onsite play equipment, the provision of public open space on site, and contributions towards education provision. A recent variation has made minor amendments to the affordable housing provision.

The detailed scheme now being considered shows the provision of 125 dwellings, served by a single point of access from the existing highway network, as per the outline permission. The access will serve a central road, with a large loop at the end and a number of smaller cul-de-sacs leading off the central road. The proposed layout shows a LEAP within the central road loop, and a large amount of open space to the west of the site. The open space includes a drainage feature, a community orchard, a wildflower meadow and informal play space.

The majority of the proposed dwellings are of two storey design, although there will be a few single storey properties also. The dwellings will be finished in a mixture of brick and render, below brown and grey tiles.

## HISTORY

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 - Application permitted 25/01/2019

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, 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 LMT1 - Ansford/Castle Cary Direction of Growth

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy TA1 - Low Carbon Travel

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

### **National Planning Policy Framework**

Chapter 2 - Achieving Sustainable Development

Chapter 5 - Delivering a Sufficient Supply of Homes

Chapter 12 - Achieving Well-Designed Places

## **CONSULTATIONS**

**Ansford Parish Council** - In response to the originally submitted application:

Raised concerns in relation to changes to the affordable housing provision. They request clarification on:

- whether visitor spaces will be marked as such
- who is responsible for providing electric vehicle charging point
- who is responsible for the provision of supplying informal crossing and bus shelter (as per the appeal decision)
- whether the clearance and improvements to the overgrown pavements and provision of additional street lighting along lower parts of Ansford Hill and parts of Station Road (as per the appeal decision)
- details of pedestrian connectivity and rail crossings
- Specific details/challenge of "possible future additional residential development of the site"
- Specific details/challenge of "potential additional development coming forward"

They express disappointment that no provision has been made to accommodate small scale employment/job creating facilities/workshops within the development as the area along Station Road has been designated as a suitable employment zone.

They express disappointment that the various housing units do not include photovoltaic solar equipment or battery chargers for electric/hybrid vehicles.

They express disappointment that apart from one footpath to the north of the site, there is no dedicated footpath to the southwest corner of the site for people to access the Torbay Road industrial area.

They therefore recommend refusal of the application.

**Castle Cary Town Council** - In response to the originally submitted application:

*Castle Cary Town Council is not in favour of passing the Reserved Matters for Wayside Farm as the following issues have not been addressed.*

- *It is essential that there are footpaths (maybe linking to existing paths) so that people living in the Wayside Farm estate can easily walk to work in the Torbay Road Trading Estate and into Town.*
- *There needs to be some sort of legally binding covenant to ensure that the open spaces - such as the Wildflower Meadow and the Informal Recreation Area cannot be built on in the foreseeable future.*
- *Three months availability for Affordable Housing before being allowed to sell on the open market is FAR too short.*
- *We would like to have a reason for what were previously affordable flats now being presented as houses.*
- *We are concerned at the lack of Photovoltaic panels or other green energy producing systems being included*
- *There should be points to recharge electric cars.*
- *We query whether 25 parking spaces for visitors is sufficient.*

*On top of the above there is the very real issue that these houses are to be built on land that was previously earmarked for employment. The Local Plan insists that employment space should be provided when there is new housing, but the question now arises - where is this employment land going to be? We accept that nothing can be done in this particular instance, but we would like the planning department to flag up the Town Council's concern about this matter."*

In response to the amended plans:

*"The Council has reservations about a number of things:*

- *the large number of colours being used in the finishes is one (we are disappointed by the lack of respect for the local vernacular),*
- *and the potential for further development on the wildflower meadow is another.*
- *However by far and away the most important is the failure to provide links to the footpaths in and around the Torbay Road Industrial Estate and also to the potential new Primary School.*

*Footpath links are fundamental in our emerging Neighbourhood Plan - and it is our view that the small amount of ecological damage done by these is nothing compared to that caused by the necessity to access work and schools by car. We understand of course that these links can only extend as far as the boundary of the Wayside Farm*

*development but nevertheless we regard them as essential.*

*On these grounds we recommend refusal of the application."*

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

*"The comments previously supplied by this Authority covered the following items;*

- APC deposits under s219-225 Highways Act 1980*
- Access served from the existing highway on Station road requiring a s106/278 agreement and 171 licence*
- 2 future links to the south being 5.5m wide roads with bell-mouth junctions*
- Internal estate layout, parking and turning facilities, and visibility splays according to standards*

*The following conditions (of relevance) are imposed on the outline consent through which a number of highway mitigation measures have been secured:*

13. The access to the site shall be formed generally in accordance with the details shown on drawing 30875/5501/003A. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility splays shown on the approved plan. Such visibility splays shall be provided prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

15. No development shall take place until a detailed scheme of footway width maintenance and street lighting improvements has been submitted to and approved by the local planning authority to the eastern footway of Station Road southbound from the site access to the junction with Torbay Road and northbound from the site access to the entrance of the railway station car park and to the northern footway of Ansford Hill from its junction with Station Road to the railway station footpath, all works to be within the limits of the adopted highway and as shown on drawing number 30875-5501-007. The approved scheme shall be implemented prior to the occupation of the first dwelling.

16. The proposed off-site pedestrian and bus facility improvements shown on drawing number 30875-5501-004 shall be implemented prior to the occupation of the 75th dwelling on the site.

*A number of drainage comments were provided to ensure all private outfall is attended to and does not adversely affect the highway.*

*Following submission of the previous Highway Authority recommendation amended plans have been provided along with a covering letter;*

*P17-2562 Heath-Coleman Letter*

*P17-2562\_09 Rev B - Boundaries and surfaces*

*P17-2562\_10 Rev B - Refuse Strategy*

*P17-2562\_11 Rev B - Parking Strategy*

*P17-2562\_12 Rev B - Adoption and Management*

*1754-200 Rev C - Swept Path Analysis*

*1754-504 - Attenuation Basin Details*

*1754-1000 - Engineering Layout*

*1754-1001 - Engineering Layout*

*1754-1002 - Engineering Layout*

*In response to the comments contained within the letter I would advise the following;*

*a) I note the amendment to the southern link roads to be 5m wide with 2x 1.8m footways and would confirm the desire for these to be continued into the neighbouring plot in the event of that site coming forward.*

*b) noted*

*c) noted, and the APC notice will be served following building regs approval*

*d) noted and I am happy to accept the omission of the footway round the village green area*

*e) noted*

*f) noted and accepted*

*g) noted*

*h) re Conditions - I have had a look through the amended documents and am happy to accept them as your in principle drawings. Obviously full technical details for the whole scheme will be agreed during any s278 or s38*

process, and a suitably worded condition will secure the construction of the scheme substantially in accordance with the aforementioned plans listed in blue above.

Taking the above into account, the Highway Authority is content that the scheme is now shown to be acceptable; i) The aforementioned existing conditions secure the off-site works and site access. ii) A new condition to secure the internal layout in accordance with the latest plans can be imposed and as noted above, whilst there may be slight changes which arise during the technical design process, these can be attended to at that time."

**SSDC Streetscene Services** - Calculates that the development should provide 0.49ha of informal open space on site. They state:

"Whilst the plans have changed slightly from outline stage, we are happy there is still sufficient provision of open space and our previous comments still apply.

Their previous comments were

"The plans provided within the 'Design and Access Statement' identify a provision of approximately 1.47ha of informal open space, an amount far in excess of that required by SSDC.

We are very happy with the overall design for this outline application and are encouraged by the main central area creating a green community focus for the development, as well as the extended open space surrounding the attenuation pond, enhancing the ecological value of the site and adding a secondary feature to the site. We would like to mention, however, that special consideration should be given to pedestrian access across the main thoroughfare that surrounds the central open space to enable safe egress and to how the retained hedgerows are to be incorporated within the built form. The Councils guide for the treatment of retained hedgerows are set out in the "Landscape Design a Guide to Good Practise" and its addendum.

The focus on the high quality landscape, making the development easily accessible not only for its residents but the wider Ansford and Castle Cary community, is a strong and appreciated approach, helping the development to sit comfortably within its context and surroundings.

We have no further comment and are happy for the progression of this application with the current plans."

**SSDC Environmental Health Officer** - No comments

**SCC Ecologist** - Provides detailed report, which they summarise as follows:

"There are several issues requiring attention, or conditions, which in summary are:

- Hedges - the detailed layout doesn't adequately protect hedges and could be considered contrary to policy - I strongly recommend amendments.
- Bat roost - will be lost through demolition of the bungalow - pre-commencement condition for mitigation, and Habitat Regulations reporting.
- Lighting - bats using the central hedge are intolerant of artificial light - pre-commencement condition for a bat sensitive lighting scheme.
- Badgers - pre-commencement condition for update survey and mitigation.
- Biodiversity enhancement (bat and bird boxes) - also act as compensation for loss of bat roost - condition to implement and 'sign off'."

**SCC as Lead Local Flood Authority (LLFA)** -

"The LLFA have no objections to the reserved matters application. The applicant has submitted details of the proposed drainage scheme, including microdrainage output to demonstrate that the scheme functions up to the 1 in 100 year (+40%) climate change event.

Whilst not specifically requested within the condition, cross sections of the pond to show the various key levels in relation to local ground, as well as detailed outfall arrangement are usually submitted and would be helpful.

It is noted that there is an existing land drainage ditch / watercourse running through the site from east to west,

which will require culverting to allow for the road layout. If the applicant has not already done so, they must apply for Land Drainage Consent from Somerset County Council LLFA for these structures and any works to the ordinary watercourse to where the site."

**Avon and Somerset Police** - No objections, subject to the following comments:

- *"Unit 41 - Please provide a garden gate as close to front elevation as practicable*
- *Unit 26 - Please provide fencing and garden gate as close to the front elevation as practicable*
- *Unit 65 - Please relocate rear garden gate to the front of the alleyway*
- *Units 103/104 105/106 - Please provide gates to the front elevation on both alleyways*
- *Please provide a knee rail or similar to either side of the emergency access to support the bollards and prevent access either side"*

**SCC Archaeology** - No objections

**Somerset Wildlife Trust** - They note the submitted ecological reports and support their findings. They support the proposals for mitigation and enhancement and recommend the use of conditions to secure them.

## **REPRESENTATIONS**

Letters of objection were received from the occupiers of 2 neighbouring properties. Objections were raised in the following areas:

- Highways/parking
- Encroachment
- Construction disturbance
- Landscaping
- Visual amenity
- Lack of infrastructure

One letter of objection was received from a representative of an adjoining land owner. They raise a concern regarding poor connectivity to the land to the south when the outline appeal decision makes it clear that such connections should be provided.

## **CONSIDERATIONS**

### **History and Principle of Development**

Notwithstanding the local concerns regarding infrastructure provision, parking facilities at the railway station, and the lack of employment provision within the site, the principle, type and quantum of development is established by outline permission 14/05623/OUT. As such, these issues should not be revisited here.

### **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, notwithstanding local concerns and 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, notwithstanding local concerns regarding landscaping and visual amenity, 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.

### **Ecology**

The SCC Ecologist was consulted and raised a concern regarding the proposed protection of hedges. This has now been clarified through the submission of amended plans, and is considered to be acceptable. The ecologist has suggested the use of a number of conditions on any permission issued, which, with some adjustment to wording, are considered to be reasonable and necessary.

The ecologist noted that the officer report will need to include an assessment against the three Habitats Regulations tests as bat roost will be lost when the existing bungalow is demolished. These tests are:

- 1) the development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'
- 2) 'there is no satisfactory alternative'
- 3) the development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

In relation to the first and second tests, the applicant has stated:

*"The tests are applied proportionately to the nature and scale of the impact. In the case of this project the roost is of low conservation significance, consisting of very small numbers of the most common and widespread bat species in the UK. In terms of the first test, the proposed development will provide housing in an area where shortfalls have been clearly identified through the Local Plan, and will contribute to the national shortfall in housing delivery need. The decision to grant Outline planning consent for the development acknowledged that at the time the Council did not have a five year housing land supply and this development would therefore contribute to that need. The decision also acknowledges that development will contribute to the shortfall in provision of affordable housing. The development will also deliver other benefits in the form of extensive areas of green space constituting a large proportion of the total site area, which will benefit local residents and wildlife.*

*There is no satisfactory alternative to removing the bungalow proportionate to the low scale of its conservation importance, while still delivering the identified housing need at a scale, density and layout that makes functional sense for the site. The bungalow is at the site entrance and its retention would be out of character with the rest of the proposed housing stock. As the roost is of low conservation significance, the consequences of retaining it are disproportionate to the impacts of its removal."*

On this basis, the first and second tests are considered to be passed.

In relation to the third test, the SCC Ecologist has stated:

*"In respect of test 3, I conclude that favourable conservation status is likely to be maintained due to the presence of only low numbers of bats (just a single soprano pipistrelle was recorded), of species that are relatively common and have a widespread distribution in Somerset, and the securing of appropriate mitigation (method statement) by condition. The associated development is to include a number of bat boxes as biodiversity enhancement, which will provide adequate compensation for the loss of this roost."*

On this basis, the third test is considered to be passed.

### **Parish and Town Council Concerns**

The parish and town councils have raised concerns as to changes in the affordable housing provision. However, these matters are controlled through the legal agreement associated with the outline permission. There is nothing within the proposed reserved matters that runs contrary to the requirements of the legal agreement (as amended).

The parish council has questioned whether visitor spaces will be marked as such. The applicant has confirmed that the spaces will be provided in accordance with SCC standards, and it will be a matter for SCC to control through the discharge of the detailed highways conditions.

The parish council has asked whether electric vehicle charging points will be provided. The applicant has indicated that they will not, and despite a requirement of the travel plan to indicate the location of designated car charging points, the applicant has failed to do so. However there is a clear requirement for such provision within the local plan and, as such, it would not be unreasonable to impose a condition on any permission to secure suitable provision.

The parish council has requested clarification on who is responsible for the provision of supplying informal crossings and the bus shelter (as per the appeal decision) and whether the clearance and improvements to the overgrown pavements and provision of additional street lighting along lower parts of Ansford Hill and parts of Station Road is going to happen (as per the appeal decision). It is noted that conditions 15 and 16 of the outline permission deal with these issues, and require the necessary works to take place prior to first occupation, in the case of the footway improvements and street lighting, and prior to the occupation of the 75th dwelling, in the case of the pedestrian and bus facility improvements.

The parish council has also requested details of pedestrian connectivity and rail crossings. Pedestrian connectivity will be as detailed above. No rail crossings are proposed as part of the scheme and have not been requested by Network Rail, despite being consulted on the scheme.

The parish council and town council are concerned about the possibility of future development on the site. However, no such development has been proposed and any applications for further development on the site would need to be considered on their own merit. The town council has requested some kind of legally binding covenant to prevent development on the open areas of the site. However, such a covenant is not within the gift of the planning system. Any such development would require planning permission and could be considered if any such application was made.

Both councils have expressed disappointment that the various housing units do not include photovoltaic solar equipment. However, there is no policy requirement to provide such equipment and it would not be reasonable to refuse the application due to its lack.

Both councils express disappointment that, apart from one footpath to the north of the site, there is no dedicated footpath to the southwest corner of the site for people to access the Torbay Road industrial area. However, the applicant do not own the necessary land to provide such linkages and, as things stand, future occupiers would have to use the pavement along Station Road to access the Torbay Road area. That said, the applicant has left the possibility of future links to the south open within their layout and designed a suitably permeable layout, should future development opportunities to the south come forwards. In response to the question being posed about lack of linkages to the footpath to the south, the applicant's agent gave the following response:

*"The land adjoining our site owned by Crown Pet Foods, does as you identify contain a public right of way, and our application will not affect this. The public right of way does not enter our site.*

*The public right of way (WN 2/1) in question, however, does not connect with our site boundary, so any connection to it would be reliant on further connections within the Crown Pet Foods Land, which is not within our control. Moreover, the outline planning application did not envisage a connection at this point, rather the masterplanning approach showed a landscape buffer to protect the visual amenity of the proposed housing and contribute to the overall landscape and ecology strategy for the site. The reserved matters has due regard to the Illustrative Masterplan and Design and Access Statement which formed part of the outline permission."*

The town council has questioned whether 25 parking spaces for visitors is sufficient. However the highway authority has raised no objections to the proposed provision, which is therefore considered to be adequate.

## **Other Matters**



A concern has been raised by a neighbouring occupier as to potential encroachment on their land. However, there is no reason to assume the development will encroach on any third party land. Any ownership dispute is outside the scope of the planning system, and should be settled between the interested parties.

A concern has been raised in relation to potential construction disturbance. Whilst some disturbance during the construction phase is inevitable, it will be of limited duration. Furthermore the impact will be mitigated to some extent by the construction method statement condition imposed on the original outline permission.

The owner of adjoining land raised a concern regarding poor connectivity to the land to the south when the outline appeal decision makes it clear that such connections should be provided. The applicant has responded to this concern through the submission of amended plans that show two of the roads projecting to the south at full adoptable standard to allow such links to be made in future. With a last minute amendment, the application now shows these roads right up to the boundary of the site. This is considered to satisfactorily address the concerns of that neighbour and the requirements set out in condition 12 of the outline permission, which reads:

*"The reserved matters application(s) shall include provision for footpath, cycle-path and vehicular links to the boundaries with the adjoining land in the direction of growth as identified by policy LMT1 of the South Somerset local Plan 2006-2028. Unless agreed otherwise in writing, such links shall be fully provided to the boundary prior to the occupation of the 75th dwelling on the site."*

The police made a number of recommendations in relation to 'designing out crime'. Through the submission of amended plans, the applicants have adequately addressed these issues.

## **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:

P17-2562\_01 Rev L  
P17-2562\_02 SLP  
P17-2562\_05 Rev D  
P17-2562\_08 Rev C  
P17-2562\_09 Rev C  
P17-2562\_10 Rev C  
P17-2562\_11 Rev C  
P17-2562\_12 Rev C  
P17-2562\_13 Rev C  
P17-2562\_17 Rev A  
P17-2562\_19 Rev A  
P17-2562\_03 Rev D  
P17-2562\_14 Rev D  
P17-2562\_16 Rev E (1 of 3)  
P17-2562\_16 Rev E (2 of 3)  
P17-2562\_16 Rev E (3 of 3)  
1754\_200 Rev D  
1754\_700 Rev A (1 of 2)  
1754\_701 Rev A (2 of 2)

1754\_1000 Rev E (1 of 3)  
1754\_1001 Rev E (2 of 3)  
1754\_1002 Rev E (3 of 3)  
14622.003 Rev A Biodiversity Enhancement Plan  
1754-504 Attenuation Basin Details

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 P17-2562\_03 Rev C, P17-2562\_14 Rev C and P17-2562\_16 Rev D (1,2, and 3), 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. 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.

04. 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.

05. Prior to first occupation of the dwellings hereby permitted, electric charging points (of a minimum 16amps) for electric vehicles shall be provided for each dwelling adjacent to their designated parking spaces or garages shown on the approved plan. Sufficient electric charging points for at least one per dwelling shall be provided in this way. Once installed such parking points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

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

06. The demolition of the bungalow (farmhouse) shall not commence until there has been submitted to and approved in writing by the Local Planning Authority, full details of a Bat Method Statement detailing timing restrictions and protective measures to avoid harm to bats. The works shall be implemented in accordance with the approved details and timing of the method statement, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2017.

07. Prior to the installation of any external lighting, a lighting scheme sensitive to bats, shall be submitted to and approved in writing by the local planning authority. The scheme shall:

a) identify those areas/features on site that are particularly sensitive for bats;

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or navigating through the site.

c) include an impact assessment and supporting information for the lighting proposals from a licenced bat consultant.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme, and these shall be maintained thereafter in accordance with the scheme, unless otherwise agreed in writing with the local planning authority.

Reason: For the conservation and protection of legally protected and priority species (lesser horseshoe bats) in accordance with Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2017.

08. Prior to (but not earlier than 6 months before) commencement, an update survey for badger setts will be undertaken by a qualified ecological consultant, and if any setts are deemed to be at risk of harm from development activities, details of mitigation measures, shall be submitted for approval to the local planning authority. Any approved mitigation measures shall be implemented in full.

Reason: For the conservation and protection of legally protected species and to ensure compliance with the Wildlife and Countryside Act 1981, and The Protection of Badgers Act 1992.

09. The measures for the enhancement of biodiversity, as detailed in figure 1 of Ecological Appraisal (Engain, 17th September 2018) shall be implemented in full. Prior to sale of the final dwelling, an inspection and confirmation of implementation by a qualified ecological consultant shall be submitted for approval in writing to the local planning authority.

Reason: To ensure compensation for the loss of a bat roost, and measures for the enhancement of biodiversity, are provided in accordance with NPPF and Local Plan policy EQ4.

**Informatives:**

01. Before demolition of the bungalow can commence, a European Protected Species Mitigation Licence (under The Conservation (Natural Habitats, &c.) Regulations 2010) will be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged. However, the information required for the Natural England licence application will often also be suitable for submission to the Council when applying for discharge of the relevant condition.
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# Agenda Item 14

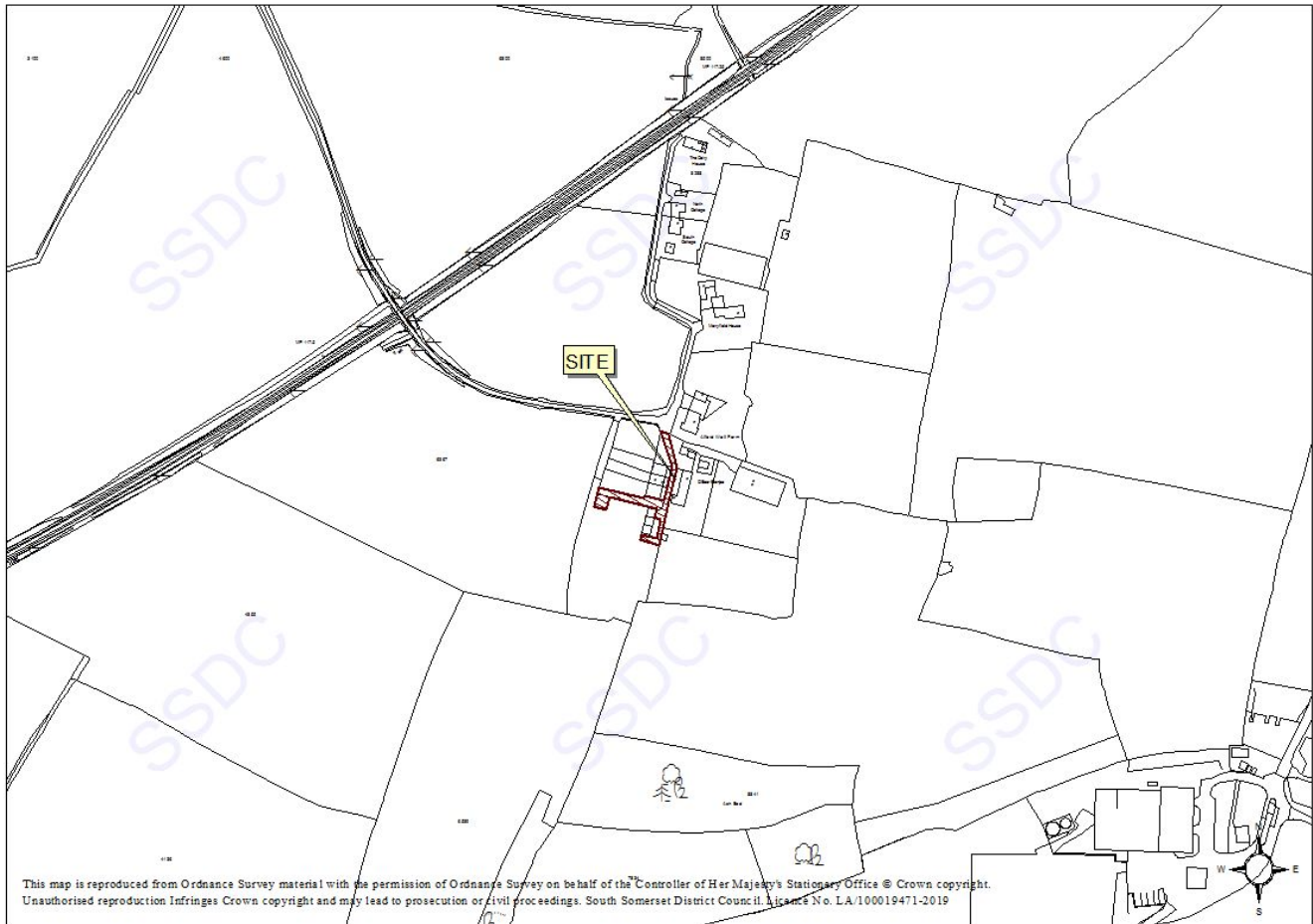
## Officer Report On Planning Application: 18/02992/FUL

<b>Proposal :</b>	Change of use of an existing timber stable block to a boarding cattery of up to six pens.
<b>Site Address:</b>	The Old Cider House Alford Well Farm Lane Alford
<b>Parish:</b>	Alford
<b>CARY Ward (SSDC Member)</b>	Cllr Nick Weeks Cllr Henry Hobhouse
<b>Recommending Case Officer:</b>	Richard Hawkey Tel: 01935 462578 Email: richard.hawkey@southsomerset.gov.uk
<b>Target date :</b>	10th December 2018
<b>Applicant :</b>	Mrs Petra Hughes
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Other Change Of Use

### REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the ward members in order to allow the views of the parish council, local residents, and members to be heard.

### SITE DESCRIPTION AND PROPOSAL





The proposal seeks consent for the change of use of an existing timber stable block to a boarding cattery of six pens at The Old Cider House, Alford Well Farm Lane, Alford.

The Old Cider House site is part of a complex of agricultural barns that were converted to live / work units granted consent granted in 2007. The structure proposed to be used as a cattery is located to the west of the converted barns and was itself granted consent in 2010. Both the dwelling and the building proposed to be used as a cattery have restrictive conditions imposed on them in terms of their usage.

The cattery will be operated by the applicant and it is proposed to create 6 pens within an existing stable building measuring 11.2m by 4.7m together with an existing concrete pad in front of it measuring 11.2m by 4.5m. It is proposed that each pen may contain a maximum of two cats from the same family. This would involve a maximum of 6 owners at any one time and the applicant has indicated that the additional flow of traffic incoming and outgoing connected to the business would be between two and three per week as the proposed minimum stay would be 3 days. The applicant has indicated that parking for 5 cars is available and that this would be marked to avoid customers parking in neighbours parking areas.

The applicant has stated that visits will be by appointment only and customers will be required to book before arrival for drop off or collection of cats during opening hours only, except in emergencies. The opening hours are given as Monday to Saturday 9am to 10.30am and 16.00 to 17.30. Sundays 9.00 to 10.30.

This is a rural location with the access to the site from the B3153 being obtained down Alford Well Farm Lane which is a narrow single track lane with limited passing spaces. From the public highway to the proposed cattery access is via a shared driveway. Notice has been served on the other owners of this.

## HISTORY

07/00688/FUL - Alterations and conversion of barns to form 4 live / work units and erection of garage / office building and car port. Permitted 3rd May 2007.

10/01640/FUL Use of land as an equestrian paddock, erection of a stable block with tack room, provision of concrete pad and extension of existing track. Permitted 21st June 2010.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF (July 2018) state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

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

The policies of most relevance to the proposal are:

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

Policy SD1 - Sustainable Development  
Policy SS1 - Settlement Strategy  
Policy SS2 - Development In Rural Settlements  
Policy EQ2 - General Development  
Policy EQ7 - Pollution Control  
Policy TA5 - Transport Impact of New Development  
Policy TA6 - Parking Standards

### **National Planning Policy Framework**

Chapter 2 - Achieving Sustainable Development  
Chapter 6 - Building a Strong Competitive Economy  
Chapter 12 - Achieving Well Designed Places

## **CONSULTATIONS**

**Cary Moor Parish Council** - "Cary Moor Parish Council objects to this application on the following grounds:

1. The proposal would be in breach and/or inconsistent with conditions imposed (set out below) when permission was granted for conversion of The Old Cider House into a live/work unit under application 07/00688/FUL and for erection of the stable block under application 10/01640/FUL respectively:

"All workspace shown on the approved plan shall be used for Class B1(a) Office Use as defined in the Town and Country Planning (Use Classes Order) 1987 (or in provision equivalent to that Class in any statutory instrument revoking and re-enacting that order with or without modification) and for no other purpose.

Reason: In order to maintain employment on the site and reduce the need to travel in accordance with policy EH7 of The South Somerset Local Plan (Adopted April 2006)."

"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the use of the garages hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

Reason: In the interests of Highway Safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000)."

"The building hereby approved shall not be used for any purpose other than for the private and domestic needs of the occupiers of The Old Cider House, Alford, and not be used for any habitable accommodation or business use whatsoever.

Reason: Due to the location of the site in open countryside and in the interests of residential amenity to accord with policies ST5 and ST6 of the South Somerset Local Plan (2006)."

2. There has been no material change in the underlying circumstances that would warrant these conditions being relaxed to permit the current proposal. In short, they remain as valid today as when they were originally imposed.

3. The Old Cider House and stable block remain in an unsustainable location situated in open countryside remote from local services and facilities with access via a long, very narrow, single track road with no pavements, which has a sloping curved alignment and passes over the Taunton to London railway line by way of a narrow bridge. It also has a substandard junction with the B3153. The additional traffic generated by the proposal would adversely affect the safety and convenience of all users of this substandard access road including pedestrians, cyclists, horse riders (the road connecting to the public bridleway to Lovington and public footpaths to Lovington, North Barrow and Dimmer) as well as those gaining access to the other residential

properties which use this road as their sole means of access.

4. The additional traffic generated by the proposal would also adversely affect the residential amenity of the occupants of the remaining three live/work units adjoining The Old Cider House.

5. The Parish Council also endorse the comments made in the 13 objection letters lodged to date by local residents. The arguments made are cogent and compelling.

**SSDC Environmental Protection Unit:** "I have no comments in respect of this application."

**SCC Highways:** "Standing Advice applies."

**SSDC Highways Consultant:** "No significant highways issues although the applicant may find it difficult to turn into and out of the garage given the width of the access road."

**SSDC Ecologist:** "Negligible risk for any significant biodiversity issues."

**Forestry Commission:** Standing Advice issued.

## REPRESENTATIONS

Thirteen letters of objection have been received in which the following comments have been made:

- Since the conversion of the farm outbuildings of Alford Farm there have been several planning applications covering the creation of four properties. In every case there has been a statement to the effect that area must maintain a strictly residential use and not business or commercial uses.
- The one track lane is unsuitable for any increase in traffic due to reduced visibility due to bends in the road and lack of passing spaces
- The proposed cattery business would cause increased volumes of traffic
- The proposal would require advertisement hoardings adjacent to other peoples homes
- There is provision for cat boarding less than 1 mile from the site
- There is no footpath so pedestrians have to walk on the carriageway which is dangerous
- When the applicants property was initially granted permission for the garage to be used for small office based industrial use there was a condition attached that no further industrial use could occur on that property
- The applicant has failed to acknowledge that their proposal hinges on their customers using a private access way, owned by a residents Limited Company
- Increased usage of Alford Well Farm Lane is highly undesirable and will affect local amenity of residents living on the road
- The increased traffic will not only be from customers but also commercial supplies deliveries and waste removal
- As a long term resident we have seen this very minor lane serving 6 houses increase to 21...this has greatly added to the volume of traffic on the lane
- We were assured that no businesses would be conducted from these properties that would create extra traffic
- The access from the B3153 is dangerous... people who don't know the lane travel too fast and when meeting other traffic on the blind curve over the railway bridge struggle to stop on time and there have been numerous collisions at this point
- The planning consent for the stable block proposed as the new cattery was restricted to domestic stable use and all business use was excluded
- The existing planning consent restrictions were made for good reason and should not be overturned
- Details of a Technical Note produced by Moss Naylor Young traffic consultants which was submitted as part of an objection to a nearby application have been provided
- The access to Alford Lane cannot accommodate two vehicles simultaneously which results in larger vehicles turning into the lane having to stop whilst still protruding out onto the B3153
- Even minimising the hours of the cattery will result in unacceptable additional traffic along the lane. It should be noted that it is not only cat owners that will cause increased traffic but also people looking to inspect the premises.

## CONSIDERATIONS

### **Background and principle of proposal**

Consent was granted for the conversion of the barns at Alford Well Farm Lane in 2007 and as part of this consent four live / work units of accommodation were created. Whilst the planning policy at the time sought to protect existing employment buildings outside of defined settlement areas there was however an allowance in some circumstances for its conversion to residential. The officer in their report considered that a balance could be struck at this site in terms of allowing residential conversion which also incorporated an element of employment use by allowing live / work units. This would facilitate the re-use of redundant farm buildings for a residential use but also reduce the need to travel along the narrow access lane by facilitating home working. A planning condition was imposed on the consent to require that the designated workspace for each residential unit was used for a B1(a) office use with the reason for this condition being to maintain employment on the site and reduce the need to travel.

Similarly in 2010 when the consent for the stable block was considered (which is now proposed to be re-used as a boarding cattery) a similar condition restricting the use of the building for private and domestic needs was imposed. It specifically prohibited the buildings use for habitable accommodation or business use. The reason for the condition being due to the location of the site in open countryside and to protect residential amenity for the location. Neither condition was imposed due to highway safety matters but instead more to maintain sustainability and reduce the need to travel.

The current proposal to establish a boarding cattery consisting of 6 cat pens will introduce a small scale sui generis use onto the site. In considering the principle of the acceptability of this it is important to assess this in terms of the adopted Local Plan. Policy SS1 defines the hierarchy of settlements and those that it does not specifically define are considered to be within open countryside and are classified in generic terms as rural settlements. The local plan makes it clear that this does not preclude development in such locations, and in fact the National Planning Policy Framework promotes sustainable development in rural areas. It is policy SS2 which sets out the specific criteria for development within rural settlements. Development proposals are required to be commensurate with the scale and character of the settlement. They should also create or enhance community facilities and services to serve the settlement. It is considered that the small scale of the proposal and what is being proposed would satisfy both of these criteria. Although other criteria are listed by the policy it does not require all of them to be satisfied but instead specifies that at least one must be.

### **Residential amenity**

The building to be converted to cattery use has an internal floor area of approximately 50m<sup>2</sup> and it is not proposed to increase this as part of the proposal. The building is located within a paddock area to the south west of The Old Cider House and is approximately 32m distant from that dwelling. It is a distance of approximately 25m to the nearest point of the garden of the adjoining residential dwelling and approximately 39m from the nearest adjoining residential dwelling. It is considered that given the modest scale and nature of the business, combined with the distance between the proposed cattery building and other residential dwellings, that the residential amenity of the location will not be adversely affected. The Environmental Protection Officer has confirmed that they do not have any comments to make in terms of the proposals being put forward.

### **Visual Amenity**

The proposed cattery will re-use an existing structure and so there will be no additional built form as part of this proposal.

### **Highways**

The applicant has indicated the availability of 5 car parking spaces to serve both the business and the residential use of the site. The additional vehicles generated by the cattery are likely to require parking spaces for a relatively short period of time, given the nature of the business. It is therefore considered that there is sufficient on-site parking. The Highway Authority have not raised concern regarding the proposal on this basis.

Significant concern has been raised by both local residents and the Parish Council regarding the additional usage of Alford Well Farm Lane which is a single track lane running from the B3153 to the application site (a distance of approximately 0.67km (670m)). Part way along its course there is a narrow bridge combined with a curve in the direction of the lane. There are no footpaths along the laneway at any point and only very limited passing places - none of which are located along the stretch of the lane in the vicinity of the railway bridge or curved part of the lane. Whilst the concerns raised are acknowledged, neither the Somerset County Council Highways Officer nor the Highways Consultant used by the Council have raised objection to the proposal. I consider that it would be unreasonable to raise objection to the proposal on this basis.



**Contributions**

This application proposal would be exempt from CIL contributions.

**Conclusion**

The proposed change of use of an existing stable building to a boarding cattery would represent a sustainable form of development in keeping with the character and scale of the rural settlement of Alford. The boarding cattery use is considered acceptable in this location by reason of its modest scale and that it causes no demonstrable harm to residential amenity or highway safety. As such it is in accordance with policies SD1, SS1, SS2, EQ2, EQ7, TA5, and TA6 of the South Somerset Local Plan and the aims and provisions of the NPPF.

**RECOMMENDATION**

Approve for the following reason:

01. The proposed change of use of an existing stable building to a boarding cattery would represent a sustainable form of development in keeping with the character and scale of the rural settlement of Alford. The boarding cattery use is considered acceptable in this location by reason of both its modest scale and that it causes no demonstrable harm to residential amenity or highway safety. As such it is in accordance with policies SD1, SS1, SS2, EQ2, EQ7, 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 begun before the expiration of three years from the date of this permission.

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: cat pen layout drawing received 20th September 2018 and Location Plan showing access and parking areas and a general Local Plan received 16th October 2018.

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

03. The opening hours of the cattery for drop offs and pick ups of cats shall be limited to be between Monday to Saturday 9.00hrs to 10.00hrs and 16.00hrs to 17.30hrs and Sundays between 9.00hrs and 10.30hrs except in emergencies.

Reason: To accord with the terms of the submitted application and satisfactorily comply with Policy EQ2 of the adopted South Somerset Local Plan (2006 - 2028).

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# Agenda Item 15

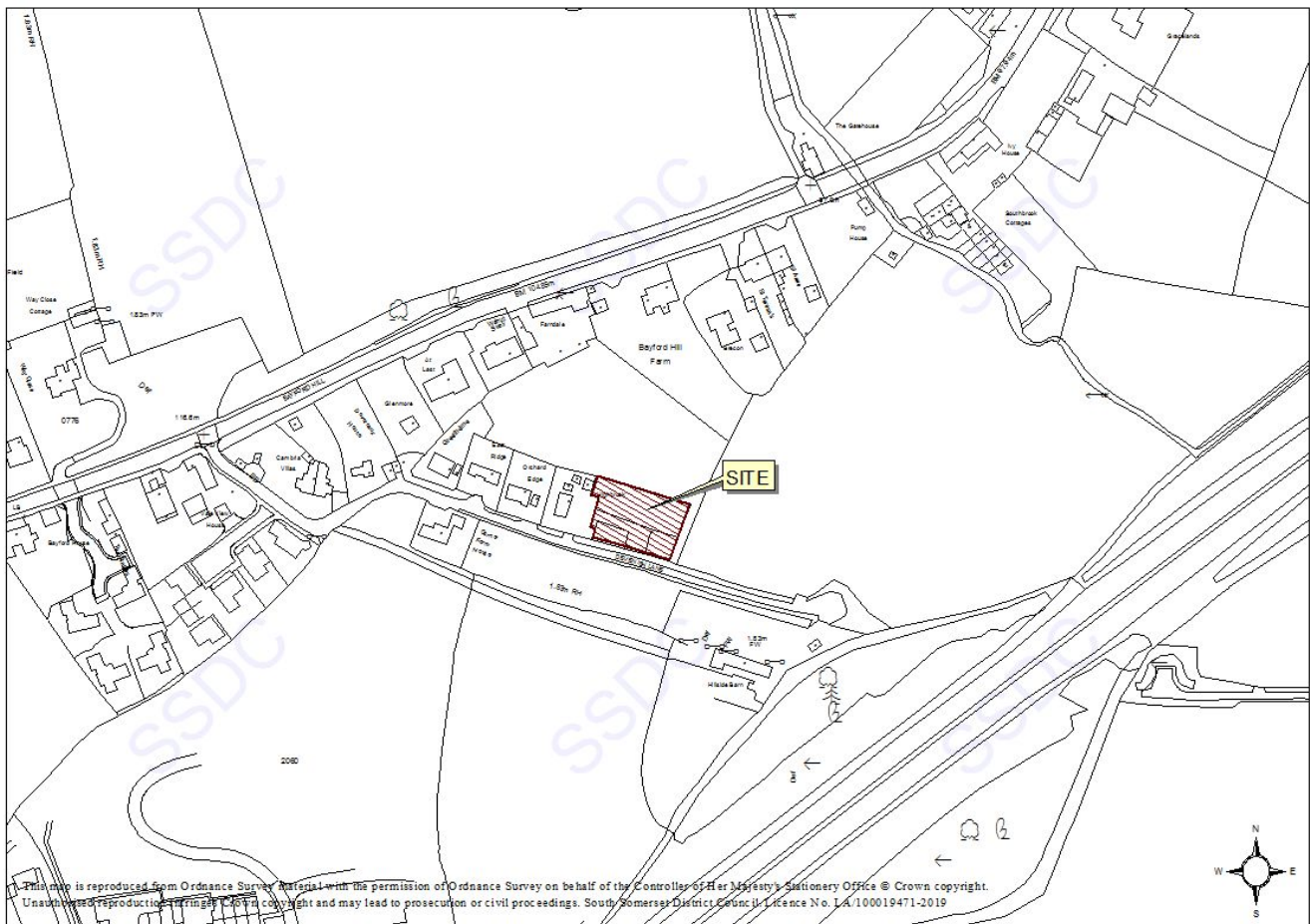
## Officer Report On Planning Application: 18/02145/OUT

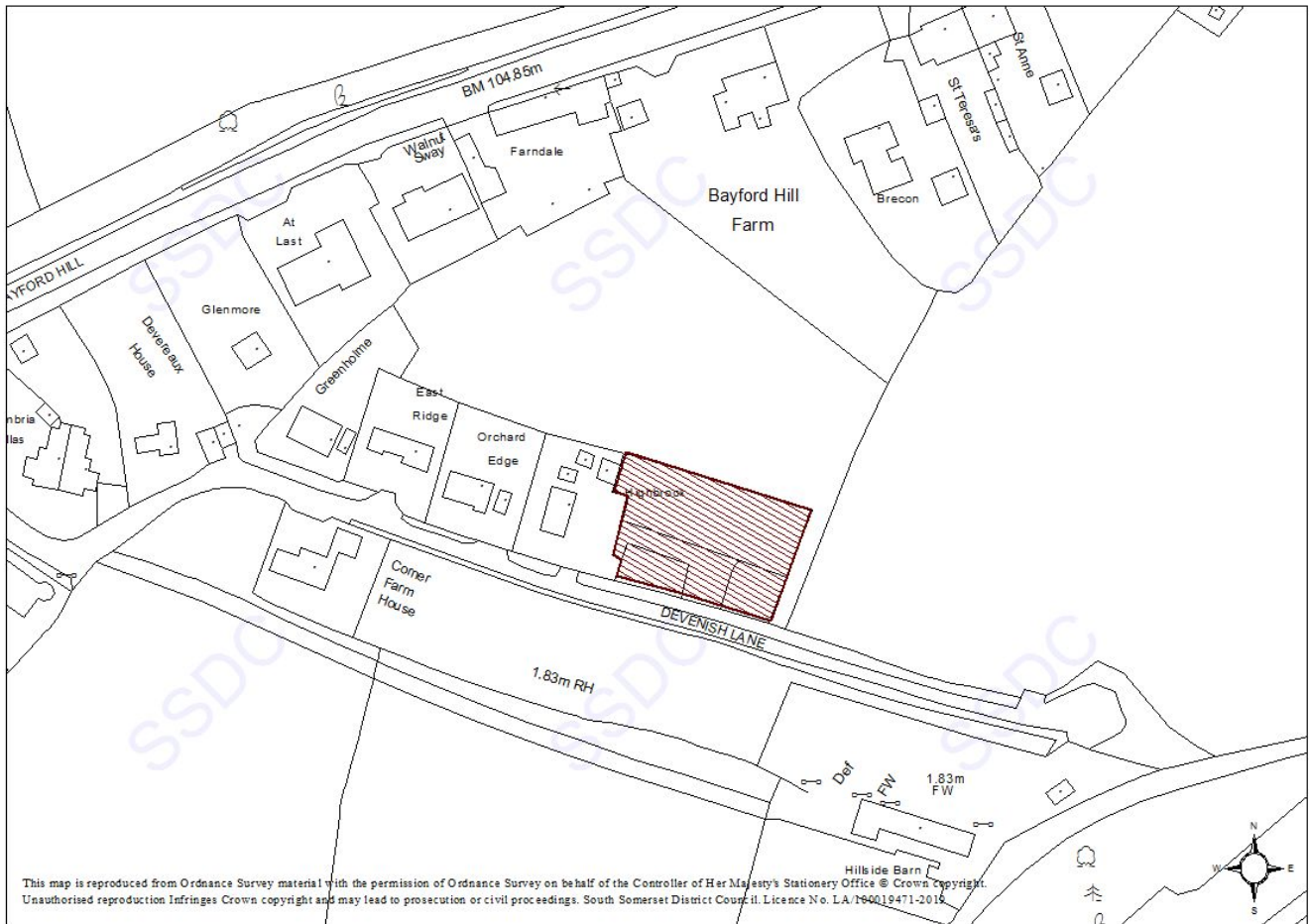
<b>Proposal :</b>	Outline application for the erection of a two storey detached dwelling with new vehicular access onto Devenish Lane
<b>Site Address:</b>	Land Adj Highbrook Devenish Lane Bayford
<b>Parish:</b>	Stoke Trister
<b>TOWER Ward (SSDC Member)</b>	Cllr Mike Beech
<b>Recommending Case Officer:</b>	Richard Hawkey Tel: 01935 462578 Email: richard.hawkey@southsomerset.gov.uk
<b>Target date :</b>	10th October 2018
<b>Applicant :</b>	Mr Shaun Paul
<b>Agent: (no agent if blank)</b>	Mr Tim Downes Little Orchard Station Road Ansford Castle Cary BA7 7PD
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL

The application is before the committee at the request of the ward member, and with the agreement of the area chair, as the ward member considers the proposal to comply with policy SS2.

### SITE DESCRIPTION AND PROPOSAL





The proposal seeks outline consent (with all matters reserved) for the erection of a two storey detached dwelling with new vehicular access onto Devenish Lane on land adjacent to Highbrook, Devenish Lane, Bayford, Wincanton.

The site is located immediately to the north of Devenish Lane which is a single track no through road. The site is currently undeveloped and consists of a grassed field with the boundary adjoining the lane being defined by a hedgerow to a height of approximately 2metres. There are a number of trees to the north and east of the site which provide some screening to the site. The proposed building plot is located at the end of a line of development extending along the north side of Devenish Lane and the land is open and undeveloped to the north and east of the site. To the south the land is currently undeveloped although there are previous consents for dwellings although these are now time expired.

The plans show the type of development proposed for the site in terms of elevations, floor plans and site layout, although these matters are reserved for later consideration.

## HISTORY

None for the application site although the following consent for land located opposite the current site has the following consents approved although these are now time expired:

17/00867/S73 Application to vary condition No. 02 (approved plans) of 14/00479/FUL for amendments to site layout and design of dwellings. Permitted 24th August 2017

14/00479/FUL Proposed erection of 3 dwellings. Permitted 17th October 2014

There are also refusals relating to the site opposite the current application site.

The most recent of these are:

16/00677/FUL Erection of 3 dwellings and ancillary works.

Refused 12th August 2016. The reasons for refusal related to:

- Loss of a significant parish hedgerow boundary
- Unacceptable narrowing of an historic cartway
- Lack of outward landscaping to soften the impact of the development

15/03731/FUL Erection of 3 dwellings and ancillary works.

Refused 5th October 2015. The reasons for refusal related to:

- The increased heights scale and design of dwellings and the prominence and sensitivity of the location
- Reduction in the width of a public right of way

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF (July 2018) state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

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

The policies of most relevance to the proposal are:

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

PolicySS2 - Development in Rural Settlements

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

### **National Planning Policy Framework**

Chapter 2 - Achieving Sustainable Development

Chapter 5 - Delivering a Sufficient Supply of Housing

Chapter 12 - Achieving Well Designed Places

Chapter 15 - Conserving and Enhancing the Natural Environment

## **CONSULTATIONS**

**Stoke Trister Parish Council** - "A site meeting was attempted on 28th September 2018. Access to the site was immediately denied by, we believe, Mrs Paul on the grounds that they are running a business. We can say however that access is extremely difficult. During the 20 minutes we were there 2 large delivery vehicles struggled to get in and out of Highbrook. We are concerned that this application does not meet policy SS2 of the local Plan. Therefore Stoke Trister with Bayford Parish Council recommend refusal of this application."

**SSDC Ecologist:** "I have considered this application and I don't have any comments or recommendations to make."

**SCC Highways:** "Standing Advice applies."

**SSDC Highways Consultant:** "While this is an outline application with all matters reserved I would prefer details of the means of access to be submitted at this stage showing the width of the proposed access point, its surfacing and the extent of visibility splays. I am mindful that there have been a number of developments approved along Devenish Lane in recent years so an assessment on the lane to accommodate additional traffic would be useful. The assessment should detail the number of dwellings using the lane (current and with planning permission), its width measured at regular intervals and the standard of the junction onto Bayford Hill."

In response to additional information provided by the applicant:

"I visited the site on Monday. The first length of Devenish Lane is sufficiently wide for two cars to pass on another. There are then a couple of sharp bends - the first to the left and then to the right. Forward visibility through the bends is restricted but this in turn leads to be very low vehicle speeds. There are one or two places where vehicles can pass. The surface of the road is in a relatively poor state but as the road is recorded as an unclassified highway, this would be a maintenance issue that the County Council will need to assess and address.

The erection of one more dwelling, likely to be the last dwelling that could be erected off Devenish lane, would in my opinion not lead to a severe traffic impact nor be unacceptable in terms of highway safety.

In the event that permission is granted, I recommend conditions are imposed securing:

1. A 2.4m back and parallel visibility splay across the site frontage - maximum height of 900mm
2. The first 5m of access to be properly consolidated and surfaced (not loose stone or gravel)
3. The implementation of drainage measures to ensure surface water does not discharge onto the highway
4. Sufficient parking in line with the SPS optimum standards."

**SSDC Ecology:** - "I have considered this application and I don't have any comments or recommendations to make."

## **REPRESENTATIONS**

One letter of objection has been received in which the following comments were made:

- We wish to raise concern about any extra traffic due to any further developments that would necessitate the use of the lane access. It is a single track lane with dangerous corners and dangerous exit onto the main road.

## **CONSIDERATIONS**

### **Principle of Development**

The proposed application site forms part of the rural settlement of Bayford although this location is in proximity to the eastern boundary of the settlement area of Wincanton as defined by the South Somerset Local Plan Proposals Map (as shown by Map 14). Although forming part of the rural settlement of Bayford, policy SS2 of the adopted local plan this settlement would be considered as part of the countryside. In order for the principle of residential development to be considered acceptable such proposals would need to meet the criteria set out by that policy. One of which would be to meet an identified housing need, particularly affordable housing. The proposal is contrary to that part of the policy however as SSDC cannot currently demonstrate a five year housing land, elements of the policy must be considered out of date. As such, it is considered that the LPA cannot rely on this aspect of policy SS2 in regard to what the development must provide (i.e. meeting an identified housing need). As such only limited weight can be applied to this adverse impact in the planning balance.

Policy SS2 also requires development to be commensurate with the scale and character of the settlement and increase the sustainability in general. This proposal relates to outline consent for one dwelling. The site is at the end of a line of existing development stretching down Devenish Lane and the indicative plan supplied with this current application shows that a dwelling broadly in line with the size and scale of other nearby dwellings could be accommodated on the site. As this is an outline application matters such as dwelling design do not fall to be considered. However a reserved matters application would enable careful consideration of this aspect.

Policy SS2 also requires that proposals for housing development should only be permitted in rural settlements that have access to two or more key services as detailed by the local plan. As the settlement of Bayford has a pub and a public meeting place (services that are both listed by the policy as key services) it is considered that this criteria is also met.

It should be noted that opposite the application site adjacent to the southern side of Devenish Lane is a currently vacant site on which previous consents for residential development have been permitted. The most recent of these

was issued in 2017 and was to vary the approved plans to a 2014 consent. These consents have both now lapsed. The original 2014 consent was granted for the following reason:

"The proposal, by reason of its size, design, materials and location, represents appropriate infill which is designed to respect the character of the area, causes no demonstrable harm to residential amenity and highway safety and does not foster growth in the need to travel in accordance with the aims and objectives of policies ST2 and ST6 of the South Somerset Local Plan (Adopted April 2006) and the NPPF."

Whilst in both 2015 and 2016 two further applications were submitted for this adjacent site and both were refused neither application was refused on the basis of the site being in an unsustainable location instead it was design matters which resulted in their refusal.

### **Visual Amenity / Residential Amenity**

Although this is an outline application, the indicative plan submitted as part of the application does demonstrate that a dwelling commensurate in size to others nearby may be adequately located on the site. It would also be possible to locate it on the site such that it would be located a similar distance back from the line of the lane as other buildings in this location area. Furthermore the design and access statement submitted in support of the application states that it is the intention to retain the hedge line fronting onto Devenish Lane which would also help to reduce any visual impact of development taking place on this site. I consider that careful design of a dwelling on this site would be able to ensure a development that could comply with policy EQ2 of the local plan.

### **Highways**

There is an existing field access from the site onto Devenish Lane which would be altered to create the access for the development of this site for residential purposes. Somerset County Council (Highways Department) have not raised objection to the proposed development of the site with one additional dwelling and have stated that their Standing Advice applies. A site visit has been undertaken by the SSDC Highways Consultant to assess the suitability of the access along Devenish Lane. His comments are detailed in full above, however he has not raised an objection to the proposal on highway safety matters and has suggested appropriate conditions. These conditions may be applied to any future reserved matters application to ensure a suitable standard of access is achieved.

The size of the proposed site is such that it would be possible to provide sufficient car parking on site to comply with the Somerset Parking Strategy. The proposal is in compliance with policies TA5 and TA6 of the adopted local plan.

### **Contributions**

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

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

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

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

The proposed development is however subject to the Community Infrastructure Levy. It must be for the developer to establish, at the appropriate juncture, whether any exemptions or relief applies.

### **Conclusion**

The proposed development would represent a sustainable form of development that, subject to the approval of reserved matters, would respect the character of the area and cause no demonstrable harm to highway safety in accordance with the aims and objectives of the National Planning Policy Framework and policies SD1, SS1, SS2,

EQ2, EQ4, TA5 and TA6 of the South Somerset Local Plan.

## **RECOMMENDATION**

Approve for the following reason:

01. The proposed development would represent a sustainable form of development that, subject to the approval of reserved matters, would respect the character of the area and cause no demonstrable harm to highway safety in accordance with the aims and objectives of the National Planning Policy Framework and policies SD1, SS1, SS2, EQ2, EQ4, TA5 and TA6 of the South Somerset Local Plan.

## **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be carried out in accordance with the following approved plans: 1402/001 received 9th July 2018

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

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

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

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

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

04. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of local amenities in accordance with policy EQ2 of the South Somerset Local Plan (2006 - 2028).

## **Informatives:**

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

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

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

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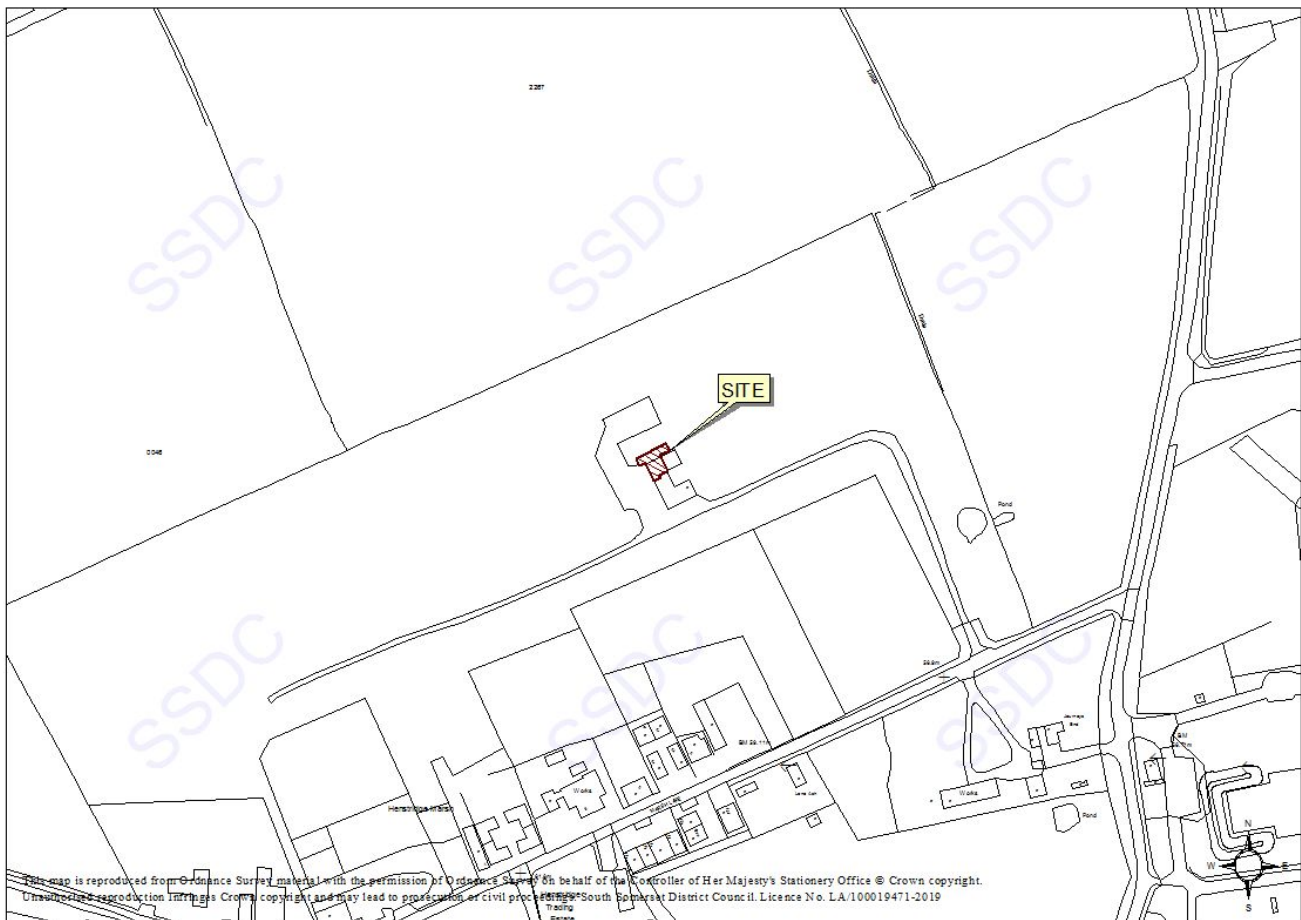
# Agenda Item 16

## Officer Report On Planning Application: 18/01931/COU

<b>Proposal :</b>	The use of part of the building as residential accommodation for facilities manager (Retrospective)
<b>Site Address:</b>	The Club House Henstridge Sports And Leisure Centre Marsh Lane
<b>Parish:</b>	Henstridge
<b>BLACKMOOR VALE Ward (SSDC Member)</b>	Cllr William Wallace Cllr Hayward Burt
<b>Recommending Case Officer:</b>	Neale Hall Tel: 01935 462363 Email: neale.hall@southsomerset.gov.uk
<b>Target date :</b>	14th August 2018
<b>Applicant :</b>	Henstridge Golf and Leisure
<b>Agent: (no agent if blank)</b>	Mr Diccon Carpendale Wessex House 8 High Street Gillingham SP8 4AG
<b>Application Type :</b>	Other Change Of Use

The application is before the committee at the request of the ward member and with the agreement of the area chair as the ward member believes that the proposal complies with policies SS2 and HG9 of the South Somerset Local Plan contrary to the officer recommendation.

### SITE DESCRIPTION AND PROPOSAL







The site is located on the north side of Marsh Lane, to the north east of the industrial development taking access off this lane. The club house sits within a 17 Ha open site. The club house is a large, single-storey structure, used for various club purposes including a bar, restaurant, kitchen and changing rooms. A portion of this space has been used as a flat for the club manager prior to 2012 and since. A temporary regularisation permission given in 2012 expired in 2015. A previous application had sought permanent regularisation of the position, but was refused (and a subsequent appeal dismissed). A temporary permission was granted in 2012 until 31 July 2015. That permission expired and this application seeks regularisation on a permanent basis.

The applicant has now submitted an application to retain the use of part of the clubhouse as a residence with small outside curtilage for the manager on a permanent basis.

## HISTORY

17/00162/USE - Part of building being used as living space

17/04766/FUL - Recreational use of land to include retention of a 9 hole golf course, driving range. Clubhouse, access and parking areas, extended parking area, construct decking, provision of moveable structures including service yard containers, shower toilet block, creation of pond, use of existing pond for coarse fishing and use of land for touring caravan park for a maximum of 60 no. pitches.

12/00659/COU - Change of use of part of clubhouse building to provide residential accommodation for facilities manager (re-submission) Temporary approval to 31 July 2015.

11/00890/COU - Change of use of part of clubhouse building to provide residential accommodation for facilities manager - refused. The application was appealed, and the appeal was dismissed in November 2011.

951832 (95/05968/FUL) - The change of use of land from agricultural to recreational use including access, provision of car parking, club house/changing rooms, tennis court, running track and football pitches - permitted

with conditions

97/01589/REM - The erection of a clubhouse and the provision of associated car parking facilities and the construction of tennis courts with a 2.4m high surround fence - approved with conditions.

11/00890/COU - Change of use of part of clubhouse building to provide residential accommodation for facilities manager - refused. The application was appealed, and the appeal was dismissed in November 2011.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the South Somerset Local Plan and NNPF 2018.

The policies of most relevance to the proposal are:

SD1 - Sustainable Development

EQ2 - General Development

TA5 - Transport Impact of New Development

TA6 - Parking Standards

## **National Planning Policy Framework 2018**

Paragraph 79

## **CONSULTATIONS**

**Parish Council** - Parish Council recommended approval of this application. The Council added that it views this enterprise as a valuable asset to the community.

**Highways Authority** - Standing advice

**SSDC Highways** - No objection subject to adequate parking

## **REPRESENTATIONS**

None received

## **CONSIDERATIONS**

The key policy consideration to this development is considered to be Paragraph 79 of NPPF 2018 that states:-

*"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

*a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*

*b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*

*c) the development would re-use redundant or disused buildings and enhance its immediate setting;*

*d) the development would involve the subdivision of an existing residential dwelling; or*

*e) the design is of exceptional quality, in that it:*

*- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*

*- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."*

## **Previous Permission**

The previous temporary permission was based on a Business Plan and the demonstration of functional need. The policy of the development plan in force has changed since the last determination and this proposal will be determined on the basis of current up to date policy as outlined in the policy section of the report.

The temporary granted permission was based on the following officer consideration of functional need and a business plan.

### **Functional Need of Previous Permission**

The submitted functional need is integral to the business plan, discussed below. The owner has, since he acquired the site, lived on the site for the major portion of that time (albeit without planning permission), which has arguably assisted in making the progress he has made. The need for a presence on site can be summarised as follows:

- the site is isolated and in need of a permanent presence for security reasons
- the security need relates to avoiding damage to the course; to secure stocks; and to secure machinery and equipment
- increased profitability resulting from cost reductions, better management, etc: The applicant has built the business case around the possibility of an on-site manager/owner. Being on site reduces various costs, including travel, hire and management of other staff (often at unsociable hours), and accommodation costs. It would also enable certification of the site by the Caravan Club, which is an integral part of the business plan.

The submitted functional need is considered to be reasonable. Without a manager (the owner) on site, it is doubtful that the business plan could be implemented, and that continued improvement of this site and local community facility could be assured.

It is therefore recommended that the identified need be accepted, in association with the submitted business plan. This would give the applicant three years in which to establish the business on the site, after which a final assessment could be made of the acceptability of having a flat within the building.

### **Business Plan of Previous Permission**

The proposal starts out from a relatively low base, and the business plan is built around the inputs of the owner and his family. Integral to the plan is the need for the owner to be on site, to deal with security, insurance, and time constraints in keeping costs down and making the scheme viable. The business proposal focuses on the following aspects of the business:

- bar sales
- food sales
- golf
- fishing
- caravanning

The plan extrapolates current performance, and projects results forward for three years, seeking to establish clear and reliable cash flows and profits. The details have been assessed by the Council's Economic Development Officer, who is satisfied that they are realistic, and hold out the promise of success over the short term (he supports a temporary permission to allow a fuller investigation of performance after that period).

The applicant's documentation refers to numerous other aspirations:

- bowling green
- indoor hall for bowling (permission already granted)
- provision of other facilities (e.g. machinery shed)
- tennis courts (permission granted)
- putting course
- picnic area
- expanded caravan facilities including facilities block

None of these is quantified or included in the figures of the proposal. The business plan does, however, seek to

generate increasing profits, and it would be an expectation of a reassessment of this proposal after three years that future development be realistically assessed, including an assessment of the possibility of further developments outlined in the list above.

## **The Current Application**

### **Principle of Development**

The site is outside of the defined development area, and there is a presumption against the creation of new dwellings in the open countryside under NPPF paragraph 79 unless it meets an exception criterion listed in 79 a) - e). It is considered the proposal fails to meet any of the exception criteria listed for the following reasons:-

- a) there is not an essential need for a rural worker in the context of this criteria. An essential rural worker derives from the old PPS Annex A on which Inspectors consider a "useful tool".
- b) it is not a heritage asset
- c) it does not reuse a redundant or disused building, but an existing part of the business unit.
- d) this is not applicable
- e) this criteria could not be fulfilled by the proposal.

### **Current Application Business Case**

Whilst a fairly well evidenced case was made previously, it is considered the current application does not supply sufficient information to compare the progress of the business since 2012. The basic information contained in the application are statements by various parties on behalf of the applicant and do not provide tangible comparable evidence to support the progress of the business case. Therefore as a material consideration the application cannot be supported in this context. Whilst permission was granted in 2017 for all existing facilities (save the residential use) it is not clear from this application as to when the various facilities were implemented.

### **Need**

The need is considered to be a material consideration to the proposal and as such regard will be had to the details submitted in the covering letter accompanying the application. The main reasons cited are those of security, safety and emergencies. It is contended that on site presence is required as a break into the clubhouse has occurred previously and to safeguard stored machinery and goods. It is also contended the clubhouse will not be insured without an onsite presence.

The advancements in the security industry producing systems technology as a deterrent has been quite substantial since the previous application was submitted and in this respect it is considered the site does not need a 24 hour presence, as cost effective remote security deterrents are available on the open market. Also by virtue of the use of the site as a caravan site lends itself to some extent as an enhancement of the level of security due to more occupants being present on site. During the seasonal use as a caravan site, it is considered by the applicant that there is a need for a presence in terms of their needs coupled with arrivals during the night. In terms of the latter it is not considered that late arrivals need an onsite presence. Again it is not specified what potential emergencies would require a 24 hour presence and by the very nature should be extremely infrequent. The settlements of Henstridge and Stalbridge are not so distant as to preclude onsite presence within a fairly short time scale should a manager be employed from such a location. Overall the requirement for 24 hour on site presence is not considered to be justified on the basis of security and safety or emergencies.

### **Conclusion**

The current application does not contain any substantive evidence to justify the proposal. The previous temporary approval was given to allow evidence of the business development to be put forward. The evidence provided does not satisfactorily demonstrate the case for a residential unit at this location. It is considered a manager's office would suffice for the opening hours and case law would back the position that there is insufficient justification for a residential unit based on that alone. The organisation of management is for the operator to resolve and would not justify a residential unit at this location. Again there is case law relating to these types of proposals.

Enhanced security measures would negate the need for a 24 hour presence on site and the need for 24 hour presence for insurance purposes is questionable and again an operational management issue.

Overall it is considered the submitted evidence is insufficient to justify the approval of a residential unit in this location.

**RECOMMENDATION**

Refuse for the following reason:

**SUBJECT TO THE FOLLOWING:**

01. The current application does not contain any substantive evidence to justify the proposal, it does not satisfactorily demonstrate a functional need, nor give any weight to the business activity concerned being financially sound with the clear prospect of remaining so and developing. The proposal therefore represents unjustified development in open countryside contrary to the aims and objectives of the development plan and NPPF paragraph 79.
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