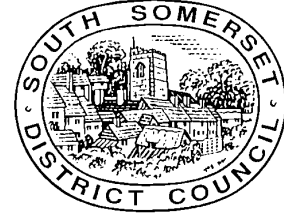


South Somerset District Council

Notice of Meeting



Area East Committee

Making a difference where it counts

Wednesday 10th April 2019

9.00 am

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

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



The following members are requested to attend this meeting:

Mike Beech
Hayward Burt
Tony Capozzoli
Nick Colbert

Sarah Dyke
Anna Groskop
Henry Hobhouse
Mike Lewis

David Norris
William Wallace
Nick Weeks
Colin Winder

Consideration of planning applications will commence no earlier than **9.45am**.

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

This Agenda was issued on Monday 1 April 2019.

Alex Parmley, *Chief Executive Officer*



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

Information for the Public

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

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

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

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

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

Agendas and minutes of meetings are published on the council’s website
www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

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

Public participation at committees

Public question time

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

Planning applications

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

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

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

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

The order of speaking on planning items will be:

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

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

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

Recording and photography at council meetings

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

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

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

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

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Area East Committee

Wednesday 10 April 2019

Agenda

Preliminary Items

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the previous meeting held on Wednesday 13th March 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 12th June at 9.00 am.

5. Public Question Time

6. Chairman Announcements

7. Reports from Members

Items for Discussion

- 8. Citizens Advice South Somerset (CASS)** (Page 6)
- 9. Planning Appeals (For Information Only)** (Pages 7 - 22)
- 10. Area East Committee Forward Plan** (Pages 23 - 24)
- 11. Schedule of Planning Applications to be Determined by Committee** (Pages 25 - 26)
- 12. 18/03282/S73A - Land at Cabbage Lane, Horsington** (Pages 27 - 34)

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

Citizens Advice South Somerset (CASS)

Angela Kerr, Chief Executive Officer, of Citizens Advice South Somerset, will be attending Area East Committee to deliver the annual presentation to members on the work of CASS along with their future plans.

Agenda Item 9

Planning Appeals

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

Purpose of the Report

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

Recommendation

That the report be noted.

Background

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

Report Detail

Appeals Received

18/01592/S73A – Glen Mayne & West View, Maperton Road, Maperton
Application to remove condition 4 (agricultural tie) of approval 91215 dated 28th January 1972 (Officer Decision)

Appeals Allowed

None

Appeals Dismissed

17/03405/FUL - Land OS 0084 at Gunville Farm Violet Lane Charlton Horethorne
Erection of two dwellings, provision of access, diversion of public right of way, landscaping and ancillary works (Officer Decision)

17/03964/OUT - Land OS 0059 Station Road Milborne Port Sherborne Dorset
Outline application for residential development for up to 56 dwellings including access (Officer Decision)

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

Appeals Withdrawn

18/00214/COL – Higher Farm, Woolston Road, North Cadbury BA22 7BL
Application for a Lawful Development Certificate for the existing use of land as residential

Background Papers: None



Appeal Decision

Site visit made on 15 January 2019

by I Bowen BA(Hons) BTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2019

Appeal Ref: APP/R3325/W/18/3200616

Land OS 0084 at Gunville Farm, Violet Lane, Charlton Horethorne, Sherbourne, Dorset.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hopkins Developments Ltd against the decision of South Somerset District Council.
 - The application Ref 17/03405/FUL, dated 16 August 2017, was refused by notice dated 20 October 2017.
 - The development proposed is the erection of two dwellings, provision of access, diversion of public right of way, landscaping and ancillary works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework was published on 24 July 2018, replacing the previous version. The appellant was notified of the publication and invited to make comments. I have had regard to the comments received in determining this appeal. Whilst further revisions were published in February 2019 (the revised Framework), no changes have been made to the content which are directly relevant to the subject matter of this appeal. Consequently, I consider that no prejudice would occur to any parties as a result of my taking the revised Framework into account in my assessment of the appeal's merits.
3. For reasons of clarity, I have used the site address as it appears on the Local Planning Authority's (LPA) refusal notice, excluding the grid references.
4. The LPA's first reason for refusal made reference to the proposed development resulting in a less attractive route for users of the public right of way as a result of its diversion. However, the LPA withdrew this part of the reason for refusal in response to the appellant's evidence on this matter. I have no reason to take a different view and therefore do not consider this matter further. For the avoidance of doubt, however, whilst the description of development refers to the diversion of a public right of way, any such diversion would need to be the subject of a separate consent procedure. This appeal decision therefore relates solely to the development being proposed.
5. The LPA's second reason for refusal related to a lack of information in relation to the extent to which roadside hedgerow removal would be necessary in order to achieve the required highway visibility splays. However, the LPA

subsequently confirmed that, in the light of the appellant's transport report, this reason for refusal has been overcome, subject to a suitable landscaping condition. In the light of third party comments, I also sought clarification from the appellant in respect of the control of land that would be needed to ensure adequate highway access visibility splays. Such clarification was provided and I need not therefore consider the second reason for refusal further.

Main Issue

6. The LPA does not dispute that, in principle, Charlton Horethorne is a suitable location in strategy terms for small scale residential development given the range of local services and facilities it provides. I see no reason to take a different view. Accordingly, the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

7. The focus of the village is around the village shop, school, public house and church in the southern part of the settlement around the junction of North Road and the B3145. The village extends uphill, quite steeply at first, towards the appeal site to the north. It is of a generally linear form, characterised by small scale development punctuated with open and undeveloped spaces separating low density clusters of development.
8. The appeal site lies on the northern fringes of the built-up area of the village and occupies the corner of a large field bounded by Blackford Road and Violet Lane. Immediately to the east of the proposed development is a linear strip of dwellings contained within a narrow wedge of land lying between Blackford Road and the field hedge.
9. The proposal comprises two large detached open-market dwellings and a separate block containing a pair of double garages, together with car parking and turning area. The dwellings would be two-storey and of a high standard traditional design, incorporating casement windows, gable features and red brick chimneys.
10. Nevertheless, the topography of the area is such that on approaching from the south, the appeal site rises up ahead and forms the foreground to expansive, far-reaching views of the open countryside. As such, the land currently provides a particularly arresting rural backdrop to this edge of the village. I recognise that the scheme represents a reduced scale compared to a previous proposal, that the LPA did not request a landscape and visual appraisal and that the appeal site does not lie in an area formally designated for its landscape or any other value. Nevertheless, its prominence and open nature are such that, to my mind, it forms an attractive and important part of the setting of this part of the settlement. The proposed development would interrupt this landscape setting and consequently would give rise to significant harm to the character and appearance of the area.
11. The scheme would incorporate the retention of the majority of the existing hedgerows bordering the site, with the exception of around 6m to enable access to the site. The existing field gate at the corner of Violet Lane and Blackford Road would also be removed and planted with new hedgerow, together with additional landscaping around the perimeter of the development. Nevertheless, the construction of two dwellings, detached garage block, hard

surfacing and accompanying domestic activities would have an urbanising effect on this open edge of the village which would not be fully mitigated by the proposed landscaping works.

12. Whilst the appeal development would be close to the houses on Blackford Road to the north, the nearest dwellings to it are sited in an unusual configuration with little space around them and are seen in the landscape as roadside dwellings. In contrast, the proposed dwellings would be of a different character, being set in generous plots and physically segregated by a hedgerow in the corner of an adjoining field. Furthermore, the appeal proposal would occupy land which, aside from the surrounding roads, lacks any pre-existing natural or physical boundaries to contain the development. Similarly, whilst the proposed building line would broadly mirror that of dwellings adjoining Violet Lane to the south, those properties form part of a coherent and established knot of development stretching southwards along Blackford Road.
13. My attention has been drawn to other developments which have taken place both historically and recently within the village which I viewed from public vantage points on my site visit. I am not familiar with the background to these developments, including the circumstances in which they may have been granted planning permission. It is clear that the growth of the village has taken place incrementally over many years and continues to do so. However, the examples I saw did not appear to offer a reasonable comparison to the case before me as, in the main, they either relate closely to and represent continuation of existing development, or are otherwise seen in the context of buildings or firm landscape features. Accordingly, I am not persuaded that the proposed dwellings would successfully reflect the prevailing, historic low density pattern of development in the village.
14. I therefore conclude that the proposed development would give rise to significant harm to the character and appearance of the area and would conflict with the adopted South Somerset Local Plan (2006 – 2028) (March 2015) Policy EQ2. That policy requires development to promote South Somerset's local distinctiveness and preserve or enhance the character and appearance of the District. This includes, amongst other considerations, the creation of quality places, ensuring development proposals are considered against conserving and enhancing the landscape character of the area. For the same reasons the proposed development would not accord with paragraph 127 of the revised Framework.

Planning Balance

15. It is not disputed that the LPA is unable to demonstrate a 5-year housing land supply, and this is currently estimated to be 4.4 years. Accordingly, in line with Paragraph 11 d) i. of the revised Framework, the so called 'tilted balance' is engaged.
16. There are a number of benefits associated with the scheme which I have carefully considered. Whilst I have found the proposed dwellings would be incompatible with its specific setting, they would nonetheless be of a high standard of design and would be constructed of good quality materials.
17. The development would provide two open market dwellings which could be suitable for family occupation on a site which the LPA's Housing and Employment Land Availability process has categorised, in principle, as being

both 'suitable' and 'achievable'. This would also accord with the revised Framework which notes that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. I am also mindful, based on the evidence before me, that rural areas in South Somerset are an important and successful source of housing supply.

18. It is not in dispute that site is in a location where, in principle, residential development could be acceptable as access to some day-to-day services and facilities is possible by means other than the private car. This weighs in favour of the scheme, although the benefits in this regard are tempered in this specific case as, whilst fairly proximate to the appeal site, the services and facilities would be accessed via a route which I saw is unlit, lacks footways and is, in places, quite steep. This, in my view, is likely to limit the extent to which future occupiers would choose to access local facilities by walking or cycling.
19. There would be economic and social benefits as a result of those services and facilities being likely to be supported by additional patronage. The development would also have positive economic benefits in supporting construction jobs. The scheme could also offer some biodiversity gains as a result of enhanced landscaping, although I note no specific management measures have been proposed.
20. The appellant has referred to benefits associated with improvements to highway visibility at the Violet Lane/Blackford Road junction. However, I have been provided with no evidence relating to any pre-existing highway safety risks and therefore attach little weight in favour of the scheme in that regard. Similarly, I have seen little evidence of the need for improved public right of way signage that could result from the development.
21. Overall, I consider the above benefits would be modest given the small scale of the scheme for two dwellings and these would be significantly and demonstrably outweighed by the harm to the character and appearance of the area. In this regard, I have had regard to the appellant's balancing exercises which attach weighted numerical values to the range of considerations. However, having carefully considered the Development Plan and all other material considerations, my judgement has, for the reasons given, led to a different conclusion.

Other matters

22. A number of other matters were raised by third parties in relation to the proposed development. However, as I am dismissing the appeal for the reasons given, I have not considered those matters further.

Conclusion

23. For the reasons given, and as material considerations do not indicate that I should conclude other than in accordance with the development plan taken as a whole, the appeal should be dismissed.

Ian Bowen

INSPECTOR



Appeal Decision

Hearing held on 22 January 2019

Site visit made on 22 January 2019

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th March 2019

Appeal Ref: APP/R3325/W/18/3198725

Land to the southeast of Station Road, Station Road, Milborne Port

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Hunt of Toft Hill Ltd c/o Walker and Sons (Hauliers) Ltd against the decision of South Somerset District Council.
 - The application Ref 17/003964/OUT, dated 21 September 2017, was refused by notice dated 16 February 2018.
 - The development proposed is residential development for up to 56 dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is made in outline with details of access provided and all other matters reserved for future approval. An indicative site plan has been submitted, and this was revised during the Council's consideration of the planning application. I have treated these plans as being illustrative of how the site could be developed, albeit layout would be a reserved matter.

Main Issues

3. The main issues in this appeal are:
 - a) whether or not the proposal accords with planning policies for the location of housing development;
 - b) whether access to the development can be achieved for vehicles and pedestrians, without detriment to highway safety on Station Road;
 - c) the effect of the proposed development on the character and appearance of the area; and
 - d) in light of my findings on the above matters and the housing land supply position of the Council, whether the proposal would constitute a sustainable form of development.

Reasons

Location of housing development

4. The appeal site comprises a parcel of agricultural land on the north-eastern edge of Milborne Port. Policy SS1 of the South Somerset Local Plan (2006-2028) (adopted 2015) (LP) sets out a development strategy which identifies Milborne Port as a Rural Centre. Settlements in this tier of the hierarchy have scope to accommodate some housing growth. LP Policy SS5 apportions housing numbers to each settlement, with Milborne Port having a residual requirement at the time of local plan adoption of 77 dwellings. The Council confirmed at the hearing that these figures are not maximums or ceilings, but are indicative of the level of growth proposed in each location. That Milborne Port has commitments that exceed its allocation by 27 dwellings is not automatically fatal to the appeal.
5. Although the appeal scheme would bring the number of dwellings for the plan period closer to that envisaged in Local Market Towns, the scale of the development would not be so significant as to disrupt the settlement strategy overall. It seems to me that until such time as the Council is able to demonstrate a five year supply of deliverable housing sites – and this is dependent upon the Yeovil urban extensions being unlocked – there will need to be some flexibility in the application of the development strategy to accommodate growth in lower tier settlements, where this can be achieved without material planning harm.
6. Notwithstanding concerns from residents regarding the capacity of the doctor's surgery and primary school, which I shall return to later, there is no compelling evidence to demonstrate that the overall level of services and facilities available within Milborne Port is incompatible with a modest level of additional growth over and above that identified under LP Policy SS5. Some facilities are located closer to the appeal site than others, but the compact size of the settlement means that the village centre and other key destinations are generally walkable using pedestrian footways.
7. For the above reasons, I conclude that there is no conflict with LP Policies SS1 and SS5 in terms of the location of the development or its impact on the settlement hierarchy.

Highway safety

8. It has been suggested that the appeal scheme could provide a pedestrian connection to Station Road through the Memorial Recreation Ground. However, this would require the consent of a third party landowner; there is no firm proposal for a hard surfaced footpath along this route. Therefore, the principal means of pedestrian access into the site would be via the main entrance onto Station Road, where it bends sharply to the left heading out of the settlement towards Charlton Horethorne. The existing pavement stops immediately beyond the entrance to Henning Way, and consequently there would be a requirement for a new section of footway linking to the new development.
9. The appellant has submitted proposals for these works, with Revision B of the drawings arriving shortly before the application was determined. There remains some uncertainty as to which revision of the drawings formed the basis for the Council's decision. Nonetheless, the parties at the hearing were agreed that I should consider Drawing Nos 17/306/TR/001 Revision B and 17/306/TR/002

Revision B. No party would be prejudiced by my doing so and therefore I shall proceed to determine the appeal on that basis.

10. The access to the development would follow the route of an existing track serving a solar farm. The junction of this track onto Station Road is on the outer radius of a bend, which means that drivers leaving the site would have a clear view of traffic approaching from both directions. Those exiting the village would have adequate warning of a stationary vehicle waiting to turn right into the development. Furthermore, the driver of that waiting vehicle would have adequate visibility of oncoming traffic, and vice versa.
11. Although residents were sceptical regarding the accuracy of the information presented, the plans are based on a topographical survey and the speed data was collected in accordance with the relevant government advice¹. On this basis, I am satisfied that the extent of visibility shown on the plans is realistic having regard to the measured traffic speeds.
12. At the hearing, the Highway Authority confirmed that its principal remaining concern is in relation to the narrowing of Station Road to create a footway. The limited extent of adopted highway land to the front of Everslea means that this would need to be constructed in what is presently the live carriageway. To compensate, the proposal is to widen the road on its north side by up to 900mm.
13. Station Road is enclosed on its north side by mature hedging which at the time of my visit had been recently cut. Even if the carriageway widening works could be undertaken to an adoptable standard without harm to root systems – and this is doubtful based on my observations – hedge regrowth is likely to overhang the new sections of tarmac. Drivers would therefore exhibit what the Highway Authority termed 'kerb shyness', in other words a tendency to steer clear of the edge of the road to avoid contact with branches and car damage.
14. Notwithstanding the plan annotations showing a 5.67m wide carriageway, the probability is that the effective width of the road for large periods of the year would be considerably less. Although the Highway Authority has powers under s154 of the Highways Act 1980 to require the hedge to be cut back, these powers are rarely used in practice and it would be unreasonable to grant planning permission in the knowledge that the powers are likely to be needed on a regular basis to address a road safety issue arising directly from the highway works undertaken as part of the appeal scheme.
15. This section of Station Road is essentially a blind bend with closing speeds of anywhere up to 60 mph. In my judgement, the proposed works would create a pinch point which would significantly increase the likelihood of head-on and side-swipe collisions on this corner. I therefore conclude that the proposal would be detrimental to highway safety, contrary to LP Policy TA5 and paragraph 109 of the National Planning Policy Framework (the Framework) insofar as they seek to resist development which would have an unacceptable impact on highway safety.

Character and appearance

16. The appeal site comprises a 2.4 ha parcel of farmland on the north-eastern edge of the village. The site bounds existing residential development in North Crescent to the west, but its southernmost extent also adjoins the Memorial Recreation Ground. Surrounding land to the north and east is agricultural in nature.

¹ TA22/81 Vehicle Speed Measurement on All Purpose Roads

17. Notwithstanding the proximity of housing along part of its boundary, the appeal site is out on a limb in relation to the main body of the village. The proposed development would be a prominent feature on entering the village. The focus here is not upon built form, most of which is not yet visible, but the wooded scarp slope of East Hill. From this vantage point, the scheme would read as an incursion into open countryside.
18. The visual impact of the development would be most pronounced from the Millennium Viewpoint on East Hill. From this elevated public vantage point there is an attractive countryside vista with Milborne Port in the foreground. The appeal scheme would be read against a backdrop of the settlement and a solar farm at the base of the escarpment. However, it would be an arbitrary addition to the village, having a poor relationship to the existing pattern of field boundaries and urban form. Although it was put to me that the adjoining playing fields display urban characteristics, this area has a substantially open and undeveloped character, particularly when viewed from a distance. The proposed development would extend beyond the southernmost extent of North Crescent and this would appear visually incongruous.
19. I have taken into consideration the intention to provide a planting buffer along the eastern boundary of the site. Although this would provide some mitigation, it would not satisfactorily address my concerns regarding the adverse visual impacts of the development. In the absence of a detailed landscaping scheme and layout which demonstrates that the site can satisfactorily accommodate the landscape buffer together with the full number of dwellings proposed, the requisite open space and appropriately sized attenuation pond, I have given the mitigation measures limited weight.
20. I am aware that the site was part of a wider area of land identified as having 'moderate sensitivity' for development in the Peripheral Landscape Study for Milborne Port. The study noted that the area is open and has a close relationship to urban form, with the general openness allowing the urban character to pervade beyond the urban edge. This assessment neither weighs for nor against the proposal and I note that the Council discounted the appeal site on the grounds of there being more suitable land which is better related to the village.
21. Therefore, notwithstanding the permissive policy stance towards the development of greenfield sites on the edges of Rural Centres, I consider that housing on the scale proposed, and in the location proposed, would cause material harm to the character and appearance of the area, and the landscape setting of Milborne Port. The proposal would conflict with LP Policy EQ2 insofar as it seeks to ensure that development respects the character and context of the area.

Unilateral Undertaking

22. The completed unilateral undertaking (UU) secures 35% of the proposed dwellings as affordable housing in line with the requirements of LP Policy HG3. This is a benefit to be weighed in the planning balance.
23. The UU also secures financial contributions towards various recreation facilities at the Memorial Recreation Ground. The Council has justified the sums sought by reference to evidence which demonstrates that there is a deficiency in leisure provision in the village. Although the monies are intended to cater for the needs of the development, the new or enhanced facilities would also

benefit current residents. This means that they carry some positive weight in the planning balance.

24. Having regard to the information presented, I consider that the above planning obligations are necessary, directly related to the development and fairly and reasonably related in scale and kind. As such they, would accord with the provisions of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and the tests for planning obligations set out in the Framework.
25. The UU also secures the payment of an Education Contribution. It is unclear as to whether these monies could be spent on an additional classroom, given that the Education Authority has advised that Milborne Port Primary School has no further opportunity to expand. Remaining pupil capacity will be taken up by a scheme at Wheathill Lane which has a resolution to grant planning permission. As it stands, children from the proposed development would need to be bussed to schools in other settlements, with some of the contribution being spent on transportation costs. To my mind, this is the antithesis of good planning and would be harmful to quality of life and community cohesion.
26. In the absence of proper justification as to where the monies would be spent, I cannot be satisfied that the Education Contribution would be necessary, or that the figure sought is reasonable. As such, the requirements of the CIL tests are not met and this obligation within the UU cannot be taken into account.
27. I am mindful that there has been no opportunity for the appellant to have a dialog with the Education Authority regarding its latest comments. This is clearly unsatisfactory, given that the Council had already signed up to the principle of the Education Contribution in the Statement of Common Ground. Had the appeal been acceptable in all other respects, I would have sought further written submissions from the parties on this matter. However, as it does not alter my overall findings I have not pursued it further.

Other Matters

28. I note the concern that the use of a watercourse for the disposal of surface water runoff would exacerbate existing flooding issues further downstream. However, there is no objection from the Lead Local Flood Authority and no substantive evidence to demonstrate that the proposed solution of an attenuated drainage scheme with an output mimicking greenfield runoff rates would contribute significantly to the risk of flooding.
29. There is no objection from the Highway Authority in relation to the ability of the local highway network to accommodate the additional vehicle movements generated by the development. Whilst residents clearly disagree, there is insufficient evidence to show that Station Road has reached capacity. As such, traffic generation would not be grounds to dismiss the appeal.
30. Residents have voiced the concern that the village doctor's surgery is experiencing unprecedented demand and would be unable to accommodate patients from the development. The Council advised that it had consulted the relevant health authority but had received no response. Given this, and the lack of any information in relation to this matter from the service provider, I do not consider that it should weigh against the proposal.

31. I have taken into consideration all other matters raised by the parish council and local community, including the concern that housing growth in Milborne Port is not being matched by employment. However, no other matter is of sufficient strength or importance as to lead me to a different conclusion on the main issues.

Planning Balance and Conclusion

32. The Council concedes that is unable to demonstrate a five year supply of deliverable housing sites, and I note that a recent appeal decision concludes that the supply is somewhere in the order of 4 years. On this basis, I consider that LP Policies SS1 and SS5 are out-of-date and the presumption in favour of sustainable development within paragraph 11 of the Framework is engaged.
33. Framework Paragraph 11 d) states that in circumstances such as this permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. As the proposal would not affect any of the protected areas or assets referred to under Footnote 6, it is the second limb of the policy which needs to be applied.
34. The proposal would have an unacceptable impact on highway safety. The increased risk to highway users is a matter of considerable importance and weight in the planning balance. There would also be material harm to the character and appearance of the area arising from the location and scale of the development. This matter also carries great weight. Overall, I find that the combined harms would significantly and demonstrably outweigh the benefits of market and affordable housing delivery, the improvements to leisure facilities and temporary benefits to the economy during the construction phase. As such, the proposal does not constitute sustainable development for which the Framework provides a presumption in favour.
35. I reach the above finding even without factoring in the deficiency of primary education infrastructure in the village. That would be an additional factor militating against a grant of planning permission, should the discussions between the parties conclude that the existing school is unable to expand any further.
36. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Robert Walker	Planning Consultant, AAH Planning
Martin Brown	Planning Consultant, AAH Planning
Martin Crabtree	Principal Highways Engineer, Bryan G Hall
Gemma Woodfall	Associate Landscape Architect, LUC

FOR THE LOCAL PLANNING AUTHORITY:

Dominic Heath-Coleman	Area Lead Planner, South Somerset District Council
Adam Garland	Principal Planning Liaison Officer, Somerset County Council
Ben Sunderland	Planning Liaison Officer, Somerset County Council

INTERESTED PARTIES:

Robin Bawtree	CPRE
David Bishton	Local resident
Tom Campbell	Milborne Port Parish Council
Tim Carty	Milborne Port Parish Council
Beryl Dakin	Local resident
Austin Fletcher	Local resident
Jacquie Hall	Local resident
Peter Kelly	Local resident
Robert Lockey	Local resident and Chair of Governors, MP Primary School
Jane Matthews	Local resident
Terry Mitchell	Local resident
John Oldham	Milborne Port Parish Council
Karen Page	Local resident
Jacqueline Stevens-Moulding	Local resident

Documents submitted at the hearing

1. Appeal update regarding education contributions
2. Officer report on planning application 17/03985/OUT
3. Extract from letters page of local publication: 'Don't drive on village pavements'



Appeal Decision

Site visit made on 12 February 2019

by Matthew Jones BA(hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2019

Appeal Ref: APP/R3325/W/18/3215446

Land at Jarmany Hill, Barton St David, Somerton TA11 6DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Sean Reynolds, SAR Management Consultancy Ltd against South Somerset District Council.
 - The application Ref 18/01929/OUT, is dated 18 June 2018.
 - The development proposed is 6 two storey dwellings with associated parking and landscaping.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. The planning application was submitted in outline with all matters reserved. This differs from the Council's evidence, which considers access in detail. As no written agreement of this change is before me, I have considered this appeal on the basis of the planning application as originally submitted.
3. Although the Council failed to give notice of its decision within the prescribed period, it is clear that its reasons for refusal had been formulated. I have therefore based my identification of the main issues on the three reasons for refusal given within the Council's evidence.
4. In February 2019, after all evidence from the main parties had been received, the latest version of the National Planning Policy Framework (the Framework) was introduced. However, the revisions to the Framework are not directly relevant to the issues in this appeal. I have therefore used the latest version of the Framework in my assessment without prejudice to any party.

Main Issues

5. The main issues are:
 - The suitability of the site for residential development with regard to local and national planning policy and having particular regard to its accessibility to services; and,
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Suitability of the Site

6. The site is a section of field approximately 100m to the west of the main part of the village of Barton St David. It is accessed from Jarmany Hill which connects Barton St David to the rural settlement of Butleigh approximately 2.5km to the north west. Barton St David has a pub, church and other community and recreational facilities. Although the Council previously considered upgrading the village to a rural centre under the terms of Policy SS2 of the South Somerset Local Plan (Local Plan), it remains within the lowest tier of the Council's settlement hierarchy. The appeal site is not within or adjacent to the village and is located within designated countryside under Policy SS1.
7. Paragraph 108 of the Framework requires that development should achieve safe and suitable access for all users. Although the site is a short distance from the village, the connecting road is reasonably narrow, has no footpaths or street lighting, and there is a small curve near the site which inhibits visibility. There are narrow verges on the sides of the road, but they higher than the carriageway and are not easily accessible, particularly for less agile people or those with pushchairs. Consequently, I consider that pedestrians attempting to access the village would come into regular conflict with motor vehicles. This is different to within the village itself which, although also lacking in pavements, has several places where pedestrians can move off the carriageway.
8. To the west of the appeal site Jarmany Hill is similarly devoid of pavements and streetlighting, and the 500m walk to the bus stop would not be an appealing option to access the rural bus network. There is a Public Right of Way opposite the site which connects to the village. However, it crosses open fields and requires passing over fences and watercourses via steps, rudimentary planks and stepping stones. It is not a reliable alternative route to the village.
9. As such, although the site is near to the settlement, walking would not be a safe or reliable option, and occupants would be dependent on the motorcar to safely access services. Although levels of access vary between urban and rural places, in my opinion the degree of inaccessibility in this case would surpass the levels tolerated by local and national planning policy in this rural location.
10. The appellant refers to two sites previously evaluated by the Council for residential development. Although details before me are limited, both are within the main built-up area of the village and do not necessitate a 100m walk through an unsafe rural highway environment. Although I acknowledge that they have not come forward at this stage, this absence of progress does not, in my opinion, justify residential development at an inaccessible and unsuitable site within the countryside.
11. I therefore find that the site is not suitable for a residential development due to the lack of access to services. It would conflict with Policies SD1, SS1, SS2 and TA5 of the South Somerset Local Plan (adopted 2015) and paragraph 108 of the National Planning Policy Framework which, amongst other things, seek to provide safe and accessible development within rural settlements.

Character and Appearance

12. Despite its proximity to Barton St David and the presence of other buildings further along Jarmany Hill, the area immediately around the appeal site is

primarily rural in character and feels separate from the village. From the highway and connecting Public Rights of Way the site can be seen to contribute positively to this environment through its openness and verdant appearance.

13. Although in outline, the proposed development of six dwellings would provide an inevitable degree of built development, associated domestic trappings and tree and vegetation removal to facilitate a new domestic access. As a result, the proposed development would provide an incongruous and anomalous intervention into the rural landscape physically and visually divorced from nearby dwellings. Although the appellant's intention is to provide a design which strongly adheres to the vernacular, the quality of the external appearance of the dwellings would not overcome the fundamental harm that I have identified.
14. Consequently, the proposed development would conflict with Policy EQ2 of the South Somerset Local Plan (adopted 2015) which, amongst other things, requires development to conserve landscape character and respect local context.

Other Matters

15. With regard to the flood plain, I appreciate that the appellant has sought to introduce this element to resolve an existing off-site flooding issue and provide a SuDS beyond the particular drainage requirements of the proposal. However, as it is not necessary to resolve this issue to achieve an appropriate drainage strategy for the development, and the proposed flood plain is outside of the application site in any case, I would be unable to capture to it within a compliant planning condition.

Overall Planning Balance

16. The parties agree that the Council cannot currently demonstrate a five-year supply of deliverable housing sites and that, pursuant to paragraph 11 of the Framework, the weighted presumption in favour of sustainable development is engaged.
17. The proposed development would make a contribution towards meeting the housing shortfall within South Somerset. This would be a social and economic benefit. There would also be a limited and temporary economic benefit during the construction phase. However, due to the small scale of the development I consider these benefits to be moderate.
18. The location of the site would lead occupants to be overly dependent on the motorcar to access services and facilities. The proposal would introduce harmful development into a characteristically rural location. I consider these adverse environmental effects to be significant, and to significantly and demonstrably outweigh the moderate benefits of the proposal. The presumption in favour of sustainable development therefore does not apply in this case.

Conclusion

19. Taking all these factors into account, I conclude that the proposal would conflict with the development plan as a whole. There are no other material considerations that outweigh this conflict.

20. For the reasons outlined above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Matthew Jones

Inspector

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

Appendix A

Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
12 June 19	Area Delivery Plan	Progress Report	Stephen Barnes
12 June 19	Wincanton Town Centre Strategy	Update report to include outcome of public consultation and next steps	Pam Williams/Peter Paddon
14 August 19	Area Priorities & Area Chapters	To agree the strategic priorities for consideration in the wider Council Plan	Chereen Scott

Agenda Item 11

Schedule of Planning Applications to be Determined by Committee

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

Purpose of the Report

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

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 9.45am.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 9.30am.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
12	BLACKMOOR VALE	18/03282/S73A	Application to vary condition 6 of approval 16/04084/FUL to allow retail sales from the premises	Land at Cabbage Lane, Horsington, Templecombe	Mr & Mrs Holley

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

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

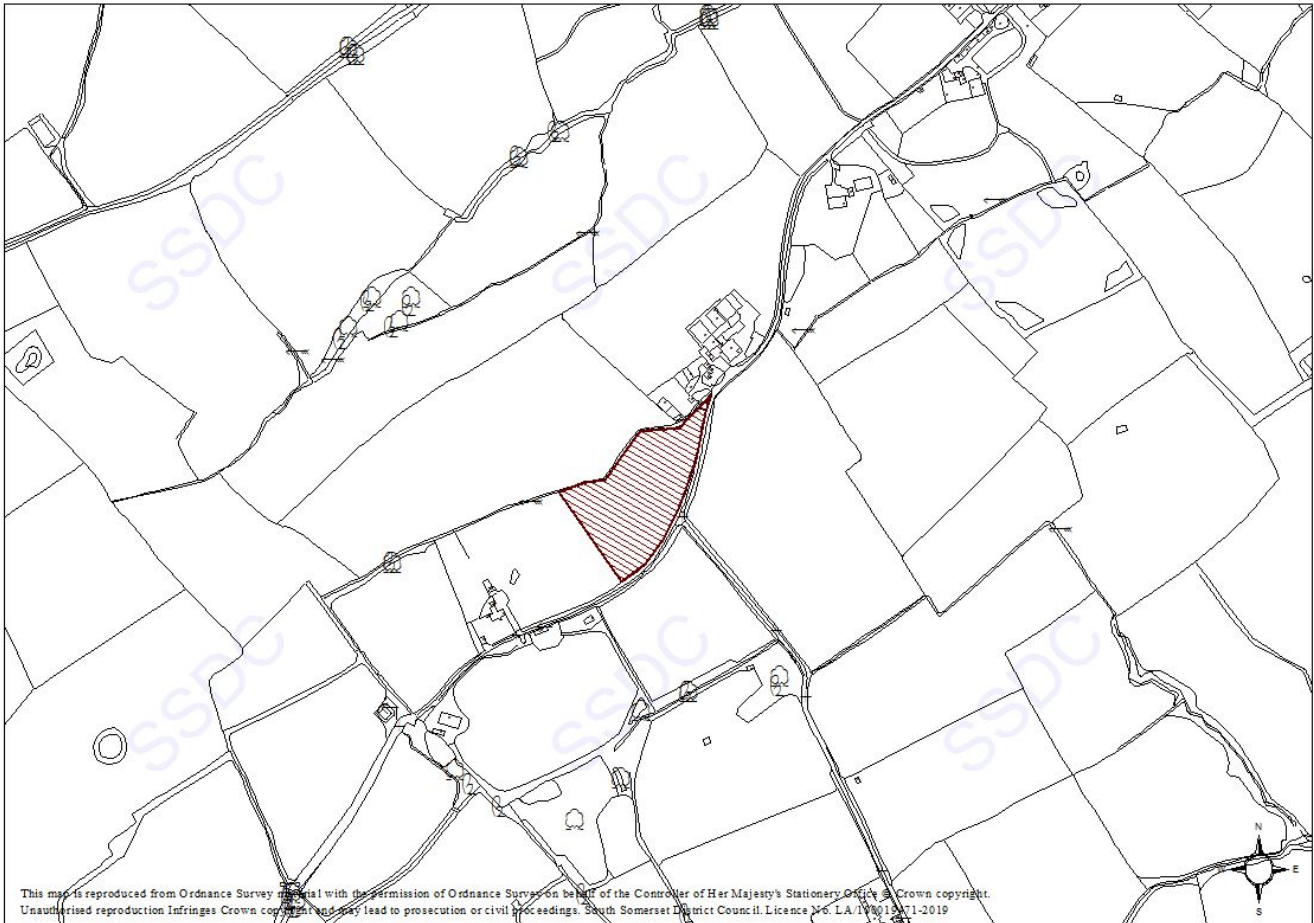
Agenda Item 12

Officer Report On Planning Application: 18/03282/S73A

Proposal :	Application to vary condition 6 of approval 16/04084/FUL to allow retail sales from the premises.
Site Address:	Land At Cabbage Lane Horsington Templecombe
Parish:	Horsington
BLACKMOOR VALE Ward (SSDC Member)	Cllr W Wallace Cllr Hayward Burt
Recommending Case Officer:	Planning Case Team Tel: (01935) 462462 Email: planningcaseteam@southsomerset.gov.uk
Target date :	3rd December 2018
Applicant :	Mr & Mrs Holley
Agent: (no agent if blank)	Mr Matt Williams Brimble Lea & Partners Wessex House High Street Gillingham SP8 4AG
Application Type :	Minor Other less than 1,000 sq.m or 1ha

At the request of the Ward Member and with the agreement of the Area Chairman, this application is referred to Area Committee for full consideration around Policy TA5 (Transport Impact of New Development) of the South Somerset Local Plan 2006-28.

SITE DESCRIPTION AND PROPOSAL





The site is located on the north side of Cabbage Lane in the rural area of Horsington and is currently occupied by Blooming Wild Nursery.

A shade tunnel and 2 no. polytunnels and associated equipment barn and track were approved under application 16/04084/FUL which included the following condition:

06. *There shall be no retail sales carried out from the application site.*

Reason: In the interests of ensuring development is sustainable and of highway safety in accordance with policies SD1, SS1, and TA5 of the South Somerset Local Plan. "

This application seeks permission to vary the condition to provide ancillary sales. Varying the permission would allow ancillary sales to be undertaken from the premises.

During the course of the application the agent confirmed that there will be 2-3 deliveries each year in the spring. Customers are expected to visit infrequently with generally 0-1 customers each day in March and April, 2-5 customers per day between May and July and 1-2 customers per day between August and October. Only plants grown at the nursery will be sold.

HISTORY

16/04084/FUL - Erection of 2 No polytunnels and 1 No shade tunnel with associated machinery and equipment barn, formation of new access track. - permitted with conditions 21.11.16

POLICY

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

South Somerset Local Plan (2006 - 2028)

SD1 - Sustainable Development
SS1 - Settlement Strategy
EP11 - Location of Main Town Centre Uses
TA4 - Travel Plans
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ2 - General Development
EQ5 - Green Infrastructure
EP4 - Expansion of Businesses in the Countryside
EP11 - Location of Main Town Centre Uses (the sequential approach)

National Planning Policy Framework

Chapter 6 - Building a Strong Competitive Economy
Chapter 7 - Ensuring the Vitality of Town Centres
Chapter 9 - Promoting Sustainable Transport
Chapter 15 - Conserving and Enhancing the Natural Environment

Planning Practice Guidance

Somerset Parking Strategy

CONSULTATIONS

Horsington Parish Council - "Horsington Parish Council discussed this application at a meeting yesterday and Councillors are unanimously opposed to the application. Councillors shared the residents concerns about the increased traffic that will be generated along the narrow roads of Cabbage Lane and the approach from the other side from Wilkinthroop."

County Highway Authority:

18.01.2019 - "The planning application proposes to vary condition 6 of consent 16/04084/FUL to permit the sale of plants grown at the site. The original 2016 planning application was dealt with by standing advice and the condition imposed by the Local Planning authority in the interest of sustainability and Highway Safety. The approach road to the premises are very narrow and poorly aligned and the Highway Authority would not wish to see a significant increase in the traffic generated on these roads. It is difficult to quantify the level of vehicular movements that the removal of this condition could generate. Commercial sales of plants to the general public may have the potential to generate a significant increase in vehicular movements here. I note from the submitted covering letter from Brimble, Lea and Partners that from the applicants experience, the levels of vehicular movements connected to the sale of plants is 2-5 movements day. I also note that the applicants plan to restrict the trade to between 1 March to 31st October with opening days/hours for selling plants to be restricted between 9.30am - 4.30pm Wednesday to Friday and 10.00am - 4.00pm on Saturdays. I think that more in depth information regarding the traffic movements likely to be generated here is required and further information in relation to the exact nature of the sales element. Please can applicants submit a more detailed traffic report for likely/expected levels of traffic generation - deliveries, additional staff members etc, peak hours of traffic generation. At which point the Highways Authority will be able to make more substantive observations."

21.02.2019 - "I've had a chance to review the email from Matt Williams of Brimble, Lea and the detailed review of traffic movements likely to be generated with such a development. I note the key elements of Matt's email which refer to the type of sales that will be generated by the business and plants only grown at the site to be sold. If the LPA are content to provide a condition which limits sales to a seasonal basis as alluded to, I do not believe the proposed use has a potential to generate a significant increase in the use of the local Highway Network. There are therefore no objections subject to the following conditions:" (See below for conditions)

SSDC Highways Consultant - Refer to SCC comments.

REPRESENTATIONS

A site notice was displayed and 8 neighbours informed.

One letter of support was received as follows:

The Old Farmhouse - As a local resident and small business owner, we just wanted to write and lend our support for this application. It's refreshing to see other local businesses expanding in our area and we can only see this as a positive for the local economy.

Seven letters of objection were received alongside a petition containing the signatures of 21 people.

Issues raised included:

- i. Planning has only been granted for a nursery, not a shop. 16/04084/FUL approval was based on the principle of no commercial sales
- ii. Concerns that a garden centre could be established
- iii. Site could accommodate a much larger commercial / retail business
- iv. Unauthorised silo
- v. Impact on landscape
- vi. Concern that a house will be erected
- vii. Disruption to residents
- viii. Destroy tranquillity of lane
- ix. Millington case does not have an implication for this application
- x. By refusing application, Council would not prevent applicants from carrying out their business of attending plant fairs and deliveries to garden designers
- xi. Narrow, windy lanes - highway safety issue
- xii. In some areas the road is only the width of a car
- xiii. Blind corners and tow ninety degree bends
- xiv. In relation to claim that Cabbage Lane supports traffic attracted by pub, the White Horse public house is on junction with A357 and the riding stables are a third of a mile along Cabbage Lane
- xv. Increased traffic and lack of passing places could cause more nuisance to residents
- xvi. Entrance is on a bend with poor visibility
- xvii. Danger to horse riders, children, pedestrians and free range chicken and ducks
- xviii. Traffic movements could increase if successful or other retail opportunities are added
- xix. Lane unsuitable for deliveries
- xx. Summer retail sales is when lane is at its busiest
- xxi. Concern that customers would park on the road
- xxii. Accident in October 2018 where car ended up in ditch after reversing. Traffic bollards erected warning drivers verge s unsafe.
- xxiii. Gullies, dangerous bends and lack of passing places

All representations are available to view in full at www.southsomerset.gov.uk

CONSIDERATIONS

Principle

The site is located in the rural area of Horsington away from any Town Centre. Condition 6 of 16/04084/FUL was imposed to avoid the introduction of non-conforming retail use. Policy EP11 in the South Somerset Local Plan 2006 - 2028 aims to direct main town centre uses (which include retail) to the town centre.

The proposal is to vary condition 6 of approval 16/04084/FUL to allow retail sales from the premises. If this restriction was removed entirely, it opens up the potential for the entire site to become retail use. This would invoke the requirements of policy EP11 regarding the need for a sequential test, meaning that the applicant should assess firstly sites in the town centre, then edge-of-centre locations, then out-of-centre sites that are served by a choice of sustainable travel modes. This approach is supported by the National Planning Policy Framework, which makes clear that where an application fails to satisfy the sequential test, it should be refused.

However, on the application form it appears that the applicant seeks to vary the condition to sell plants between March - October grown solely onsite from an outside area measuring 115 square metres. Customers are expected to visit infrequently with generally 0-1 customers each day in March and April, 2-5 customers per day between May and July and 1-2 customers per day between August and October. If this is the case, it is considered that the retail sales would be ancillary to the existing horticultural use. Therefore in this case the principle is accepted and a sequential approach would not be required, as detailed in Policy EP11.

Highway Safety

Blooming Wild Nursery is an established business which operates from Cabbage Lane approximately 0.8 miles from the junction with the A357. The Parish Council and local residents have raised a number of concerns (points xi - xxiii above) as to the potential highway impacts of the proposed development. It is acknowledged that Cabbage Lane is predominantly narrow with sharp bends and that additional traffic may be disruptive to local residents as it could result in additional manoeuvring to a passing point.

Planning consent 16/04084/FUL was approved on the basis of no retail sales because the applicant confirmed that no retail sales would take place as part of that proposal. As such, the impact of ancillary retail sales was not assessed as part of that application. The applicant has now stated that they would like to sell plants between March to October, grown onsite from an outside area measuring 115 square metres. The applicant has stated that the onsite sales would only be a small part of the overall business and would be prepared to accept the imposition of a condition to control this, including a limitation as to only sales of plants grown onsite between March - October.

The agent has provided expected traffic movements. It has been detailed there will be 2-3 deliveries each spring and that customers are expected to visit infrequently with generally 0-1 customers each day in March and April, 2-5 customers per day between May and July and 1-2 customers per day between August and October. In assessing this level of use there is considered to be sufficient parking on the site to serve the existing use and the proposed ancillary retail use. As such, the proposal complies with Policy TA6 of the South Somerset Local Plan.

Paragraph 109 of the National Planning Policy Framework states that: 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Highway Authority was consulted. Following additional information submitted by the agent, the Highway Authority raised no objection subject to the imposition of conditions to restrict sales to seasonal, agree details for disposal of surface water and keeping the parking area clear of obstruction. As such, the proposal is considered

to comply with Policy TA5 of the South Somerset Local Plan.

Impact on residential amenity

Due to the position of the buildings and structures, it was not considered that the development would give rise to undue overlooking or an overbearing relationship with neighbouring properties as part of 16/04084/FUL. A condition was imposed on 16/04084/FUL to ensure no livestock was accommodated in the building and it is considered reasonable to re-impose that condition. Accordingly, the proposal is considered to comply with Policy EQ2 of the South Somerset Local Plan and not introduce harm to residential amenity

Landscape

Concern was expressed with regards to the impact on the landscape. As the polytunnels and building are already approved, it is considered the addition of an outdoors ancillary sales area will not introduce further harm to the surrounding landscape.

Future use

Concern has been expressed that a garden centre could be established. However, the applicant has confirmed their willingness to accept a condition to limit sales between March and October to those of plants grown onsite. The retail sales area will also be restricted by condition to the 115 square metres as shown on the proposed site plan.

Concern has also be expressed about the future erection of a dwellinghouse. At no point during this application has a dwellinghouse been suggested and any future application would be assessed on its own merits according to policy at that time.

Other Issues

As this is a Section 73A application, this is in effect a new application for the erection of 2 No polytunnels and 1 No shade tunnel with associated machinery and equipment barn, formation of new access track. Therefore all previous conditions imposed can be reassessed.

It is clear from the records that of the 9 conditions imposed some were pre-commencement conditions of which 4,7 and 8 were discharged. These conditions relate to landscaping, surface water drainage and consolidation of surface. As conditions 4 and 7 have been implemented they do not need to be re-imposed. However, although condition 8 relating to surface water drainage has been agreed and discharged, it has not yet been implemented. As such, the condition will be re-imposed on this consent.

In considering other conditions 1 can be reworded to reflect the retrospective nature of the application, with the nursely operational since April 2017. Conditions 5 and 9 are still relevant and should be re-imposed.

Condition 6 is the condition applied to be varied and can be changed to include ancillary retail sales.

RECOMMENDATION

Grant permission

01. The proposal to vary the condition to allow ancillary sales from the site would not be harmful to visual amenity, the character of the locality or highways safety and would not be prejudicial to the vitality and viability of the town centre. As such the proposal complies with policies EQ2, EP4,

EP11, TA5 and TA6 of the South Somerset Local Plan 2006 - 2028 and the policies contained within the National Planning Policy Framework 2019.

SUBJECT TO THE FOLLOWING:

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from April 2017.

Reason: To comply with Section 73A of the Act.

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

TD813-02B, Plan 1, and Plan 2 received 22 September 2016

TD813-05A received 04 October 2016

Drawing number 18151 - 1 - Proposed Site Plan received 08.10.2018

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

03. The storage building hereby approved shall not be used for the accommodation of livestock, for the storage of slurry or sewage sludge, or for storing fuel for or waste from a biomass boiler or an anaerobic digestion system without the prior written consent of the local planning authority.

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

04. There shall be no retail sales from the site, except for plants grown at the site from a maximum gross area of 115 square metres as shown by the hatched area on Drawing 18151 - 1. No other goods, equipment or services shall be sold, exhibited, displayed, demonstrated or promoted without the prior express grant of planning permission.

Reason: To determine the scope of the permission and in the interests of highway safety and sustainability, and to comply with policies EP11, EQ2 and TA5 of the South Somerset Local Plan and the aims and provisions of the NPPF.

05. The retail use shall only take place during the following hours: 9.30am - 7.30pm on Wednesday - Friday and 10.00am - 4.00pm on Saturdays between 1st March - 31st October each year.

Reason: In order to determine the scope of the development permitted and avoid the introduction of a non conforming retail use in accordance with policy EP11 of the South Somerset Local Plan (2006 - 2028) and the aims and objectives of the NPPF.

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

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

07. The area allocated for parking on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety, in accordance with Policies TA5 and TA6 of the South Somerset Local Plan 2006-28

08. The proposed drainage methods as previously agreed as part of application 17/0228/DOC shall be installed within three months of the date of this decision and shall be retained and maintained thereafter.

Reason: In the interests of highway safety and to prevent water discharging onto the highway in accordance with policies TA5 and TA6 of the South Somerset Local Plan 2006 -28.
