
Area East Committee

Wednesday 10th July 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:

Robin Bastable
Hayward Burt
Tony Capozzoli
Nick Colbert
Sarah Dyke

Henry Hobhouse
Charlie Hull
Mike Lewis
Kevin Messenger
Paul Rowsell

Lucy Trimnell
William Wallace
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

This Agenda was issued on Monday 1 July 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
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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.

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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%200council%20meetings.pdf>

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Area East Committee

Wednesday 10 July 2019

Agenda

Preliminary Items

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the previous meeting held on Wednesday 12th June 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, Henry Hobhouse, Paul Rowsell, William Wallace 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 14th August at 9.00 am.

5. Public Question Time

6. Chairman Announcements

7. Reports from Members

Items for Discussion

- 8. Annual Progress Report - Heart of Wessex LEADER Programme** (Pages 6 - 9)
- 9. The Retail Support Initiative overview** (Pages 10 - 14)
- 10. Wincanton Town Centre Strategy** (Pages 15 - 36)
- 11. Area East Committee Forward Plan** (Pages 37 - 38)
- 12. Planning Appeals (For Information Only)** (Pages 39 - 44)
- 13. Schedule of Planning Applications to be Determined by Committee** (Pages 45 - 47)
- 14. 18/01602/FUL** - Former BMI Site, Cumnock Road, Ansford** (Pages 48 - 71)
- 15. 18/01603/LBC** - Former BMI Site, Cumnock Road, Ansford** (Pages 72 - 78)
- 16. 19/00184/S73A - Land rear of 18-24 Westcombe, Templecombe** (Pages 79 - 86)
- 17. 19/01166/HOU - Fieldways, Chilthorne Hill, Chilthorne Domer** (Pages 87 - 90)
- 18. 19/01097/S73 - Hook Valley Farm, Lawrence Hill, Holbrook** (Pages 91 - 96)

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

Annual Progress Report – Heart of Wessex LEADER Programme

Portfolio Holder: Cllr Henry Hobhouse
Director: Martin Woods
Lead Officer: Pam Williams
Contact Details: pam.williams@southsomerset.gov.uk

Purpose of the Report

To update Area East Committee on the activities of the Heart of Wessex LEADER Programme during 2017/18.

Public Interest

The whole of rural South Somerset benefits from the LEADER Programme, which supports locally designed rural development and enterprise initiatives. This is a 5 year EU funded programme that went live in November 2015. It focuses on supporting rural job creation and economic development.

Due to BREXIT the programme will finish early. All projects should be contracted by 30th September 2019 and the current guidance is that project spend should be completed (ie final claims paid) by 30th September 2020.

Recommendation

That Members note and comment on the report.

Background

Projects funded under the new LEADER Programme (2015-2020) focus on delivering jobs and growth, 70% of the projects funded under LEADER will directly support the rural economy (eg: through creating and developing micro and small sized rural businesses). 30% of projects will also need to demonstrate that they are contributing to improving the rural economy. The programme has 6 priorities: (1) increasing farm productivity (2) micro & small enterprise and farm diversification (3) rural tourism (4) rural services (5) cultural & heritage activity and (6) forestry productivity.

The Heart of Wessex LEADER Programme covers south Wiltshire, part of Mendip, the Area East part of South Somerset and part of Area West. Locally it is overseen by a Local Action Group (LAG). The total picture of LEADER coverage across SSDC is shown in the appendix. This has aligned its activities to the Local Enterprise Partnership (LEP). The Managing Agent and Accountable Body for the heart of Wessex LAG is Wiltshire Council. The Programme Manager and Administrator are based at the Balsam Centre Wincanton.

The launch of the programme was delayed for over 9-months due to the General Election and a total revision of all the documentation required for the launch of the new programme. The first call for expressions of interest was put out in November 2015.

Cllr Mike Lewis, Area East, was appointed to serve on the Executive for the LAG. All Members in the area of benefit have been kept in contact through the newsletter from the LAG and further details of the programme are on the website: www.heartofwessex.co.uk

Progress of the Programme

- The Heart of Wessex LEADER Programme has allocated £1,703,000 of grant funding to 43 projects across the LAG area. Nineteen of these are in Area East (see table below)
- The Heart of Wessex successfully bid for additional funding in early 2019 and was awarded £227,000 taking the project investment budget to £1,752,843
- 54% of the overall project allocation for the entire area has been invested into Area East
- All grant funds are paid retrospectively and all claims must be fully evidenced
- Over £1,200,000 of grant claims have been approved and paid to beneficiaries
- 28 new FTE's have already been created
- The Heart of Wessex LEADER Programme is now closed to new project applications, pending the availability of any further funding
- Business advice is available from various sources to help businesses establish and grow. This includes the NDO (economy), SSDC Economic Development Team and a range of other sources/websites for various aspects of business growth, funding, etc. A factsheet has been produced to help businesses find the help they need

Awards approved for projects located in Area East (each with a grant intervention rate of 40%) **are as follows:**

Applicant	Project	Grant Awarded £	Total Project Cost £
Snells, Mudford	Support build & furnishing of The Trough Farm Shop	96,708.00	241,177
Camel Hill Farm, Queen Camel	Purchase of a No Till Drill	15,278.00	38,195
SH & GH Keen, Wincanton	Purchase of 2 pieces of machinery	17,257.60	43,145
Godminster Farm, Bruton	Moo Meters – cow collars	12,724.00	31,810
Norwood House Chocolate, Wincanton	Purchase of capital equipment to expand artisan production	14,037.00	50,000
Lievito Ltd. Lovington	Purchase of new equipment to expand artisan bakery	36,355.04	90,888
Snells, Mudford	The Glass Box – extension to restaurant	63,392.80	158,480
AJ Portch, Gilcombe Farm, Bruton	To expand compostable toilet hire business by increasing the number of units	77,020.00	192,550
Kimbers Farm Shop, Charlton Musgrove	To create a café & kitchen for farm shop	43,496.58	108,743
DV & ME Sweet & Son, Holton	Installation of cubicle matting to improve dairy cow welfare	14,088.00	35,220
Feltham's Farm Ltd, Horsington Marsh	New cheese factory	71,928.71	179,823
CLG & J Wadman & Son, Holton	Installation of a robotic milking system to improve animal welfare & productivity	133,756.38	334,392
Gilcombe Farm, Bruton	Compostable Toilets for festivals	77,020.00	192,550.00

Tyre Renewals Ltd, Castle Cary	New tyre baler	97,841.20	244,603.00
Mattimia, Wincanton	New Bread Oven	5,920.00	14,800.00
Easy Bean Ltd, Mudford	New equipment and building works to support business expansion	37,692.16	67,985.39
Sycamore Process Engineering Ltd, Sparkford	New building and equipment	85,496.80	213,742.00
The Chocolate Society, Wincanton	New Equipment	16,963.64	42,409.09
Jonathan King-Brain, Sparkford	Building infrastructure and new equipment for elderflower presse enterprise	25,386.38	63,465.96
	Totals	£942,362.29	2,343,978.20

The figures quoted are the award of funding based on the Grant Funding Agreement. Final figures may vary as the funding is paid retrospectively based on actual project costs. Area East projects have attracted significant funding through this programme. Early funding went to farming enterprises; however a significant amount of funding has now been awarded to a range of businesses throughout Area East. As a result many new jobs are being created and others safeguarded.

Next steps

Applications are now closed to new enquiries. Projects are now delivering and the team is working with beneficiaries of the grants to ensure successful delivery of their projects.

At the present time we do not know if there will be a successor scheme put in place by the UK Government.

Financial Implications

None directly arising from this report. The Area East Committee set aside a ring-fenced sum to support of the programme in 2014 – £960 is remaining. The intention was to assist applicants to bring forward high quality proposals in this Area.

Corporate Priority Implications

The current Council Plan states that:

- We want a strong economy, which has low unemployment and thriving businesses – one of stated ways which we will address this is to:
 - Work in partnership to deliver investment and development that local people value

Carbon Emissions & Adapting to Climate Change Implications (NI188)

Carbon emissions and adapting to climate change implications (NI188) in due course this designation could provide a way of supporting local employment and promote local produce/services in our communities contributing to greater self-containment, thereby reducing carbon emission

Equality and Diversity Implications

Rural communities are vulnerable to isolation from services & markets and face higher transport costs. This programme provides an opportunity to support locally important economic initiatives.

Background Papers: *See website*

Agenda Item 9

The Retail Support Initiative overview

Portfolio Holder *Cllr Henry Hobhouse*
Director : *Martin Woods, Service Delivery*
Service Manager *Tim Cook, Locality Manager*
Lead Officer: *Pam Williams, Specialist, Economic Development*
 Terena Isaacs, Locality Officer, East
Contact Details: *pam.williams@southsomerset.gov.uk or 01963 435020*
 terena.isaacs@southsomerset.gov.uk or 01935 462268

Purpose of the Report

To report on the operation of the Retail Support Initiative (RSI) during 2018/19 and approve the operating criteria for 2019/20.

Public Interest

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

Recommendations:

- (1) To note the report
- (2) To approve the updated operating criteria of the RSI scheme for 2019/20
- (3) To consider a top up to the RSI budget of £5000 from the Members Discretionary Budget for 2019/20

Background

Retail Support Initiative

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

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

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

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

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

Operation of Retail Support Initiative during 2018-19

Appendix 1 shows a breakdown of the grants awarded during 2018/19.

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

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

A combination of face to face visits and email are used to remind businesses about the scheme annually and a leaflet drop will be undertaken in the main towns during the Summer - Face to face visits will be undertaken by members of the Locality team as requested by specialists (Economic Development).

A copy of the eligibility criteria approved in May 2018 is attached at Appendix 2 - this is unchanged apart from the eligible units for the Wincanton top-up which have been amended to reflect changes in unit occupancy and could be applied to any unit which has been vacant for six months providing it meets the other RSI requirements. It is therefore suggested that this operating criteria is rolled forward for 2019/10. Once a delivery plan for Wincanton Town Strategy is in place, the RSI will be reviewed again to ensure that proposed interventions complement this and avoid overlap

Financial Implications

The unallocated budget at the end of June 2019 is as shown in the table below:

Revenue element	Capital	Wincanton ‘top-up’
£2581.50	£1212	£10000

There is £10,200 available in the Members Discretionary budget for allocation in 2019/20. If members agree the above recommendation, there will be £7581.50 revenue element for allocation in 2019/20.

Implications for Council Plan

Complementing the economy theme which seeks to support our town centres in adapting to the changes in our high streets and consumer trends

Other Implications

None

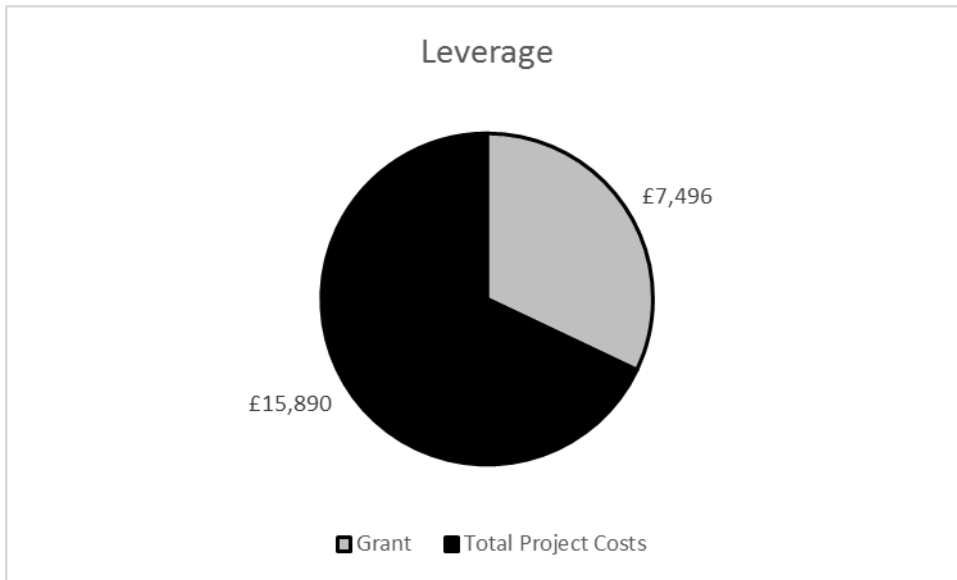
Background Papers:

Area East Committee Agenda and Minutes July 2014 and May 2018

Appendix 1

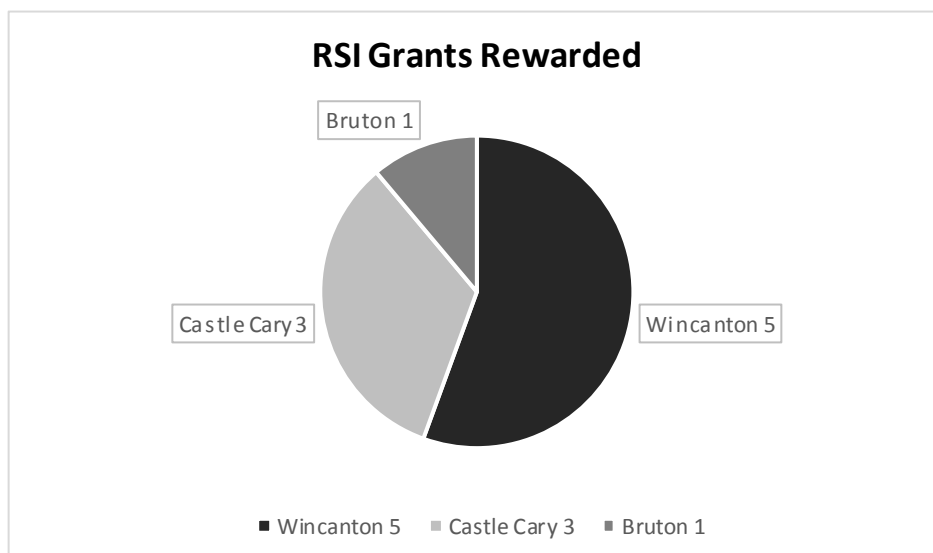
Retail Support Initiative 2018-19

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



During the period April 2018 to June 2019, 7 grants were awarded under delegated powers and 2 awarded at Committee.

From April 2018 to June 2019, 5 grants were awarded to businesses in Wincanton, with 3 grant in Castle Cary and 1 in Bruton. No grants being awarded to other rural areas.



Retail Support Initiative

Proposed operating criteria 2019/20

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

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

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

Eligible costs:

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

Wincanton top-up

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

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

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

Process

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

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

The existing assessment and current scoring mechanism favours businesses:

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

The award is subject to the following standard conditions:

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

Agenda Item 10

Wincanton Town Centre Strategy

Portfolio Holder: Cllr Henry Hobhouse
Director: Martin Woods, Service Delivery
Clare Pestell, Commercial Services & Income Generation (Project Sponsor)
Service Manager: Peter Paddon, Lead Specialist – Economy
Lead Officer: Pam Williams, Specialist - Economic Development
Contact Details: pam.williams@southsomerset.gov.uk or (01963) 435020

Purpose of the Report

To approve revisions to the draft Wincanton Town Centre strategy following public consultation.

Public Interest

The Town Centre Strategy sets out a vision for Wincanton Town Centre which will provide the basis for the Council's future activity and investment in the town.

Recommendation

That Members approve:

- (1) The revisions to the town centre strategy as summarised below and in Appendix 1.

Background

Members will be aware that there has been a long held local aspiration to regenerate Wincanton town centre and whilst there have been several previous initiatives, these ceased many years ago. There continues to be some legacy benefits to the town but more recent proactive initiatives such as the Neighbourhood Development Plan (led by the Town Council) have had a much broader basis than town centre regeneration.

In 2013, in response to requests from councillors to encourage an anchor retailer to come to the town, experienced in-house staff prepared a confidential scoping report which considered the reasons the town was weaker than it might be, together with possible options for development. At the time the economic downturn meant that national chains were cautious about any portfolio expansion. This work was revisited in 2017 when a further approach was made to commercial agents to determine the appetite amongst retail users to come to Wincanton town centre.

In 2017 it was recognised that, whilst there were some signs of encouragement with a number of new 'lifestyle' businesses opening, Wincanton had the highest proportion of vacant units of town centres in South Somerset, this provided the justification for the District Council's Strategic Regeneration Board to approve funding for consultants to develop a strategy for the town centre.

Following a competitive tender Chilmark Consulting were appointed in May 2018, to develop a strategy to deliver positive change. They engaged with many stakeholders through the process, including Town Council, community organisations with a town centre presence, landowners, businesses (individuals and the Chamber of Commerce). The views and ideas shared during this process have informed the draft strategy which Area East Committee approved for consultation in December 2018.

Public consultation

The public consultation ran for ten weeks from January 2019, the consultation strands included:

- Two well publicised 'drop-ins' attended by around 130 people
- A 'bite-sized' A3 format summary & response sheet delivered to all town centre businesses
- Secondary school tutor group participation using above 'bite-sized' format
- Presentations to key organisations such as the Town Council, Chamber of Commerce
- Encouragement of individual on-line and hard copy replies through press and social media
- Informal/anecdotal feedback

Overall, it is estimated that around 250 people engaged in the consultation.

A breakdown of completed questionnaires, which is shown at Appendix 2, indicates support for the strategy.

The table below sets out the sources of the completed questionnaires received:

Drop-in	27
King Arthur's School	12
Individual	18

Although the number of formal responses was comparatively low, with 57 received, written responses were generally well considered and key comments are similar to the wider feedback received through the other consultation strands. The feedback received shows the main areas of concern as:

- Loss of car parking
- Charging for use of public car parks
- The level of proposed residential development
- Need to enhance the retail offer
- Limited number of events/markets
- Limited mix of uses

The comments received through the consultation together with a review of the deliverability of some elements have informed the suggested revisions to the plan.

Amendments by section

The draft strategy offered a combination of indicative concept proposals and solutions for the town centre and flexibility about how these might be phased. As a result of the consultation, the evolving position with several sites/properties and pipeline initiatives, a number of revisions to the draft strategy are proposed. The changes, together with an explanation, are set out at Appendix 1 together with a summary of the proposed revision to the strategy. The section below provides an overview of the main changes.

Vision

The vision of a well-used and vibrant town centre with thriving niche retail offer and other town centre uses, attracting daytime and evening uses was generally well received through the various consultation strands. A suggestion is to modify the final bullet point of the vision slightly, to read:

'Will create a convenient and attractive destination for both local residents and visitors utilising the unique assets of Wincanton Town Centre and the surrounding area'.

Strategy

The strategy aim of encouraging footfall by promoting a wider range of town centre uses stands. The consultation identified the preservation of service sector businesses alongside further promotion of the town as an artisan/niche destination. Responses in this section were wide-ranging with requests for clothing and technology retailers, sporting facilities and the tailoring of any residential developments to appeal to different market sectors such as young professionals and older people.

Development Options

One of the proven ways to boost footfall within town centres is to create a range of opportunities including town centre living. The strategy takes a long term and flexible view of the town centre but there has been review of indicative development proposals having investigated the medium term deliverability and viability. As well as preserving flexibility for the future, the revised approach better respects historic curtilages and structures; it also accords with much of the feedback to public consultation. This theme was one of two themes which generated the greatest consultation comment and a suggested approach by site is set out at Appendix 1.

Public Realm

There were four locations identified for public realm improvements, two of which had been included in the Neighbourhood Development Plan previously. The aims of creating qualitative improvements to the pedestrian environment and reducing vehicle speeds both received support through the strategy consultation but localised concerns were also raised. The detailed design of each location will need to be respectful and creative to address the aim of improving the pedestrian experience in a historic town centre, whilst preserving the High Street's status as a route diversion for the A303 (when closed).

Complementary Initiatives

The draft strategy includes suggested initiatives such as more town centre events and markets to increase the visitor (and resident) offer, drawing visitors to the town centre from the A303 and nearby attractions such as the racecourse. The draft document also recognises that any changes to car park management within the town needs to be managed carefully to avoid diminishing the appeal of the town centre (and conform to SSDC's Car Parking Strategy). The draft strategy included establishing a brand identity for the town around its niche and artisan offer but this could also be developed to targeted marketing to attract new business investment plus a package of support for new and existing businesses

If Members are minded to accept the proposed changes which are presented following liaison with Chilmark Consulting, the Strategy will be revised and the updated document will be circulated to Members and key stakeholders.

Action Plan

The final section of the draft strategy contains an Action Plan and performance monitoring. The intention is that this will be expanded into a Delivery Plan which will be considered at the first meeting of the Wincanton Programme Board. The Delivery Plan will detail and prioritise the initiatives and schemes, together with lead in time and resourcing required to implement over the coming 12 months. Medium term interventions for years 2-5 will also be included although these may be adapted to respond, as appropriate, to evolving circumstances within the town centre. Progress will be tracked through performance measures which will also be incorporated within the Delivery Plan.

Supplementary Consultation

As part of the preparation for Area East Committee, over the last month, an overview of the feed-back from the consultation has been shared with Area East councillors and Wincanton Town Council.

Some Area East councillors reiterated strong support for an anchor retail presence in the town centre, something which can be accommodated within, the draft strategy as it seeks to strengthen the retail offer. Although contact had been established with the main agents acting for retail operators within the last six months, renewed approaches have been made to several agents which act for national multiples over the last few weeks and verbal update will be provided about this at the meeting. A viable anchor retailer would be encouraged into the town centre; if edge of town/out of town sites were to be submitted these would require robust sequential site testing in line with national 'Town Centres First' policy.

A verbal update will also be given from the second feed-back session, with the Town Council, which is scheduled for 8 July.

Wincanton Programme Board

The Wincanton Programme Board will be established in accordance with the Full Council resolution of May 2018, with the remit and membership as set-out in the relevant Council Report paragraphs of 6.6 to 6.16, which are summarised below. Wincanton Programme Board will be responsible for managing, directing and delivering the broad aims of the Town Centre Strategy. The board will operate with a degree of decision making and financial delegation in order to move the programme forward efficiently and to also create clear accountability. The main aims of the board are:

- To ensure the delivery of the Wincanton Town Centre Strategy
- To work with the Stakeholder Group to ensure that clear messages are given and feedback is received and circulated to all partners engaged in the regeneration process.

The Terms of Reference for the Wincanton Board would mirror those in place already in Yeovil and Chard, draft Terms of Reference for the Wincanton Board are attached at Appendix 3. Based on the other Boards, Membership of the Wincanton Programme Board would comprise:

- Area East Chair
- Leader of the Council
- At least one member from each of the political groups in and around the town (including a ward member for the town)
- Lead Director
- Chief Executive
- A limited number of key delivery partners

Again, similar to the Boards established in the two other programme towns it is suggested that a Stakeholder Group is formed to:

- Act as a forum for sharing ideas in relation to the progression of projects and potential regeneration opportunities.
- Provide specialist business advice and share specialist knowledge with the Board
- Help to ensure that clear messages are given and feedback is received and circulated to all stakeholders engaged in the regeneration process (some information may be commercially sensitive and subject to a confidentiality agreement).

Financial Implications

There are no detailed financial implications resulting from this report besides officer time however, it should be noted that implementing proposals contained in the draft Delivery Plan requires a significant financial investment. The draft Delivery Plan with year one costing and provisional sums for years 2-5 will be presented at the first Wincanton Regeneration Programme Board.

Council Priority Implications

The Wincanton Town Strategy is one of the Priority Projects listed in the Council Plan

Carbon Emissions & Climate Change Implications

Providing local access to a range of activities and services reducing the need to travel which therefore reduces carbon emissions.

Equality and Diversity Implications

Consultation with groups representing protected characteristics will be undertaken as part of the public realm design consultations.

Background Papers

Wincanton Town Centre Strategy draft
Area East Committee Agenda & Minutes December 2018

Wincanton Town Centre Strategy
Consultation Response and Proposed Revision/comment

Section	Consultation Comment	Proposed revision/comment
Vision	Vision of well used and vibrant town centre with thriving niche retail offer, attracting daytime and evening uses was generally supported. Respondent comments included:	
	<ul style="list-style-type: none"> • Need for quality residential in high street 	Detail design of development would be determined through planning process.
	<ul style="list-style-type: none"> • Need for speed control/traffic calming 	Traffic calming is proposed through public realm improvements (see below)
	<ul style="list-style-type: none"> • Inclusion of churches 	Opportunities for community participation will continue through stakeholder group to be formed to support implementation of proposals
	<ul style="list-style-type: none"> • Better cycle inclusion 	Detail design of traffic calming and highway elements (including pedestrian access and cycle access) will come forward as part of individual planning applications and the detailed design phase of the public realm improvements
Strategy	Sites suggested for potential residential, commercial and retail development alongside a range of other initiatives such as increasing the number of town centre events, markets and the night-time economy	
	<ul style="list-style-type: none"> • Develop not broaden the mix of uses 	The draft suggests broadening the range of uses, including developing the artisan niche offer and markets

Section	Consultation Comment	Proposed revision/comment
		as town centre attractors but it also allows for a single anchor (retailer or mixed use), retaining flexibility allowing for future changes in market condition
	<ul style="list-style-type: none"> • More clothing and technology stores 	End user of premises will be market led, this would apply equally to an anchor provision and small retailers. Re-branding of town to enhance appeal as destination for artisan and niche trading
	<ul style="list-style-type: none"> • Social spaces for elderly and isolated 	Some of the proposed development sites in the level town centre areas could offer potential for older people's living spaces. Best practice examples available from elsewhere could be drawn upon. Central public square could be designed to include planting and demountable seating
	<ul style="list-style-type: none"> • Use of property grants to encourage businesses to survive and invest 	The draft strategy recommends enhanced grants to improve historic town centre properties, the details of this would need to be agreed by the Board with the implementation of this set out in the draft delivery plan as year one action
	<ul style="list-style-type: none"> • Far better for Wincanton to become known for offering high quality: vintage, handmade, natural, authentic, raw, artisan, rural, alternative and quirky than for having developed its high street conventionally to look like every other town. • Appeal to younger professionals living in the new developments and provision for younger generation living in town 	<p>To complement the town centre development proposals, a broad range of interventions identified in the strategy including new 'gateways' at the entrance to the town, public realm improvements, A303 signage, events and dedicated marketing focused on the distinctive offer/features of the town to create the environment for niche/creative businesses to flourish alongside the more traditional service/retail offer</p> <p>Detail design of housing will be determined through the planning process but a specific 'Development Brief' for the land adjacent to 7 High Street into Carrington Way would inform and establish design parameters. This is a year 1 action in the draft Delivery Plan. Additionally, potential for a new 'hub' could provide intergenerational work space</p>

Section	Consultation Comment	Proposed revision/comment
	<ul style="list-style-type: none"> Improve health of residents and encourage athletes and their families for events 	<p>No specific proposals for town centre sporting events or additional sports facilities in the town centre are identified. Preference would be to consolidate provision at existing edge of town sites at Wincanton Sports Ground & Sports Centre.</p>
	<ul style="list-style-type: none"> Sporting facilities 	<p>Commercial provision such as soft play or 'air hop' would be market led. Business rates levels impact on the affordability/appeal of town centre premises but this offers scope for inclusion in business rate incentive package as a year one Delivery Plan action</p> <p>No revision to the draft proposed</p>
Development Concepts	<p>This section prompted the greatest level of opposing comment. The location and scale of development resulted in considerable response</p>	<p>The draft strategy adopts a longer term view of the town centre and whilst some sites were included as indicative short/medium term prospects others were identified as having long term potential</p>
	<ul style="list-style-type: none"> Too much focus on housing Removal of parking Need for housing Noise and congestion - impact on residents who purchased for this reason (quiet, no through road) Loss of cul-de-sac feel at Gennes Close 	<p>Some housing elements within the indicative development opportunities are scaled back in response to comments received and following a further assessment of suitability and deliverability.</p>
	<ul style="list-style-type: none"> Increased strain on local services i.e. healthcare Often people travel via car due to poor public transport 	<p>Enhancement of service provision for public transport, schooling and health can be considered within the S106/CIL obligations within each future planning proposal.</p>
	<ul style="list-style-type: none"> Encourage people into the disused building to ensure they are maintained 	<p>Encouraging re-use of existing buildings is fundamental to the draft strategy, alongside long term re-use there are proposals for 'meanwhile' uses of long term vacant units.</p>

Section	Consultation Comment	Proposed revision/comment
	Site 1A-1B (library and car park to rear) existing use to be preserved on expanded site.	Retain as propose. Displaced car parking to be accommodated in other town centre car parks. Preserve vehicle access and obligations to adjacent residential properties. Safeguard and funding of pedestrian link
	Site 2 (old health centre and funeral directors) proposed redevelopment opportunity for mixed uses including residential and employment.	Retain. This is a key location close to the High Street for employment use and is the preferred site for a work hub with potential for the co-location of public service provision. The owners have no short/medium term desire to bring forward these sites for re-development but relocation of key services exiting Churchfield to town centre premises is a short term goal. Working collaboratively with owner of old health centre, to get site fully occupied, is a year 1 action
	Site 3A & 3B (upper car park Carrington Way) proposed redevelopment to residential	Remove. The draft strategy identifies this as an area with long term potential for residential. Following public consultation it is recommended that proposals for residential are removed from site 3A & 3B. Potential for re-acquisition of former toilet block to give site control and provide additional car parking provision with income generating potential. Partial offset of some lost spaces from site 1
	Site 4 (rear of Royal Mail sorting office) new pedestrian link	Retain. Negotiation to secure/safeguard new pedestrian link as a year 1 Delivery Plan action. Detail design work year 2 if implementable without adjacent sites
	Site 5 (land adjacent to 7 High St) new vehicle/pedestrian access, amenity square, and retail units	Modify. Main shop and connected single story floor space re-occupied since draft strategy published. Owner willing to review wider site options in the longer term. Short term plan to re-surface car park. Year 1 Delivery Plan action - concept design to assist further negotiation

Section	Consultation Comment	Proposed revision/comment
		with owner to bring forward public realm (market place) ahead of development site 6B
	Sites 6a & 6b (land to the rear of 7 High Street) residential development	<p>Remove. The proposals for site 6A are removed in response to comments received and following a further assessment of suitability and deliverability.</p> <p>Retain. The residential proposals for 6B are retained. Further consideration be given to this level location as a potential site for an innovative development of older peoples residential housing</p>
	Site 7 (land to the rear of 7 High St accessed from Gennes Grove) residential development	<p>Retain. The proposals for residential and pedestrian access route at site 7 are retained with design layout and density to be agreed through planning process</p>
	Site 8 A & B (land to the rear of 24 High St, Pine House, Woodpeckers Mews) residential development	<p>Retain. The proposals for residential at site 8A are retained (site 8A due to be auctioned with unimplemented residential consent in May). Site 8B is also retained</p>
	Site 9a and 9b (land to the rear of White Horse) residential or commercial 'mews' development with linkage to car parks south street	<p>Retain. Concept of some residential development to the rear but without vehicle access due to highway limitations (raised previously in relation to previous planning application). Preserve car parking within site for commercial frontage. Scale back level of residential and look to create footway links to MHCP (with different alignment). Year 1 Delivery Plan action would be to establish basis of joint venture</p>
	Site 10 (rear of Ash House) small scale residential development to boundary as enable linkage from site 9A/B	<p>Retain. Potential for a 1-2 residential unit scheme proposal within curtilage of Ash House to facilitate link between MHCP and site 9A and B</p>

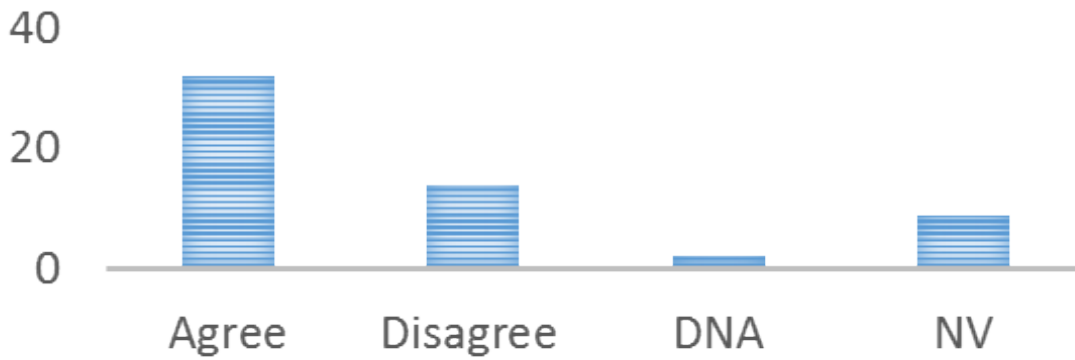
Section	Consultation Comment	Proposed revision/comment
Public realm	Gateway and public realm interventions were broadly supported but some location specific concerns prompted comment:	Public realm proposals are subject to detailed design and additional consultation. These will need to have regard to A303 diversionary route requirements and the highway design and audit processes.
	<ul style="list-style-type: none"> <li data-bbox="495 512 786 539">• Need for public art 	No specific locations were identified for public art but this could be incorporated within schemes to improve the attractiveness of the town centre
	<ul style="list-style-type: none"> <li data-bbox="495 659 1021 686">• Table ramp crossings on Bayford Hill 	Bayford Hill is outside the scope of the strategy, for the proposal to divert A303 westbound visitor traffic in through Bayford. An impact assessment (TIA) would be undertaken in respect of the proposed route and mitigation measures considered if required by TIA
	<ul style="list-style-type: none"> <li data-bbox="495 895 981 922">• Shared public spaces are needed 	Public realm proposals offer scope to address the qualitative improvement of the town centre environment
	<ul style="list-style-type: none"> <li data-bbox="495 1042 1021 1069">• Residents Permit scheme for parking 	SCC as Highway Authority will be made aware of this in respect of on street parking. Surface car park management arrangement will include resident permits
	<ul style="list-style-type: none"> <li data-bbox="495 1211 1234 1270">• Improve safety and prevents high speed entry to high street area 	The draft strategy proposes several traffic calming initiatives to reduce speed through the town centre and enhance the pedestrian experience

Section	Consultation Comment	Proposed revision/comment
	<ul style="list-style-type: none"> Why trees at eastern gateway, reduced amenity for residential properties 	Tree planting was identified as part of the eastern 'gateway'. The detail and type of planting will form part of the detailed design of the public realm scheme
	<ul style="list-style-type: none"> Loss of car parking spaces in Market Place 	Two additional spaces have been provided in the last 12 months. The intention is to develop the use of the historic Market Place by working with WTC but largely preserving access to these space during core trading
	<ul style="list-style-type: none"> Re-acceleration through calming near 15 High Street 	Traffic calming proposals are subject to detailed design and additional consultation, these will need to have regard to A303 diversionary routes and the highway audit process
Complementary Initiatives	There was support for complementary proposals including brand marketing promoting niche offer, better signage from A303, more one off events and festivals. Support to improve appearance of historic buildings and more 'pop-up' meanwhile use of vacant shops.	Scope to provide partnership support for key events (new and existing). Harness expertise within community to create brand identity/USP Programme and level of support to be year 1 action in Delivery Plan
	<ul style="list-style-type: none"> Somerset Arts Week – <i>'Wincanton as a town'</i> 	First event planned for this autumn, viability of future events assessed following this.
	<ul style="list-style-type: none"> Reintroduction of Window box scheme 	Support for seasonal displays will be a year 1 action in Delivery Plan.

Section	Consultation Comment	Proposed revision/comment
	<ul style="list-style-type: none"> Co-promotion with race days 	Unique opportunity to develop this once town centre offer is strengthened.
	<ul style="list-style-type: none"> Planting of trees positive 	Mixed response to this - detail of planting proposals to be agreed as part of detailed design of public realm schemes
	<ul style="list-style-type: none"> Use of topographical location to make Wincanton a go to for events 	Wacky race event proposed for 2020 begins to do this
	<ul style="list-style-type: none"> Improve the look and feel of the town to coincide with other Works 	Wherever feasible infrastructure improvements will be co-ordinated with other agencies; practically this can be difficult to achieve and can result in delays
	<ul style="list-style-type: none"> Use established draw to town to support others 	Race day/Discworld events provide a great opportunity to attract additional visitors once the town centre offer has been strengthened
Other comments	Principal concerns were the level of housing development proposed, the loss of town centre car parking and the introduction of car parking charges. Additional comments included:	Following consultation and a review of impact/deliverability the housing proposals have been scaled back and car parking at the upper Carrington Way site is retained. The strategy recognises that free car parking is a major incentive for attracting visits. Views should be fed into the consultation on the charging and management policy (to be implemented in October 2019) as this is a statutory process
	<ul style="list-style-type: none"> 'No' to another supermarket 	There is no supermarket/large anchor retailer proposed within the strategy.
	<ul style="list-style-type: none"> More leisure facilities e.g. Trampoline park, cinema or bowling 	Similar to the earlier response to the suggestion of sporting facilities, this type of facility would be market led, but business rates are likely to make town centre premises less affordable due to the size of premises required

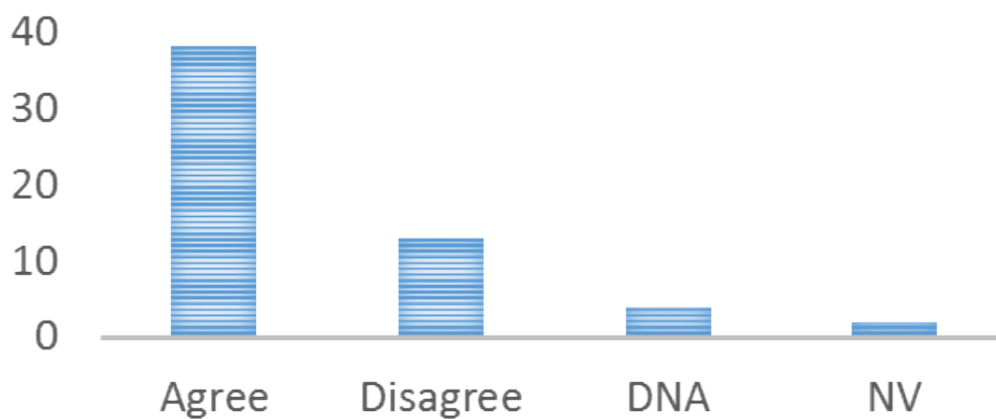
Section	Consultation Comment	Proposed revision/comment
		The community church hold a fortnightly Saturday cinema club and the Town Council have hosted and funded outdoor cinema screenings. There is scope to introduce a regular 'Moviola' evening as part of the programme of activities for the Year 1 Delivery Plan.
	<ul style="list-style-type: none"> • Better monitoring of Memorial Hall Car Park 	Car park management regime to be introduced in October 2019 would enable long and short stay parking areas to be better defined and managed.

Q1 VISION AND OBJECTIVES



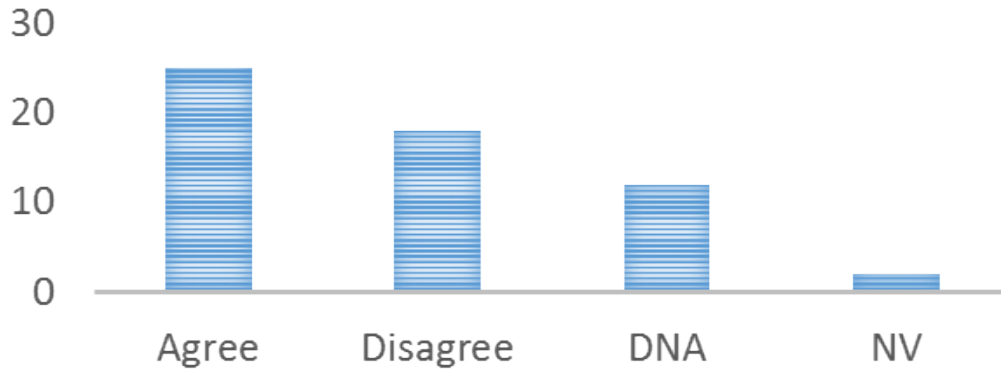
Agree- 56.14% Disagree 24.56% Did not answer- 3.51% No View- 15.79%

Q2 THEMES OF STRATEGY



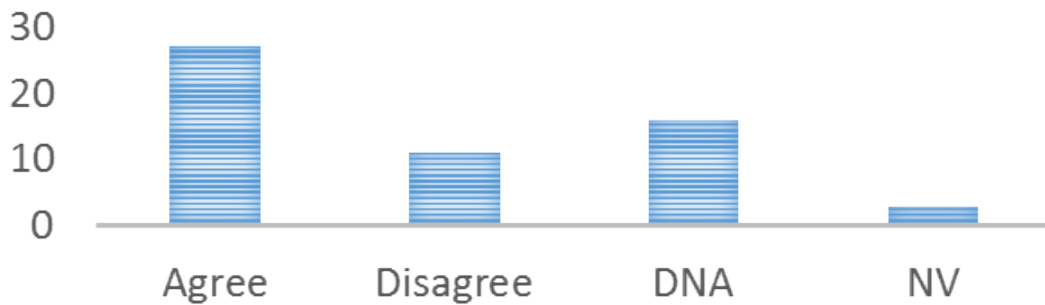
Q2 Agree- 66.67% Disagree- 22.81% Did not answer- 7.02% No View- 3.51%

Q3 DEVELOPMENT CONCEPTS HS CW



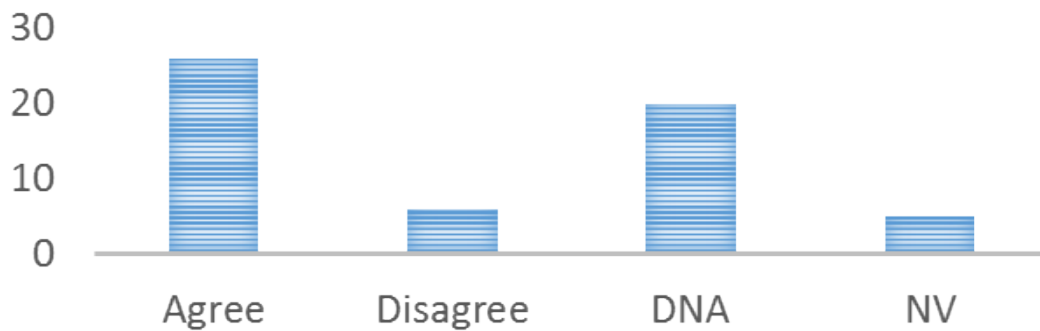
Q3 Agree- 43.86% Disagree 31.58% Did not answer- 21.05% No View- 3.51%

Q4 PUBLIC REALM IMPROVEMENTS



Q4 Agree- 47.37% Disagree 19.30% Did not answer- 28.02% No View-5.26%

Q5 COMPLEMENTARY INITIATIVES APPROPRIATE



Q5 Agree- 45.61% Disagree 10.53% Did not answer- 35.09% No View- 8.77%

General Issue/theme	Tally
Removal of Parking	24
Car Park Charges	18
Too Much Housing	17
Enhanced Retail	16
Need for events/market	15
Broader mix of use	13
Speed Control	9
Heritage/Character preserved	9
Congestion (Highways	8
Premium on Empty Business	8
Use of Buildings/Prop. Grants	7
Encourage Businesses	7
Planting of Trees Positive	6
Sport Facilities	6
Public Art	5
Pedestrianisation	5
Need for a Bank	5
Social Function	4
Safer Pavements Width	4
Need for Housing	4
Short Term let/Pop up	4
Inclusion of churches	3
Better Signage (road)	3
Return of Window Box Scheme	3
Co Promotion with Race day	3
Electric Vehicle	3
Better Public Transport	3
Positive Cycle and Pedestrian	2
Cost	2
Safer Pavements Condition	2
Appearance of Buildings	2
Development area ownership	2
Need For Improved Crossings	2
Residents permit scheme	2
Events Not supported enough	1
Strain on services	1
Planting of trees Negative	1

Wincanton Town Centre Regeneration Programme Board *Draft Terms of Reference*

1. Purpose

The Wincanton Town Centre (WTC) Programme Board is responsible for managing, directing and delivering the broad aims of the Wincanton Town Centre Regeneration Programme. The board will operate with a degree of decision making and financial delegation in order to move the programme forward efficiently and to also create clear accountability.

2. Membership

This Board will comprise:

- Councillor Henry Hobhouse, Area East Chair
- Councillor Val Keitch , Leader of the Council
- Area Committee Members - at least one member from each of the political groups in and around the town (including a Ward Member for the town)
- Clare Pestell, Lead Director
- Alex Parmley, Chief Executive Officer (CEO)
- Wincanton Town Council representative
- SCC representative

3. Aims & Objectives

The key aims of the board are:

- To ensure the delivery of the Wincanton Town Centre Regeneration Programme
- To work with the Stakeholder Group to ensure that clear messages are given and feedback is received and circulated to all partners engaged in the regeneration process.

4. Roles & Responsibilities

The board is responsible for delivering the broad aims of the Wincanton Town Centre Regeneration Programme and is required to put in place robust project management arrangements including risk log mitigation measures. The project management arrangements must follow the councils prescribed methodology.

The board must also produce an outline programme, details of the objectives and outcomes, a delivery plan and a programme risk log.

The board is responsible for developing business cases for project investment which follow the approach detailed in the council's Commercial Strategy.

5. Meetings

The meetings will be chaired by the Area Chair to ensure strong links are maintained with the Strategic Development board and the Area Committee work plan. The Board will meet every quarter, but more frequent meetings may be called, for instance to sign off business plans — and will be held at SSDC offices unless decided otherwise.

6. Decision-making

The board and its delivery have been granted executive powers by Full Council. The Strategic Regeneration Board will ensure consistency amongst the Chard, Wincanton and Yeovil Boards. It will also receive progress and update reports. Area East Committee will maintain an overview of the work of the board and will receive updates from time to time. Progress with the programmes will be reported through performance management systems including the quarterly performance reports.

It is intended that the board will operate by consensus. However, if differences occur that cannot be reconciled, then they will be referred to the CEO and Leader for a decision and in exceptional circumstance to District Executive.

The Board has been allocated a gross spend budget and a net cost to the council budget. The Board is responsible for achieving the aims of the Wincanton Town Centre Regeneration Programme within this budget. The budget has been delegated to the Lead Director, who can authorise spending in consultation with the Chair and Section 151 Officer. Any request for funding will only be considered upon production of a detailed delivery plan including objectives, outcomes and a clear financial plan.

7. Financial Approach

The Board will be allocated a gross spend budget and a net cost to the Council budget. The Board is responsible for delivering the broad aims of the scheme within both the gross spend budget and the net spend budget. Projects that can generate surpluses will seek to generate the maximum return in regeneration and financial terms in order to provide support to those projects which are not self-financing and require a subsidy. In practice, the actual delegation of the budgets will sit with the Lead Director in consultation with the Chair of the Board and S151 Officer (or his Deputy) having put the proposals before the Board for agreement.

7.1 The gross spend budget

This is the maximum amount the Board can spend on the scheme but is not the true cost to the Council. It is based on the assumption that the Programme will seek to maximise the leverage of other sources of funding within the entirety of the programme. To achieve this it will require the Council to spend money in order to gain a return. This recognises that some aspects of programmes are likely to represent a net cost and others are likely to represent a net income but will require investment to achieve that income.

Therefore, the gross expenditure does not represent the true final cost to the Council which will be much lower than the gross expenditure budget.

7.2 The net cost budget

This is the maximum true cost to the Council over the term of the Programme. It represents the money the Council will spend that will not be directly returned to the Council in some way. It is the product of the gross spend budget minus the income generated by the scheme. The income could be generated through capital receipts e.g. sales of property, through revenue generated over a term of an invested asset above operating costs or grants secured towards the scheme from other agencies or sources.

If the Board needs to go outside of its gross spend or net cost budget, or wants to change the programme substantially to that which was agreed, the Board will need to go back through the democratic process for further approval.

Financial performance will be managed through delegated arrangements and periodically reported to Full Council in line with the Council's performance and reporting framework.

8. Review

The Terms of Reference will be reviewed annually.

Wincanton Town Centre Regeneration Stakeholder Group *Draft Terms of Reference*

Purpose

The Stakeholder Group (SG) has an important role to play in providing insight and guidance which will provide positive drive to the Wincanton Town Centre Regeneration Programme and process. The SG will support engagement, consultation and communication with those who live and work within Wincanton and whose business or organisation can make a positive difference to the regeneration programme. The stakeholder group will not be a decision-making body.

Role

The group will:

- Act as a forum that the Wincanton Town Centre Regeneration Board can use to effectively share ideas in relation to the progress of various projects and potential regeneration opportunities.
- Provide specialist business advice and share specialist knowledge with the Wincanton Town Centre Regeneration Board when required.
- Ensure that clear messages are given and feedback is received and circulated to all stakeholders engaged in the regeneration process, when appropriate (some information may potentially be commercially sensitive and subject to a confidentiality agreement).

Membership

Achieving representative membership will enable the widest input of stakeholder views into each regeneration project. The SG will comprise of representatives from local organisations and businesses that can contribute to by the regeneration proposals for the town centre and those who are 'indirectly impacted' and have a continued interest in the development of these proposals.

Suggested initial membership:-

Area Committee Members up to 3, at least one member from each of the political groups in and around the town (including a Ward Member for the town)

Chamber of Trade and Commerce x1

Town Council representative x 2

Key partner representatives (tbc)

Business representative x1

Governance

The Stakeholder Group will:

- Meet every three months or more frequently as required to discuss items related to the regeneration plans within Wincanton town centre.
- Put forward views and opinions of the organisations, communities and businesses that the members represent.

- Agree methods of communication and feedback to their representatives and wider communities.

Code of Conduct

All group representatives will:

- Work within the Terms of Reference.
- Act as representatives of their group/organisation/business.
- Support the Vision for the Town Centre
- Agree to disagree and abide by the majority conclusions made by the group.
- Abide by the agreed methods of communication to wider stakeholders as set out by Wincanton Town Centre Regeneration Programme Board in agreement with the group.
- Where confidential information is discussed, it must not be disclosed to any other persons/party”.

Breaching the terms of reference

Persistent minor breaches will be considered by Wincanton Town Centre Regeneration Programme Board and may result in the participant being asked to leave the group.

Serious breaches, such as providing confidential information about the group’s discussions, will result in the participant being asked to leave the group.

Agenda Item 11

Area East Forward Plan

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

Purpose of the Report

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

Recommendation

Members are asked to:-

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

Area East Committee Forward Plan

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

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

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

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

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

Background Papers: None

Appendix A

Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
14 August 19	Area Priorities & Area Chapters	To agree the strategic priorities for consideration in the wider Council Plan	Chereen Scott

Agenda Item 12

Planning Appeals

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

Purpose of the Report

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

Recommendation

That the report be noted.

Background

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

Report Detail

Appeals Received

19/00184/S73 – Land to the rear of 18-24 Westcombe, Templecombe.
Section 73A application to vary condition 1 (approved plans) of planning application 17/04047/S73A to amend Plot 1 from a single-storey bungalow to a 2-storey dwelling.

Appeals Allowed

None

Appeals Dismissed

18/01767/COL – West Farm, West Mudford, Mudford
Application for a Lawful Development Certificate for the existing use – parking on land and servicing within a building of two HGV lorries operating in general haulage, alongside uses specified in planning application 16/03580/COL dated 21 October 2016.

Background Papers: None



Appeal Decision

Site visit made on 14 May 2019

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 June 2019

Appeal Ref: APP/R3325/X/18/3214005

West Farm, West Mudford Road, Mudford, Yeovil BA21 5TL

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Phillip Gunning against the decision of South Somerset District Council.
- The application Ref 18/01767/COL, dated 1 June 2018, was refused by notice dated 17 September 2018.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought was described on the application form as "*Parking on land and servicing within a building of an HGV lorry operating in general haulage, alongside uses specified in LDC Ref 16/03580/COL dated 21 October 2016*".

Summary of Decision: The appeal is dismissed.

Preliminary Matters

1. The banner heading description of the use for which an LDC is sought is taken from the application form. However, the appellant amended the description at application stage to refer to two HGVs instead of one. The Council's decision notice refers to the use applied for as including two HGVs. Therefore, I intend to deal with the appeal on that basis.
2. The Planning Practice Guidance¹ makes it clear that planning merits are not relevant at any stage in LDC applications or appeals. As a result, I am unable to take the representations on such matters from Mudford Parish Council and interested residents into account in my decision.

Application for costs

3. An application for costs was made by South Somerset District Council against Mr Phillip Gunning. This application is the subject of a separate Decision.

Main Issue

4. The main issue in this appeal is whether at the time the application was made there was a subsisting lawful use at the appeal site for parking and servicing of two HGVs operating in general haulage alongside use as a mixed contracting business.

¹ Lawful development certificates. Paragraph: 009 Reference ID: 17c-009-20140306.

Reasons

5. The onus is on the appellant to show that use of the site for the parking and servicing of two HGVs operating in general haulage is lawful, the relevant test being on the balance of probability.
6. The site is in open countryside and contains a substantial steel-framed workshop building and adjoining open areas.
7. On 27 April 2016, the Council issued an enforcement notice alleging that there had been an unauthorised material change of use from a mixed contracting business to a vehicle haulage contractor's yard, the manufacture of concrete products and offices associated with those uses. The land affected by the notice includes the site and extends to a large area of adjoining land. I understand that the use as a vehicle haulage contractor's yard involved up to eight HGV tractor and trailer units. The notice was upheld at appeal on 3 November 2017².
8. On 21 October 2016, the Council issued an LDC certifying that the lawful use of the site was as "*...a mixed contracting business and for uses ancillary to the said contracting business comprising an agricultural, general building, ground work, land drainage and irrigation, slurry handling and sewage treatment contracting business; use of part of the building for storage of plant, equipment and drainage materials ancillary to the contracting business; use of part of the building for fabrication and welding ancillary to the contracting business; the outside storage and operation of one heavy goods vehicle, one articulated lorry plus trailer and other vehicles ancillary to the contracting business; the outside storage of drainage materials ancillary to the contracting business*".
9. The appellant claimed that a general haulage use consisting of two HGVs had operated since 1993 alongside the mixed contracting business referred to in the 2016 LDC. Several Statutory Declarations were supplied in support and documentary evidence was also provided in this respect. The appellant did not claim that the use applied for was ancillary to the mixed contracting use, or that it was in a separate planning unit. The Courts have held that where a planning unit contains two or more uses and it is not possible to determine whether one use is incidental to another, the planning unit is in a mixed use³. Consequently, if the appellant's version of events is correct the parking and servicing of two HGVs operating in general haulage would be a primary use that is part of a mixed use that also included the mixed contracting use.
10. The Courts have also held that where there is a material change of use from one mixed use to another, there is a material change of the whole planning unit to a different mixed use. Where individual components of the mixed use have subsisted for more than ten years prior to the issue of an enforcement notice, they nevertheless cannot be treated as separate and unaffected by the new use⁴. Accordingly, the use applied for must be a component of the unauthorised mixed use and it cannot be de-coupled from the totality of the unauthorised use.
11. At s191(2)(b), the Act provides that uses are lawful at any time if they do not constitute a contravention of the requirements of an enforcement notice then in

² Ref: APP/R3325/C/16/3164480.

³ *Burdle & Williams v SSE & New Forest RDC* [1972] 1 WLR 1207.

⁴ *Beach v SSETR & Runnymede BC* [2001] EWHC 381 (Admin).

force. The notice was in effect at the time the application was made. For the purposes of the above section, a notice being in effect has the same meaning as it being in force. There is little to distinguish the use applied for from the use as a vehicle haulage contractor's yard forming a component of the unauthorised use. In the previous appeal, the Inspector described the vehicle haulage contractor's yard as a general haulage use. Amongst the remedial steps set out in the notice at paragraph 5, step (a) requires cessation of the use of all the affected land, including the site, as a vehicle haulage contractor's yard. Consequently, the use applied for contravenes paragraph 5 step (a) of the notice and it cannot be lawful.

12. Given my findings on the above matter, it is not necessary for me to consider whether the use applied for had been abandoned or whether the application accurately described the existing use of the site, since a certificate could not be issued and the appeal would have been dismissed in any event.
13. Therefore, I find that on the balance of probability, the available evidence does not show that there was a subsisting lawful use at the site for the parking and servicing of two HGVs operating in general haulage alongside the use as a mixed contracting business at the time the application was made.

Conclusion

14. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of parking on land and servicing within a building of two HGV lorries operating in general haulage, alongside uses specified in LDC Ref 16/03580/COL dated 21 October 2016 at West Farm, West Mudford Road, Mudford, Yeovil BA21 5TL was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Formal Decision

15. The appeal is dismissed.

Stephen Hawkins

INSPECTOR



Costs Decision

Site visit made on 14 May 2019

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 June 2019

Costs application in relation to Appeal Ref: APP/R3325/X/18/3214005 West Farm, West Mudford Road, Mudford, Yeovil BA21 5TL

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by South Somerset District Council for a full award of costs against Mr Phillip Gunning.
 - The appeal was against the refusal of Council to issue a certificate of lawful use or development for parking on land and servicing within a building of two HGV lorries operating in general haulage, alongside uses specified in LDC Ref 16/03580/COL dated 21 October 2016.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) 'Appeals' section advises that parties in planning appeals should normally meet their own expenses. However, costs may be awarded where a party has behaved unreasonably and that behaviour has caused another party to incur unnecessary or wasted expenditure in the appeal process (paragraphs 028 and 030). Guidance on what is meant by 'unreasonable' is in paragraph 031. The application for costs was made in writing, in accordance with the guidance at paragraph 035.
3. The Council sought an award of its costs on procedural and substantive grounds. The Council stated that the use applied for contravened the requirements of an enforcement notice and could not be lawful having regard to s191(2)(b) of the Act. Also, the Council stated that the appellant had provided wrong, incomplete and/or misleading information in that the existing use had not been described accurately. Therefore, the Council considered that the appeal had no reasonable prospect of success.
4. At paragraph 052, the PPG explains that appellants are required to behave reasonably in relation to the procedural matters at appeal. The non-exhaustive list of examples of unreasonable behaviour in the appeal procedures in this paragraph include providing information that is manifestly inaccurate or untrue. At paragraph 053, the PPG explains that the right of appeal should be exercised in a reasonable manner; an appellant is at risk of an award of costs being made against them on substantive grounds if their appeal had no reasonable prospect of succeeding. In the non-exhaustive list of examples where this might occur, the paragraph makes it clear that in lawful development certificate (LDC) appeals the onus of proof in matters of fact is on the appellant.

5. The appellant sought an LDC on the basis that the use applied for had subsisted for more than ten years and was therefore lawful. However, an enforcement notice required, amongst other matters, use of land including the site for a similar purpose to that applied for to cease. The notice was in force at the time of the application. The LDC issued by the Council on 21 October 2016 had certified the lawful use of the site but did not include any reference to the use applied for.
6. Nevertheless, the appellant supplied substantial factual evidence to support his claim that the use applied for had subsisted for more than ten years. The Courts have held that an enforcement notice cannot take away lawful use rights¹. Therefore, having regard to the notice and the 2016 LDC it was not unreasonable for the appellant to have argued that there was a lack of clarity surrounding the status of the use applied for, and to seek to test this matter through a further LDC application and subsequent appeal.
7. I shared the Council's conclusion that the use applied for contravened a requirement of the notice. However, this was largely due to the consequences in law of the subsequent material change of use to the different mixed use in the notice. Even where an appellant is professionally represented, it is unrealistic to expect that they will be aware of every Court judgment as to how planning law should be interpreted. There was no paucity of factual evidence from the appellant regarding the use applied for. Therefore, whilst the appeal was dismissed the appellant substantiated his case.
8. The appellant clearly set out the scale of the use applied for and its extent was shown on an accompanying plan. The LDC was sought in respect of around a quarter of the land affected by the notice and was a similar area to that shown on the plan accompanying the 2016 LDC. The appellant's approach was fully explained and detailed in the accompanying factual evidence. The appellant sought to distinguish the use applied for from the mixed use in the notice. As a result, there was nothing inherently wrong, incomplete and/or misleading in the appellant's case. Consequently, there has been no procedural unreasonableness by the appellant in the appeal.
9. As the appellant has not behaved in a manner similar to the above examples of unreasonable behaviour in the PPG relating to the substance of the appeal or its procedures, I cannot assume that the appeal had no reasonable prospect of success. Therefore, the conditions for an award of costs at PPG paragraph 030 have not been met.

Conclusion

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated in the above appeal.

Stephen Hawkins

INSPECTOR

¹ *Mansi v Elstree RDC* [1964] 16 P&CR 154.

Agenda Item 13

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 10.00am.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
14	CARY	18/01602/FUL**	Demolition of existing buildings, conversion of and alterations to listed buildings to form 11 No. dwellings, the erection of 70 No. dwellings (total 81 No. dwellings) and associated works, including access and off-site highway works, parking, landscaping, open space, footpath links and drainage infrastructure	Former BMI Site, Cumnock Road, Ansford	Castle Cary (BMI) Ltd
15	CARY	18/01603/LBC**	Demolition of existing buildings, conversion of and alterations to listed buildings to form 11 No. dwellings, the erection of 70 No.	Former BMI Site, Cumnock Road, Ansford	Castle Cary (BMI) Ltd

			<p> dwellings (total 81 No. dwellings) and associated works, including access and off-site highway works, parking, landscaping, open space, footpath links and drainage infrastructure</p>		
16	BLACKMOOR VALE	19/00184/S73A	<p> Section 73A application to vary condition 1 (approved plans) of planning application 17/04047/S73A to amend Plot 1 from a single-storey bungalow to a 2-storey dwelling</p>	<p> Land rear of 18-24 Westcombe, Templecombe</p>	<p> Mr R Thorner</p>
17	NORTHSTONE, IVELCHESTER AND ST MICHAELS	19/01166/HOU	<p> Demolition of existing rear porch and garage/store and erection of extension with integral garage and rooms above with associated internal alterations.</p>	<p> Fieldways, Chilthorne Hill, Chilthorne Domer,</p>	<p> Mr B Nardiello</p>
18	TOWER	19/01097/S73	<p> Section 73 application to vary Condition 7 of application ref. 13/05167/S73 to extend operational lifespan of Solar Farm from 25 years to 40 years</p>	<p> Hook Valley Farm, Lawrence Hill, Holbrook</p>	<p> Hook Valley Farm Solar Park Limited</p>

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 14

Officer Report On Planning Application: 18/01602/FUL**

Proposal :	Demolition of existing buildings, conversion of and alterations to listed buildings to form 11 No. dwellings, the erection of 70 No. dwellings (total 81 No. dwellings) and associated works, including access and off-site highway works, parking, landscaping, open space, footpath links and drainage infrastructure
Site Address:	Former BMI Site Cumnock Road Ansford
Parish:	Castle Cary
CARY Ward (SSDC Member)	Cllr Kevin Messenger Cllr Henry Hobhouse
Recommending Case Officer:	Stephen Baimbridge Tel: (01935) 462497 Email: stephen.baimbridge@southsomerset.gov.uk
Target date :	5th September 2018
Applicant :	Castle Cary (BMI) Ltd .
Agent: (no agent if blank)	Mr Matt Frost Motivo Alvington Yeovil BA20 2FG United Kingdom
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

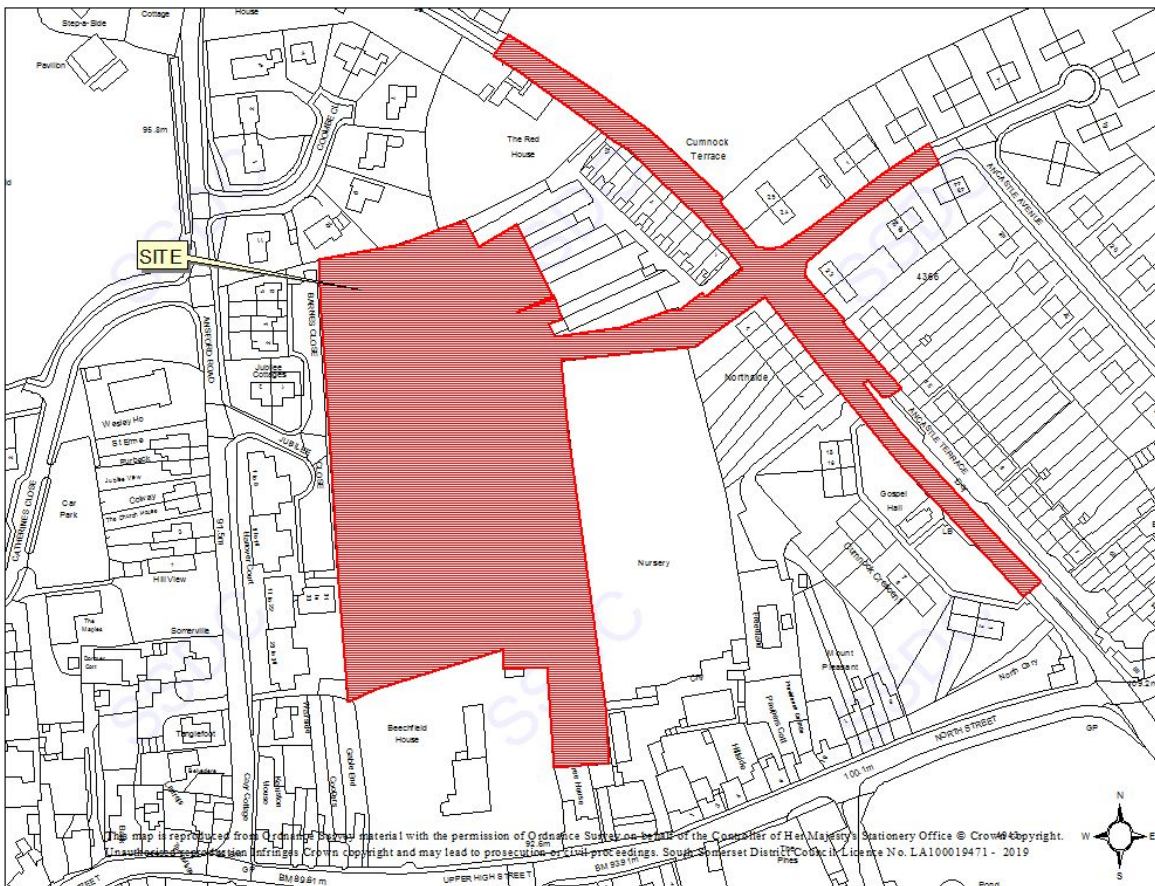
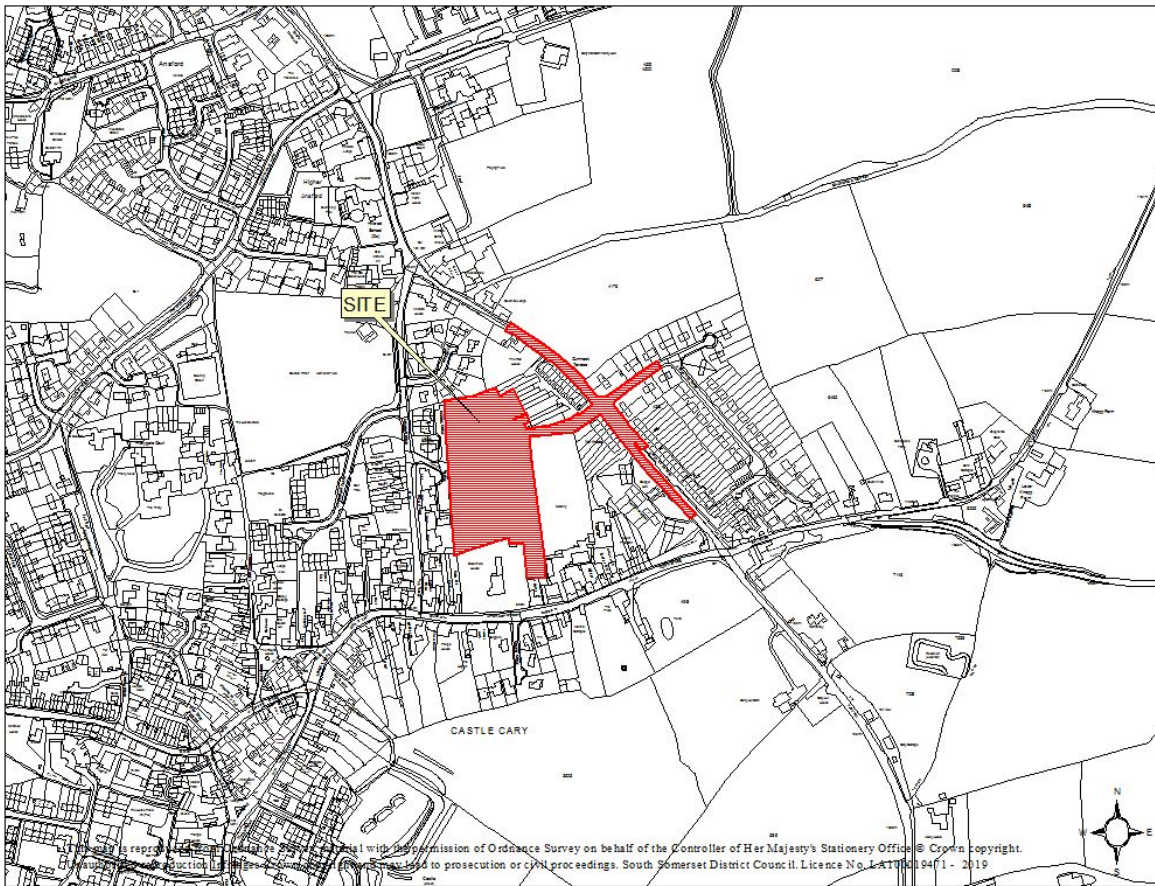
The application was referred to the Ward Members as neighbour and Town Council comments have been received that are contrary to the officer's recommendation. The Ward Members did not agree with the officer's recommendation and as such the application was referred to the Area Chair. The Vice Chair (in place of the Chair who is a Ward Member for this area) referred the application to the Area East Committee.

The Area East Committee of 12/06/19 resolved that planning application be deferred for officers to negotiate an amended scheme to address issues concerning:

1. Highway adoption
2. To increase levels of car parking (incl. visitor)
3. To reduce the density of the development
4. To establish the specific boundary treatments with Beechfield House
5. To seek to retain more protected trees currently proposed to be felled
6. Clarity regarding the new highway infrastructure on Cumnock Road

I have been informed by the agent that he and his client have considered Members' reasons for deferral of the application as at the last Area East Committee and have respectfully declined to amend the scheme. The application is therefore referred back to the Area East Committee.

Please note that this application is two- starred. Therefore, should Members resolve to refuse the application, it will be referred to the Regulation Committee.



SITE DESCRIPTION AND PROPOSAL

The application site is the Former BMI Site in Castle Cary, a redundant employment site comprised of a number of listed and unlisted buildings all of which are in various stages of dilapidation. The site is accessed off Cumnock Road and is surrounded by residential properties on all boundaries but for the eastern boundary which is also shared by the nursery site.

The application seeks permission for the demolition of existing buildings, conversion of and alterations to listed buildings to form 11 No. dwellings, the erection of 70 No. dwellings (total 81 No. dwellings) and associated works, including access and off-site highway works, parking, landscaping, open space, footpath links and drainage infrastructure.

The application is supported by:

- Planning Statement
- Design & Access Statement
- Statement of Community Involvement
- Transport Assessment
- Flood Risk Assessment/Drainage Strategy
- Heritage Statement
- Heritage Statement of Significance
- Ph 1 Ecology Survey
- Ecological Impact Assessment
- Tree Report
- Ground Investigation Report
- Structural Surveys of listed buildings (X3)
- Asbestos Report
- Viability Report
- CIL Information Form

HISTORY

Various historic permissions pertaining to the employment site. The decisions of most relevance to this application are:

01/02024/FUL: The carrying out of residential development, including the conversion of existing buildings. Application refused by Committee (14/03/2003). Allowed at appeal (20/05/2004).

01/02025/LBC: The conversion of former mill and two associated buildings to residential use. Application permitted with conditions (09/01/2002).

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).

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

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS4 - District Wide Housing Provision
SS5 - Delivering New Housing Growth
SS6 - Infrastructure Delivery
SS7 - Phasing of Previously Developed Land
EP3 - Safeguarding Employment Land
HG2 - The Use of Previously Developed Land (PDL) for New Housing Development
HG3 - Provision of Affordable Housing
HG5 - Achieving a Mix of Market Housing
TA1 - Low Carbon Travel
TA4 - Travel Plans
TA5 - Transport Impact of New Development
TA6 - Parking Standards
HW1 - Provision of open space, outdoor playing space, sports, cultural and community facilities in new development
EQ1 - Addressing Climate Change in South Somerset
EQ2 - General Development
EQ3 - Historic Environment
EQ4 - Biodiversity
EQ5 - Green Infrastructure
EQ7 - Pollution Control

National Planning Policy Framework - March 2019

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
16. Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

Castle Cary & Ansford Neighbourhood Plan (2016-2028)

Subject to modification as recommended by the Examiner's Report, and to a successful referendum before being 'made'.

Given the stage of the Neighbourhood Plan and the Council's under-supply of housing land, the policies within carry limited weight.

The Plan supports the re-development of the BMI site. Policy HOU 1 (Housing development within the settlement area) states:

The NP councils will encourage and support early development or redevelopment for housing purposes of brownfield sites within the settlement area, in particular:

- o Nursery site*
- o Hillcrest School*
- o Constitutional Club*
- o BMI site*
- o Red House.*

Other

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

Castle Cary Town Council: We welcome the input from Highways and the tree officer and absolutely support their comments.

Below are the issues that still need to be addressed and until they have been we are unable to support this application

Decision The Planning Committee voted unanimously against this planning application: Although the Council is very much in favour of brownfield development in the town in principle, it was felt that there are a number of key issues that this new brown field development has failed to address satisfactorily:

- The proposals rely on census information from 2011 which suggests that each dwelling will only require 1.6 car spaces.
- Highways advised in the application that the new roads on the development will be unadoptable, which means residents will have to maintain them in the future. This is unacceptable; other sites in Area East have had problems with similar proposals.
- Despite concerns raised by CCTC in 2018 about the numbers of visitor parking spaces, only 6 visitor parking places are proposed on a site with 81 dwellings, so it is likely that new residents' cars will spill out on to surrounding streets causing congestion.
- No regard has been given to our concerns about the demolition of the Listed former engine house
- Lack of renewable energy solutions including photovoltaics in the new house designs.
- The revised plans, with new three storey houses, compromise the curtilage of nearby Listed buildings, the amenity and privacy of neighbours and views from the Conservation Area of North Street.
- The site owner must rectify any outstanding breaches of law relating to the listed buildings and structures within their curtilage before any new building commences.
- Adequate provision for footpath access between the Red House development and the BMI site needs to be considered, to avoid future residents having to use the busy and dangerous A371 to visit each other.

Conservation Officer:

Historic Building Conversion

The historic buildings have been on our Heritage at Risk Register for a long time. Despite lots of effort from Council Officers no meaningful repairs have been carried out, although some work has been carried out to improve the security of the site as unauthorised entry and vandalism has been a recurring problem. There is an historic consent to convert the building into dwellings. The introduction of a new use is welcome, as it will secure the full repair of the building and give it a good future.

We have had some discussion about how the building is best divided up. It is characterised by large open floor areas, where the length of the building can be easily appreciated, giving a sense of past industrial activity that has taken place within the building. The reasons for not dividing in this manner are set out clearly in the submitted heritage statement. In summary the current floor levels are low. Horizontal subdivision will create the need to provide fire and acoustic separation between separate flats, which will reduce the ceiling levels further. Currently the underside of the floor boards and floor joists are revealed to the room below. It should be possible to retain this arrangement if the room above is within the same unit, however this detail will be hidden if divided into flats. I am satisfied that the proposed vertical division is the best solution for the building.

The application includes the replacement of the stair and associated boarding in the Mill. The heritage statement suggests this is original, yet no justification has been submitted for its removal. It should be feasible to retain the stair in Unit 20. If this isn't possible then further justification is needed regarding

this. You should also consult Historic England and the amenity societies as the removal of the stair constitutes substantial internal demolition.

There is mention of a cellar under the offices. Information is needed regarding this - will it be associated with one of the flats, perhaps used for storage? Is work required?

The brick setts to the front of the main Mill building should be retained, and should be referenced on the proposed plans.

Plot 26 is badly lit with only two north facing windows. This should be re-considered. It is likely that this unit will be difficult to sell, or subject to high occupancy turn over, which won't be good for the building. The central windows on the east elevation of this building are shown in timber. A steel system should be used for these new openings, to match the adjacent windows. The little garden areas to the front aren't appropriate here. The industrial character of the building would be better retained by removing these and pushing the parking towards the building, or creating an area of 'shared' hardstanding.

Justification has been put forward in the submitted heritage statement relating to the demolition of the engine house. I am satisfied with the case that has been made.

New buildings

The rest of the site generally has quite a cramped appearance. I like the design of units 1-16. The strong linear form relates well to the industrial use of the site and the character of the listed factory building, as does the smaller range adjacent. It is a shame that this aesthetic cannot be adopted across the whole site. As well as giving the whole scheme some integrity the use of terrace forms will make better use of the space. With regard to units 1-16 specifically the south end of the building faces towards the listed building and will be readily viewed. It's fairly disappointing architecturally. This needs to be considered further. In addition the units seem to have one small rooflight over the top bathroom (which seems to straddle the ridge). Given that they are based on the design of a north light building why not introduce a big block of glazing over the central stairwell to flood the core of each unit with natural light?

I am not keen on arrangement resulting from Unit 75. It would be better to remove this one, improving gardens to 74 and 62. The Unit in front could be raised in height to offset this loss - it doesn't look great currently anyway next to a large three storey building.

The arrangement of plots 30 to 33 is awkward. Plot 31 belongs with plots 34 - 39. It will look a bit odd on its own. Plot 30 has a nice wide frontage, which would suit the position of 33 and 32 better. Sitting a unit back in the corner is awkward and wastes some space because of the extent of hardstanding required. In addition the gable end of 31 has the potential to harm the setting of the adjacent listed building. The view south alongside 70-73 should have a decent terminus building at this point. Currently it finishes with a parking area and garage.

The two pairs of hipped roofed dwellings are likely to look fairly odd. I appreciate that one of the retained historic buildings is hipped, but this is unusual for the area, and not something that will make much sense replicated in these two isolated locations.

There are some cases where large buildings are right next to shorter buildings - such as units 40/41 and 42/43. We should have more consistency in such areas.

Unit 28/29 seems over-scaled for its location. It is much bigger than the adjacent retained building and has the potential to be prominent from the environs of Cary Place to the rear.

Officer comments: Seeks retention the staircase in plot 20 (or justification for its loss), retention of the brick setts in front of the main listed building and raises a number of comments on the new build houses in terms of their impact upon heritage assets and setting thereof. All comments addressed by amended

plans submitted 03/01/19).

Historic England: We have now received the revised floor plans for the grade II listed Mill and we are pleased to see the retention of the historic staircase as part of the redevelopment of the site.

South West Heritage Trust: I recommend that the developer be required to record elements of the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework. This should be secured by the use of the following conditions attached to any permission granted.

Highways Authority (Somerset CC): No objection to the principle of the development as the impact on the highway network is not considered to be severe. They explained that:

- A Travel Plan would be required as part of a Section 106 agreement;
- That the application would need to enter a suitable legal agreement with the Highway authority regarding the implementation of new traffic signals. Several design issues were identified which must be addressed as detailed design progresses;
- The footway onto Barnes Close requires a safe design;
- The estate roads are not suitable for adoption and would therefore remain private, as such the applicant should ensure long-term maintenance arrangements are in place in accordance with the Advance Payment Code regime.
- A number of issues were identified with regard to the estate road layout. On the basis that the roads are to remain private, no objection is raised by the Highway Authority but nonetheless it is recommended that the road layout be reviewed to ensure appropriate standards are met.

The Highway Authority recommended numerous conditions be imposed if planning permission were to granted

SSDC Highways Consultant: Refer to SCC comments.

Natural England: No objection.

SSDC Ecologist: The Ecological Impact Assessment (ECOSA, March 2018) assessed the site and included surveys for some protected species. Roosts for four different species of bats were recorded in the old mill building. Although the bats were present in only low numbers, the inclusion of rarer species make the site of 'moderate' biodiversity value. The development proposals will result in the loss of these roosts (except the cellar).

In order to satisfy legislation and planning policies, mitigation (including compensation bat roosts) will be required.

Outline mitigation measures are indicated in section 5.5.2 of the report. This includes repair and creation of a dedicated loft space roost above plots 25-27 (the other historic building being retained and converted), and retention of the cellar below building 1 (plots 23-24). I'm satisfied the outline measures are appropriate and feasible.

I recommend a condition requiring full mitigation details to be submitted for approval:

The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority, full details of a Bat Mitigation Plan detailing timing restrictions and protective measures to avoid, mitigate and compensate for harm to bats and their roosts. The works shall be implemented in accordance with the approved details and timing of the mitigation plan, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

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.

Please note that as the development will result in the destruction of a bat roost, the officer or committee report will need to include an assessment against the three Habitats Regulations tests:

Habitats Regulations reporting

An assessment against the three derogation tests of the Habitats Regulations 2010 is a legal requirement in the determination of this application. Permission can only be granted if all three derogation tests are satisfied. Such assessment should be included in the relevant committee or officer report. The 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 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, and the securing of appropriate mitigation and compensation by condition.

Other issues

The site has high potential to be used by nesting birds. I therefore recommend a condition: No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EQ4 of the South Somerset Local Plan.

Lead Local Flood Authority (LLFA): surface water, as discussed and agreed with the EA last year, will go to deep bore soakaways located beneath permeable paved shared spaces. These are indicated on the plans within the FRA, so the detail would need securing via a Grampian condition.

Environment Agency: I have had confirmation from our Groundwater Officer that they are now satisfied with the information that has been submitted to date, and therefore a condition controlling the detailed surface water drainage design as requested by the LLFA would be sufficient.

We will let you decide if an informative note to support the condition would be useful on the decision notice, to confirm the groundwater position statement that there must be no direct discharge to groundwater from the surface water soakaway.

SSDC Environmental Protection: Should the application be approved, a condition should be imposed to secure remedial measures for contaminated land.

Avon and Somerset Police Service: No objection subject to comments:

Please reconsider the access out of Barnes Close. The access point should be widened to the full width

of the path to remove any corners to allow crim to prevail.

Provide bollards a minimum of 1.2 metres apart to prevent vehicular access.

Officer comment: Both matters addressed through amended plans.

SSDC Housing Development Officer: Further to the DV report may I initially propose the following property mix for the 11 affordable units: 4 x 1 bed; 3 x 2 bed; 3 x 3 bed; and 1 x 4 bed. These will be split 80/20 - social rent/other intermediate tenures - however I would request the 4 bed be made available at a social rent. I am basing this on the current need on Homefinder Somerset and Help to Buy South West data.

These figures can be confirmed at a later date and subsequently included in the S106.

I would expect our space standards to be adhered to.

Sports, Arts, & Leisure: Financial contributions of £180,928 required as set out in their full response, towards:

- Offsite - contribution towards enhancing the existing play area at Donald Pither Memorial Ground, Ansford Road, or other youth facilities servicing Castle Cary and Ansford;
- Offsite - contribution towards enhancing the youth facilities at Fairfield; and
- Offsite contribution towards improved or new changing facilities at the Donald Pither Memorial Ground.

Somerset School & Education Authority: Based on 25 primary places and 4 early years places, and a cost per place of £14,175, the financial contribution sought is £411,075.

Somerset Waste Partnership: From a refuse/recycling collections perspective this development does not look particularly straightforward, the main concerns being:

The majority of the development is to be constructed as shared surface or private drives. We would need assurances, permission to access and liability waived from the developer that up to 32t vehicles used for refuse collection could safely travel on these surfaces without causing damage to the surface or underground pipes etc.

I cannot see that any swept path analysis has been provided for this development; I am particularly concerned regarding the sharp corners on the main 'loop' of the development, and the potential for there, in practice, to be parked cars in front of the houses on the corner plots of the middle part of the loop (although I appreciate that they do have parking spaces in the courtyard), causing access issues for the collection vehicles. In addition the properties on the private roads on plots 17-24, 62-79 and 42 - 59 also need clarification with regards to access and collection points.

Plots 17-24:

There appears to be a bin store at the far end of this section near plot 24 for the 8no properties. This would need to house 8 (possibly more in the case of large families) wheeled bins, 8 sets of (at least 2no) recycling boxes and (1no) food waste bins. For this I would recommend wide shelves so that residents can tidily store their recycling containers without taking up too much floor space. Presumably this would be for storage purposes only as it doesn't appear that a collection vehicle could get to it as the access looks too narrow.

Plots 62 - 79 (centre of the loop)

This is clearly defined as a private courtyard but in practice is likely to be the collection point for the properties' waste and recycling vehicles, as none of the properties appear to have any kind of frontage, and most garden and parking access is at the rear. Assuming permission/liability waived as above, a swept path analysis would indicate if large-vehicle access was possible and a visibility splay coming out

of the courtyard would be beneficial. Could the developer indicate an alternative collection point for these properties if access isn't possible?

Email dated 21/01/19 requests clarification on bin collection points and tracking of refuse vehicle (additional plans will be submitted in this regard imminently).

SSDC Tree Officer: Objection to the loss of trees and lack of detail regarding tree protection measures. A number of suggestions were made to improve the scheme.
Officer note: Amended plans were submitted to show the Tree Officer's suggestions.

Somerset Wildlife Trust: Agree with the findings of the Appraisal and the SSDC Ecologist. Support the Mitigation and Enhancement (section 6). In addition, it is requested that all site boundaries include a small gap to allow free passage of small mammals, to be secured by condition.

Open Space: Insufficient Public Open Space to meet the required amount for a development of this size.

District Valuer: The scheme is not viable at 35% affordable housing. The scheme becomes viable at 13.5% (11 units) affordable housing, and full financial contributions and CIL

REPRESENTATIONS

Contributions, 33 in total

1 - Support

Support development of long derelict site

10 - Representations/ General Observations

Residential Amenity

Proposed three storey could potentially introduce overlooking
Increase height of wall to 2.5m to prevent negative impact from site

Highways

Increase in number of vehicles - worsen congestion
Introduction of new traffic lights will cause more congestion
Supports development on the site but, a development of fewer units

22 - Objections

Highways

Increase in number of vehicles - worsen congestion
Increase road traffic around entrance to site - not suitable for amount of traffic
Introduction of new traffic lights will cause more congestion
Moving of the bus stop between sets of traffic lights will cause congestion
Inadequate Parking for new development
Need more provided for non-vehicular traffic i.e. pedestrians and bicycles

Residential Amenity

Introduce overlooking into numerous existing dwellings
Creation of noise and light pollution from site

Visual/Setting

Yellow road covering is harmful to setting
Removal of protected trees will ruin the view
Concerns over the listed building on the site (Powdered Workshop & Engine Room)
Increased development will deteriorate character of Castle Cary

Ecology

Unused site now occupied by wildlife
Removal of trees means the removal of wildlife habitat

Other

Hanover Court Concerns

- Reopening of walkway between Barnes Close - causes distress to residents if reopened
- Concerns over car park being used
- Concerns over parting wall being effected by development - wish to be involved with site meetings when its being discussed if planning permission is granted
- Lawson Cypress Hedge trees were planted as part of restrictive covenant - will not agree to remove if not replaced with higher wall.

CONSIDERATIONS

Principle of Development

The principle of re-developing the vacant and redundant employment site (as previously developed land (PDL)) is encouraged under policy SS7 and the NPPF. The site is contaminated, it has not been in active use for employment purposes for a long time, and listed buildings are falling into worse states of dilapidation. Providing a viable re-use of the land, whilst also providing dwellings towards the Council's under supply of housing, is positive.

The loss of the employment land is not considered to demonstrably harm the settlement's supply of employment land/premises and/or job opportunities given its current state and long history as a redundant site. The proposal is considered compliant with Policy EP3.

Castle Cary is a sustainable location for housing growth and is defined as a Local Market Town in policy SS1 of the Local Plan. The site is on the Council's Brownfield Register and is wholly within the development limits of the town.

The principle of development accords with the Local Plan but the Council's under supply and under delivery of housing must also be kept in mind in decision-making. Paragraph 11 of the NPPF explains that decision should apply a presumption in favour of sustainable development, and that for decision-taking that means:

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

As the Council is currently only able to demonstrate a 4 year supply of deliverable housing land, the application must be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Design, Visual Amenity, and Historic Environment

The proposal involves the conversion of the Grade II listed 'Offices to Ansford Factory', and 'Mill Building to Ansford Factory', which are attached, and also the detached warehouse building to the west, not listed in its own right, to 11 dwellings. It also seeks to demolish the former engine house - which is not listed in its own right and is particularly ruinous. The Conservation Officer and Historic England are satisfied with the proposed method of conversion and with the demolition of the engine house. The benefit of providing the listed buildings with a viable use secures their restoration and ongoing maintenance as heritage assets, in accordance with Chapter 16 of the NPPF.

Through the imposition of a condition, the developer will be required to record elements of the heritage assets and provide a report on any discoveries made as indicated in the National Planning Policy Framework prior to their conversion or demolition.

The remaining 70 dwellings would be provided through new-build dwellings. The residential properties are set out in a mixture of forms, in accordance with policy HG5; terrace, semi-detached, and detached dwellings, comprising a mixture of dwelling types and materials. Photovoltaic panels are also proposed on some properties and are to be located to as to minimise their appearance whilst benefiting from direct sunlight, thereby generating green energy in accordance with the aims of EQ1.

Notwithstanding concerns about the colour of the shared surface proposed, which is commonplace in many residential developments, the scheme is considered to be of an acceptable density, layout, and design, and the dwellings are of an appropriate scale, design and materials.

Given that the site is carefully designed to ensure the relatively dense development appears and functions appropriately, it is necessary to withdraw permitted development rights to all units for any extensions or outbuildings. It is also necessary to withdraw permitted development rights for any external alterations for plots 1-19 given their industrial design which would be significantly harmed with alterations of a domestic appearance.

The Open Spaces consultation raised highlighted that the level of informal open spaces was below their standards. However, this must be weighed up against the need to secure a viable re-use of this site. Given that even with 81 dwellings, the District Valuer has found the site can only afford 13.5% affordable housing, increasing open space would either require a reduction in units, making the scheme unviable, or places greater pressure on the remaining space to provide units in a more dense form which would have impacts on local character, the historic environment, and may also impinge on value of the properties, and thus viability. Alongside this argument, it should also be recognised that Policy HW1 allows for such requirements to be commuted off-site in appropriate circumstances. The development is making a significant contribution of in excess of £180,000 towards improvements at the Donald Pither Memorial Ground, accessible from the site and with enhanced public footpath links thereto.

The Town Council has asked that further consideration be given to providing access between the Red House development and the BMI site. The agent sought to provide such an access but as there is no way of creating a right of way over private land, this is not a possibility. The site is considered to have sufficient permeability by reason of access into the nursery site and Barnes Close.

The proposed development is not considered to harm the setting of the listed buildings or the Conservation Area, and the demolition of the engine house has been satisfactorily justified. Accordingly, and notwithstanding objection received from the Town Council and local people, the development would not result in demonstrable harm to local character or the historic environment, and would provide opportunities for micro-generation, in accordance with policies EQ1, EQ2 and EQ3.

Residential Amenity

By virtue of their siting, scale, orientation, and boundary treatments (the exact detail to be agreed and controlled by condition), it is not considered that any of the proposed dwellings would unduly overlook,

have an overbearing relationship, or result in loss of light to any neighbouring properties.

Comments have been made proposing alterations to means of enclosures around the site, including raising the height of a wall to 2.5 metres, and providing fixed-shut gates. There are opportunities to enhance existing enclosures through improvements to their structural integrities, materials, and designs-including their heights - and this will be secured through the imposition of a condition as agreed with the agent.

The proposed dwellings are considered to provide acceptable levels of amenity for future occupants.

On the basis of the above, and notwithstanding the objections received, it is not considered that the window layout would result in demonstrable overlooking or loss of privacy.

Highway Safety

Subject to conditions and a S106 Agreement, the County Highway Authority raise no objections to the scheme on the basis of parking standards, highway safety, or impact on the highway network.

For smaller developments, not requiring a travel plan, a condition would be imposed to ensure that an e-charging point is provided for each dwelling adjacent to the relevant parking area. However, these points will be secured as part of the travel plan, amongst other measures to secure low carbon travel.

Notwithstanding the objections received, it is not considered that the proposal would prejudice highways safety, and it is considered to accord with policies TA1, TA4, TA5 and TA6 of the Local Plan.

Ecology

The Somerset Wildlife Trust did not object to the scheme on the basis of the mitigation and enhancements put forward by the Ecological Report submitted and a condition that all site boundaries include a small gap to allow free passage of small mammals.

The Ecological Impact Assessment found bat roosts in the Old Mill building to be converted. Though they would be destroyed, he was satisfied that this would be acceptable provided mitigation and compensation measures are implemented as per his suggested condition.

As bat roosts would be destroyed, permission can only be granted if all three derogation tests are satisfied:

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'.

With regard to the derogation tests no.'s 1-3 (Conservation of Habitats and Species Regulations 2010):
Test 1 - It is considered that the proposal is required for social and economic reasons (to provide housing, re-use of the vacant and contaminated browfield site, and to secure the repair and long-term maintenance of the listed buildings) and accords with both local and national planning advice/policies.
Test 2 - It is considered that the need for housing, re-use and decontamination of the vacant browfield site, and repair and long-term maintenance of the listed buildings is in the public interest, with no satisfactory alternative; this outweighs the harm that would be caused.
Test 3 - The Ecologist concluded that favourable conservation status is likely to be maintained due to the presence of only low numbers of bats, and the securing of appropriate mitigation and compensation by condition.

In summary, the Ecologist has thoroughly considered the potential ecological impacts of the

development and has no objection to the proposal subject to the imposition of appropriate conditions.

Trees

The Tree Officer has raised concerns over the loss of protected trees, suggesting instead that the density be re-visited. As aforementioned, there is a balance to be played between securing a viable re-use of the land and retaining trees. Though the majority of protected trees would be lost, it is unlikely that the density of the scheme could be reduced without sacrificing the viability of the scheme, thereby losing the benefit of the site's re-use.

Additionally, the landscaping scheme has been amended to reflect the suggestions of the Tree Officer and as a result would provide an acceptable level of compensation through the provision of an appropriate planting scheme; replacement is taking place at a rate of almost 2 to 1 (58 trees proposed whilst 30 would be lost).

On that basis, given the constraints of the site and benefits of the scheme, the proposal is not considered to result in an undue level of harm to bio-diversity or green infrastructure. The proposal is considered to accord with policies EQ4 and EQ5.

Drainage

The site is in Flood Zone 1 but involves the re-development of a large brownfield site. The application was submitted with a Flood Risk Assessment which the LLFA and Environment Agency found to be acceptable.

In accordance with the LLFA and Environment Agency, and subject to the Grampian condition suggested by the LLFA, the proposed development will be able to appropriately manage surface water within the site. The proposal therefore accords with EQ1.

Land Contamination

As part of the re-development of the site, the contamination of the land will be addressed. This will be ensured through the imposition of a condition suggested by the Council's Environmental Protection Officer. The proposal is therefore compliant with policy EQ7.

Waste Collection

In response to the comments of the Somerset Waste Partnership, tracking drawings were provided which show appropriate manoeuvrability through the scheme by a bin lorry. The plans are also to the acceptance of the Highway Authority.

Additional bin collection areas were added to serve plots 62 - 64 & 42-59 adjacent to the main estate road.

Regarding the listed courtyard, it should be noted that the bin store only needs to serve plots 21 - 24 as plots 17 -20 have rear yards. To safeguard the setting of the listed buildings, it was deemed inappropriate to provide a bin store/collection point at the entrance to the listed courtyard. The proposed bin store as shown on the plans is considered to be appropriately sited and designed to avoid harm to the setting of the listed buildings and sufficient to accommodate bin storage for the properties without rear access.

There is no reason to believe that the shared surface could not support the refuse vehicle. This is clearly a matter for a subsequent S.38 application rather than a planning application. Should the roads have to remain private the assurances sought by Somerset Waste Partnership in their first paragraph would be granted.

Affordable Housing and Contributions

Policy HG3 requires 35% affordable housing. However, the District Valuer has stated that the scheme

is only viable for 13.5% affordable housing, which equates to 11 of the 81 units. Those units are not highlighted on any plan but the agent has agreed that the units to be affordable rented and intermediate can be agreed through the S106 Agreement to accord with the units sought by the Housing Officer, and ultimately to the satisfaction of the Council's Lead Specialist - Development Management.

With 13.5% affordable housing, the District Valuer was satisfied that the scheme would be viable with full contributions being paid. The contributions to be paid, to be secured through the S106 are:

- Sports, Arts, & Leisure: £180,928
- Education: £411,075

Accordingly, the proposal would be compliant with policy SS7.

The development is liable to pay the Community Infrastructure Levy (CIL).

Other

Any covenants, which may or may not be on the land, are not material planning considerations. If matters arise which affect the developer's right to build, this must be addressed through the appropriate legal process.

Conclusion

The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a high range of services and facilities. The proposal is not considered to result in a significant and adverse impact upon the historic environment, visual amenity, residential amenity, highway safety, or ecology/biodiversity. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing 81 dwellings in this sustainable location, in addition to securing the ongoing maintenance of the listed buildings and the decontamination and an effective re-use of the land vacant land. The proposal is considered to be in accordance with policies SD1, SS1, SS4, SS5, SS7, EP3, HG2, HG3, HG5, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5, and EQ7 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

RECOMMENDATION

Permission be granted subject to -

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure:
 - i. a Travel Plan to the satisfaction of the Highway Authority;
 - ii. financial contributions of £411,075 to be paid to the Somerset County Council as Education Authority;
 - iii. financial contributions of £180,928 to be paid to South Somerset District Council Sports, Arts, and Leisure;
 - iv. 11 units of affordable housing, the exact details (bedrooms, tenure, and locations) shall be to the satisfaction of the Lead Specialist Planning in consultation with the Council's Housing Development Officer; and
 - v. details of the management company to maintain the informal open space and, should the road not be adopted by the highway Authority prior to first occupation of any unit hereby permitted, maintenance also of the unadopted road.
- b) planning conditions

01. The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a high range of services and facilities. The proposal is not considered to result in a significant and adverse impact upon the historic environment, visual amenity, residential amenity, highway safety, or ecology/biodiversity. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing 81 dwellings in this sustainable location, in addition to securing the ongoing maintenance of the listed buildings and the decontamination and an effective re-use of the land vacant land. The proposal is considered to be in accordance with policies SD1, SS1, SS4, SS5, SS7, EP3, HG2, HG3, HG5, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5, and EQ7 of the South Somerset Local Plan 2006-2028 and the aims and objectives 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 strictly in accordance with the approved plans as listed on the separate planning drawing issue sheet and landscape drawing issue sheet both dated 28.03.19.

Reason: In the interests of proper planning and for the avoidance of doubt.

03. Excluding demolition, no development hereby permitted shall take place above ground level until details of all external materials (to be accompanied with samples and/or sample panels where deemed necessary by the Local Planning Authority) for all buildings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.

Reason: To safeguard local character and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

04. No windows, doors, or other openings shall be installed in any of the buildings hereby permitted prior to details of their designs, materials, finishes, recessing, and levels of obscuration where relevant have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard local character, amenity, and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF

05. Before any of the buildings hereby permitted are constructed above ground level, details of all eaves/fascia board detailing, guttering, downpipes and other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard local character, amenity, and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

06. Before development commences for any of the buildings hereby permitted, details of the internal ground floor levels of those building(s), relative to the datum point, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard local character, amenity, and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

07. All dwellings shown on the approved plans as hosting PV panels shall not be first occupied prior to the proper installation of the PV panels for micro-generation in accordance with the approved plans as shown on the Plans Drawing Issue Sheet (indexed 02/04/2019).

Reason: To secure renewable energies/sustainable construction, in accordance with policy EQ1 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) there shall be no extensions to any of the buildings hereby permitted without the prior written approval of the local planning authority.

Reason: To safeguard local character, amenity, and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) there shall be no outbuildings erected or sited for any of the dwellings hereby without the prior written approval of the local planning authority.

Reason: To safeguard local character, amenity, and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) there shall be no external alterations made to the buildings in plots 1-19 (drawing no. 3728/001 rev Q) erected or sited for any of the dwellings hereby without the prior written approval of the local planning authority.

Reason: To safeguard local character, amenity, and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

11. No development hereby permitted shall be carried out prior to the submission to and agreement by the Local Planning Authority of a scheme of phasing for the works (full repair, conversion, and, for the engine house, demolition) of the listed buildings. The development shall then be carried out strict accordance with that phasing scheme.

Reason: To ensure that the listed buildings are appropriately repaired and converted as a benefit of this development, in accordance with policy EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

12. Prior to any works being undertaken on the listed buildings, a detailed method statement and specification of all works to the listed buildings shall be submitted to and approved in writing by

the Local Planning Authority. The works shall then be carried out strictly in accordance with the agreed details.

Reason: To ensure that the listed buildings are appropriately repaired and converted as a benefit of this development, in accordance with policy EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

13. Prior to occupation of any dwelling hereby permitted, details of all boundary treatment and means of enclosures shall be submitted to and agreed in writing by the Local Planning Authority. This shall include small gaps to allow free passage of small mammals on each site boundary. The boundary treatments and means of enclosures shall be fully erected strictly in accordance with the agreed details.

Reason: To safeguard local character, amenity, the historic environment, and biodiversity, in accordance with policies EQ2, EQ3, and EQ4 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

14. No work shall commence on the development site (other than site clearance) until a signalised junction generally in accordance with that shown in Appendix 5 of the Peter Evans Partnership Transport Assessment (March 2018) has been provided in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

15. None of the dwellings hereby permitted shall be occupied until the pedestrian links to Barnes Close and to the site boundary with the Nurseries have been constructed in accordance with details shown on Dwg nos. 3728/001 Rev Q, 3728 BBA SP 00 DR L 001 D and 3728 BBA SP 00 DR L 002 E.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

16. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the occupation of any dwelling hereby approved and thereafter maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

17. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

18. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

19. 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, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

20. The areas allocated for parking and turning on the submitted plans shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

21. Prior to first occupation of any dwelling secure cycle parking at the rate of one space per bedroom shall be provided for that dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

22. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network
- Measures to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway

Reason: In the interests of highways safety and residential amenity, in accordance with policies EQ2 and TA5 of the South Somerset Local Plan (2008-2028) and the provisions of the NPPF.

23. Prior to the commencement of the development hereby permitted (excluding demolition), the development hereby permitted, surface water drainage details shall be submitted for the approval in writing by the Local Planning Authority.

As the development proposes to discharge surface water via permeable paving to deep bore soakaways, these shall include the following:

- details of falling head or infiltration tests (if not already undertaken) in accordance with BRE guidance
- final drainage design and layout, including any revised calculations
- methods employed to prevent direct discharge to groundwater
- ongoing management and maintenance arrangements specific to the scheme

The approved drainage scheme shall be implemented prior to the first occupation of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2018) and the Technical Guidance to the National Planning Policy Framework.

24. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures shall be prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and submitted to the Council for their approval. Upon approval in writing by the Council, the scheme of tree and hedgerow protection measures (specifically any required ground-protection, fencing and signage) shall be installed and made ready for inspection. Prior to commencement of the development, the suitability of the tree and hedgerow protection measures shall be confirmed in-writing by a representative of the Council (to arrange, please contact us at planning@southsomerset.gov.uk or call 01935 462670). The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and may only be moved, removed or dismantled with the prior consent of the Council in-writing.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

25. All planting and associated ground-preparation, weed-suppression, staking/supporting, tying, guarding, strimmer-guarding and mulching comprised in the approved scheme (As shown on the Landscape Drawing Issue Sheet, indexed 02/04/2019) shall be carried out in accordance with those details and within the dormant planting season (November to February inclusively) following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

26. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority, full details of a Bat Mitigation Plan detailing timing restrictions and protective measures to avoid, mitigate and compensate for harm to bats and their roosts. The

works shall be implemented in accordance with the approved details and timing of the mitigation plan, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

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.

27. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EQ4 of the South Somerset Local Plan.

28. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of building recording work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To ensure a record is made of the heritage asset in accordance with the provisions of the NPPF.

29. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites - Code of Practice.

2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.

3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any ongoing monitoring should also be outlined.

4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.

5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

Informatives:

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

Peter Evans Partnership
Transport Planning & Highway Consultants

21st May 2019

Our Ref: 1471R/AJK/DH

S Baimbridge Esq
Case Officer
South Somerset District Council
Planning Department
Brympton Way
Yeovil
BA20 2HT

Dear Mr Baimbridge

**RE: CASTLE CARY CUMNOCK ROAD, SOMERSET
APPLICATION NO: 18/01602/FUL - BMI CASTLE CARY**

Shared space for the level of housing is appropriate for future adoption. Somerset County Council in their red book on Estate Roads in Somerset June 1991 use advice based on Design Bulletin 32 First Edition 1977 as published by the Department of Environment and Department of Transport. This advice along with the 1992 version of DB32 were both revoked in 2007 when Manual for Streets was published by The Department for Transport to replace earlier national housing design guidance. This is the National Guidance that many counties including Devon, Gloucestershire, Cornwall and Dorset all use with reference to the design of streets in residential development.

The Somerset Guide suggests with no technical basis that up to 20 houses can have a shared street with a cul de sac design. This is totally contrary to MfS which indicates that a shared street can carry up to 100 vehicle movements in the peak hour which equates to around 170 houses off a cul-de-sac. The reason MfS indicates this level of traffic is because of the level of traffic is low, the ability to service and the relationship with pedestrian traffic. Over this level of traffic it is better to provide a traditional street with footpath cycleway adjacent to the road carriageway.

The reason for a shared surface is it encourages low vehicle speeds, creates safer environment for pedestrians and cyclists and enables residents to interact without feeling intimidated and encourages social interaction. As the site road is a loop road the affected level of traffic is only 24 vehicles in the peak hour which is well the 100 vehicle movements set out within the MfS.

One of the reasons that Somerset has quoted for not adopting a shared street is because the traditional pallet of highway materials not used however it is feasible that traditional black top and kerbing is used but that it is all at the same level with no kerb upstand. For clarity just to confirm it is expected that the first section of road into the site and to the nursery site will be provided with traditional footpaths and road carriageway. Within the site the roads will become shared surface which will enhance the built environment.

Cont'd/...

Mr Baimbridge

-2-

21st May 2019

As this site is in a central historic part of Castle Cary with the listed properties and maintenance of existing buildings as part of the development there are good reasons for having shared space and to provide a 1970's, 1980, and 1990's road and footway arrangement would be totally out of keeping for the nature of the development and the type of development the client wants to provide.

PAUSE ON SHARED STREETS

In July 2018 there was a pause issued by the Housing and the Communities and the DfT on shared surface street design. This was because of partially sighted and disability comments with reference to busy town centres issued in new guidance. However subsequently in September 2018 the DfT clarified that this only applied to town centres and not to new streets in residential areas. The pause related to the fact that surfaces were not clearly defined, however within a residential development it would be straightforward to de-mark different areas as part of the shared street and this has been accepted elsewhere by Somerset such as part of the Houndwood Phases 1 and 2 residential development (MDC app refs: 2010/1471, 2013/0999 and 2016/2232/VRC) in Street which I understand is to be adopted in any event.

I trust this clarifies matters.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Andrew J Kenyon', with a stylized flourish at the end.

ANDREW J KENYON

Agenda Item 15

Officer Report On Planning Application: 18/01603/LBC**

Proposal :	Demolition of existing buildings, conversion of and alterations to listed buildings to form 11 No. dwellings, the erection of 70 No. dwellings (total 81 No. dwellings) and associated works, including access and off-site highway works, parking, landscaping, open space, footpath links and drainage infrastructure
Site Address:	Former BMI Site Cumnock Road Ansford
Parish:	Castle Cary
CARY Ward (SSDC Member)	Cllr Kevin Messenger Cllr Henry Hobhouse
Recommending Case Officer:	Stephen Baimbridge Tel: (01935) 462497 Email: stephen.baimbridge@southsomerset.gov.uk
Target date :	1st August 2018
Applicant :	Castle Cary (BMI) Ltd .
Agent: (no agent if blank)	Mr Matt Frost Motivo Alvington Yeovil BA20 2FG United Kingdom
Application Type :	Other LBC Alteration

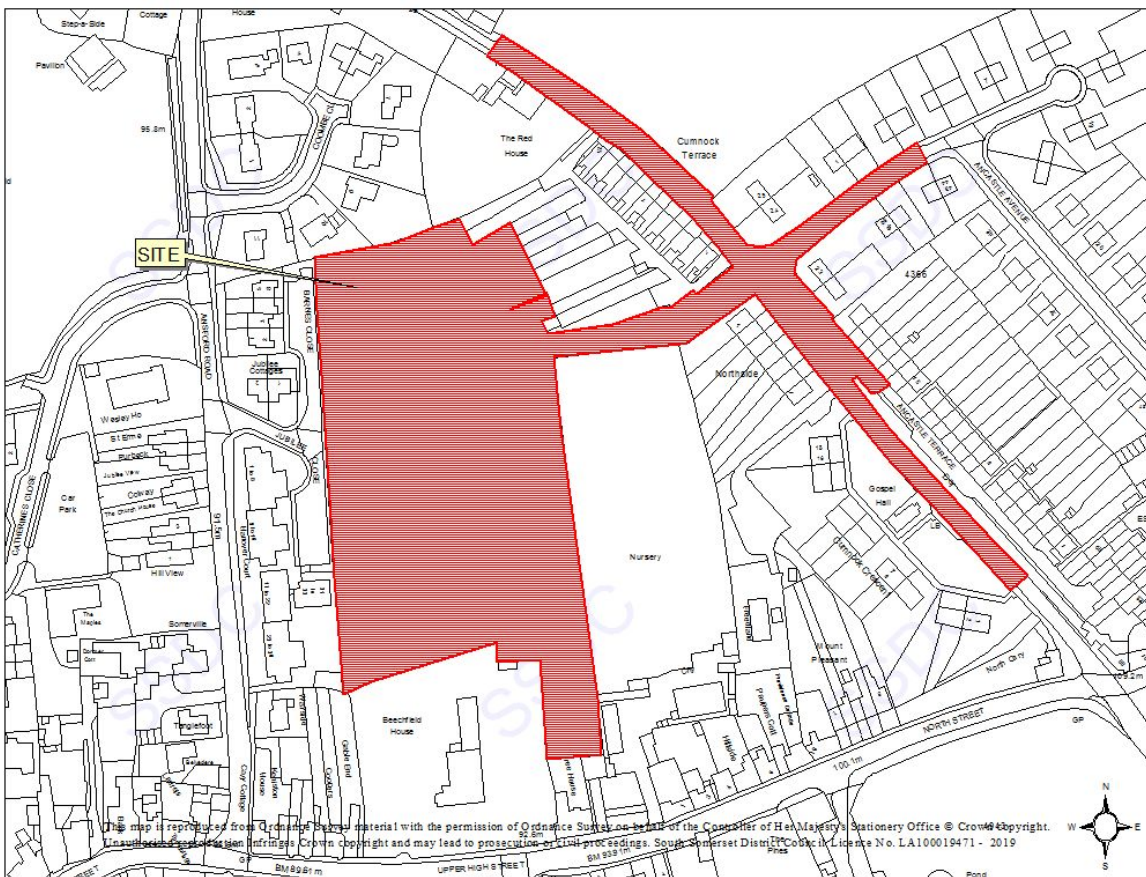
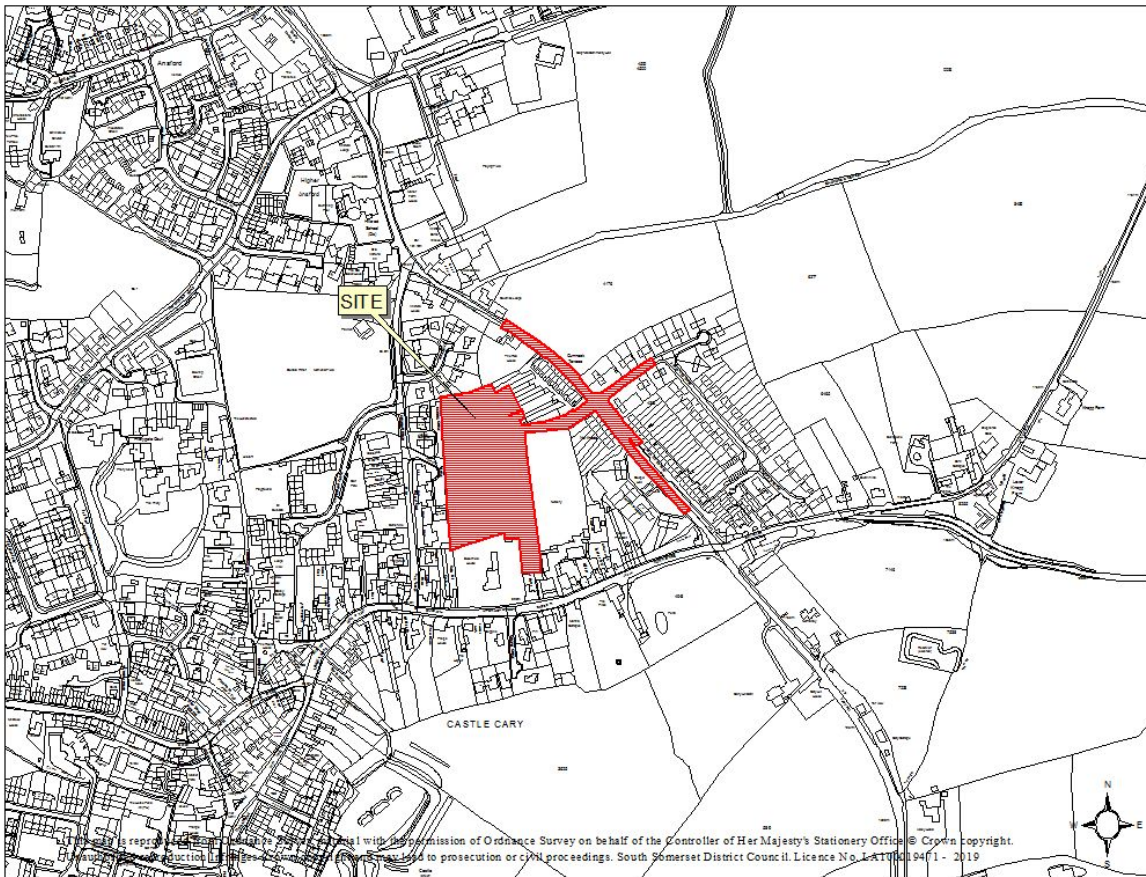
The application was referred to the Ward Members as neighbour and Town Council comments have been received that are contrary to the officer's recommendation. The Ward Members did not agree with the officer's recommendation and as such the application was referred to the Area Chair. The Vice Chair (in place of the Chair who is a Ward Member for this area) referred the application to the Area East Committee.

The Area East Committee of 12/06/19 resolved that planning application be deferred for officers to negotiate an amended scheme to address issues concerning:

1. Highway adoption
2. To increase levels of car parking (incl. visitor)
3. To reduce the density of the development
4. To establish the specific boundary treatments with Beechfield House
5. To seek to retain more protected trees currently proposed to be felled
6. Clarity regarding the new highway infrastructure on Cumnock Road

I have been informed by the agent that he and his client have considered Members' reasons for deferral of the application as at the last Area East Committee and have respectfully declined to amend the scheme. The application is therefore referred back to the Area East Committee.

Please note that this application is two- starred. Therefore, should Members resolve to refuse the application, it will be referred to the Regulation Committee.



SITE DESCRIPTION AND PROPOSAL

The application site is the Former BMI Site in Castle Cary, a redundant employment site comprised of a number of listed and unlisted buildings all of which are in various stages of dilapidation. The site is accessed off Cumnock Road and is surrounded by residential properties on all boundaries but for the eastern boundary which is also shared by the nursery site.

The application seeks listed building consent for the demolition of existing buildings, conversion of and alterations to listed buildings to form 11 No. dwellings, the erection of 70 No. dwellings (total 81 No. dwellings) and associated works, including access and off-site highway works, parking, landscaping, open space, footpath links and drainage infrastructure. The only matters to be considered as part of this application will be the physical works to the listed buildings. All other matters are considered within the full planning application.

RELEVANT HISTORY

Various historic permissions pertaining to the employment site. The decisions of most relevance to this application are:

01/02024/FUL: The carrying out of residential development, including the conversion of existing buildings. Application refused by Committee (14/03/2003). Allowed at appeal (20/05/2004).

01/02025/LBC: The conversion of former mill and two associated buildings to residential use. Application permitted with conditions (09/01/2002).

POLICY

Section 16 of the Listed Building and Conservation Areas Act is the starting point for the exercise of listed building control. This places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

Paragraphs 193 and 194 of the NPPF: Chapter 16 - 'Conserving and enhancing the historic environment' is applicable. It advises that:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

Whilst Section 38(6) of the 2004 Planning Act is not relevant to this listed building application, the following policies should be considered in the context of the application.

The policies of most relevance to the proposal are:

Policies of the South Somerset Local Plan (2006-2028): Policy EQ3- Historic Environments

National Guidance: Chapter 16 - Conserving and enhancing the historic environment

Planning Practice Guidance: Conserving and Enhancing the Historic Environment; and Design

CONSULTATIONS

Castle Cary Town Council: We welcome the input from Highways and the tree officer and absolutely support their comments.

Below are the issues that still need to be addressed and until they have been we are unable to support this application

Decision The Planning Committee voted unanimously against this planning application: Although the Council is very much in favour of brownfield development in the town in principle, it was felt that there are a number of key issues that this new brown field development has failed to address satisfactorily:

- The proposals rely on census information from 2011 which suggests that each dwelling will only require 1.6 car spaces.
- Highways advised in the application that the new roads on the development will be unadoptable, which means residents will have to maintain them in the future. This is unacceptable; other sites in Area East have had problems with similar proposals.
- Despite concerns raised by CCTC in 2018 about the numbers of visitor parking spaces, only 6 visitor parking places are proposed on a site with 81 dwellings, so it is likely that new residents' cars will spill out on to surrounding streets causing congestion.
- No regard has been given to our concerns about the demolition of the Listed former engine house
- Lack of renewable energy solutions including photovoltaics in the new house designs.
- The revised plans, with new three storey houses, compromise the curtilage of nearby Listed buildings, the amenity and privacy of neighbours and views from the Conservation Area of North Street.
- The site owner must rectify any outstanding breaches of law relating to the listed buildings and structures within their curtilage before any new building commences.
- Adequate provision for footpath access between the Red House development and the BMI site needs to be considered, to avoid future residents having to use the busy and dangerous A371 to visit each other.

Conservation Officer:

Historic Building Conversion

The historic buildings have been on our Heritage at Risk Register for a long time. Despite lots of effort from Council Officers no meaningful repairs have been carried out, although some work has been carried out to improve the security of the site as unauthorised entry and vandalism has been a recurring problem. There is an historic consent to convert the building into dwellings. The introduction of a new use is welcome, as it will secure the full repair of the building and give it a good future.

We have had some discussion about how the building is best divided up. It is characterised by large open floor areas, where the length of the building can be easily appreciated, giving a sense of past industrial activity that has taken place within the building. The reasons for not dividing in this manner are set out clearly in the submitted heritage statement. In summary the current floor levels are low. Horizontal subdivision will create the need to provide fire and acoustic separation between separate flats, which will reduce the ceiling levels further. Currently the underside of the floor boards and floor joists are revealed to the room below. It should be possible to retain this arrangement if the room above is within the same unit, however this detail will be hidden if divided into flats. I am satisfied that the proposed vertical division is the best solution for the building.

The application includes the replacement of the stair and associated boarding in the Mill. The heritage statement suggests this is original, yet no justification has been submitted for its removal. It should be feasible to retain the stair in Unit 20. If this isn't possible then further justification is needed regarding this. You should also consult Historic England and the amenity societies as the removal of the stair

constitutes substantial internal demolition.

There is mention of a cellar under the offices. Information is needed regarding this - will it be associated with one of the flats, perhaps used for storage? Is work required?

The brick setts to the front of the main Mill building should be retained, and should be referenced on the proposed plans.

Plot 26 is badly lit with only two north facing windows. This should be re-considered. It is likely that this unit will be difficult to sell, or subject to high occupancy turn over, which won't be good for the building. The central windows on the east elevation of this building are shown in timber. A steel system should be used for these new openings, to match the adjacent windows. The little garden areas to the front aren't appropriate here. The industrial character of the building would be better retained by removing these and pushing the parking towards the building, or creating an area of 'shared' hardstanding.

Justification has been put forward in the submitted heritage statement relating to the demolition of the engine house. I am satisfied with the case that has been made.

New buildings

The rest of the site generally has quite a cramped appearance. I like the design of units 1-16. The strong linear form relates well to the industrial use of the site and the character of the listed factory building, as does the smaller range adjacent. It is a shame that this aesthetic cannot be adopted across the whole site. As well as giving the whole scheme some integrity the use of terrace forms will make better use of the space. With regard to units 1-16 specifically the south end of the building faces towards the listed building and will be readily viewed. It's fairly disappointing architecturally. This needs to be considered further. In addition the units seem to have one small rooflight over the top bathroom (which seems to straddle the ridge). Given that they are based on the design of a north light building why not introduce a big block of glazing over the central stairwell to flood the core of each unit with natural light?

I am not keen on arrangement resulting from Unit 75. It would be better to remove this one, improving gardens to 74 and 62. The Unit in front could be raised in height to offset this loss - it doesn't look great currently anyway next to a large three storey building.

The arrangement of plots 30 to 33 is awkward. Plot 31 belongs with plots 34 - 39. It will look a bit odd on its own. Plot 30 has a nice wide frontage, which would suit the position of 33 and 32 better. Sitting a unit back in the corner is awkward and wastes some space because of the extent of hardstanding required. In addition the gable end of 31 has the potential to harm the setting of the adjacent listed building. The view south alongside 70-73 should have a decent terminus building at this point. Currently it finishes with a parking area and garage.

The two pairs of hipped roofed dwellings are likely to look fairly odd. I appreciate that one of the retained historic buildings is hipped, but this is unusual for the area, and not something that will make much sense replicated in these two isolated locations.

There are some cases where large buildings are right next to shorter buildings - such as units 40/41 and 42/43. We should have more consistency in such areas.

Unit 28/29 seems over-scaled for its location. It is much bigger than the adjacent retained building and has the potential to be prominent from the environs of Cary Place to the rear.

Historic England: Were not originally satisfied with the proposal in relation to the loss of a historic set of stairs but, on the basis of amended plans, they stated the following:

We have now received the revised floor plans for the grade II listed Mill and we are pleased to see the

retention of the historic staircase as part of the redevelopment of the site.

REPRESENTATIONS

Six representations submitted; three objections, two general observations, and one letter of support. The representations are available in full on the Council's website so that matters relevant to the listed buildings only will be summarised briefly below:

- Support for the conversion of the hand loom mill and warehouse to residential and the demolition of the engine house. The conversions are essential to preserve this industrial heritage which is so limited. The demolition is necessary given the building's state of repair.
- Recording of the buildings to be demolished is pleasing.
- It would be appropriate to provide an information board on the site's history and original use.
- Opposition to the loss of the powered workshop and engine room. The buildings have been allowed to deteriorate so should not form part of the argument for demolition.
- The 2005 approval retained the buildings and did not include horizontal division of the Mill building.

CONSIDERATIONS

The primary consideration for an application for listed building consent is assessing what impact the proposals will have on the character of the listed buildings.

The proposal involves the conversion of the Grade II listed 'Offices to Ansford Factory', and 'Mill Building to Ansford Factory', which are attached, and also the detached warehouse building to the west, not listed in its own right, to 11 dwellings. It also seeks to demolish the former engine house - which is not listed in its own right and is particularly ruinous.

Significant weight is put on the expert advice of Historic England and the Conservation Officer. Both are satisfied with the proposed conversions and with the demolition of the engine house. Accordingly, it is considered that the harm to the listed buildings is outweighed by the benefits of securing an optimal viable re-use of the 'Offices to Ansford Factory', 'Mill Building to Ansford Factory', and warehouse. The proposal is therefore in accordance with the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

RECOMMENDATION

Consent be granted subject to conditions:-

01. The works, by reason of securing an optimal viable re-use for the Grade II listed 'Offices to Ansford Factory', 'Mill Building to Ansford Factory', and warehouse building, and their appropriate scale, design, materials, finishes, and intervention into the listed fabric, are considered to respect the historic and architectural significance of the heritage assets in accordance with the provisions of Chapter 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework 2019 and Policy EQ3 of the South Somerset Local Plan (2006-2028).

SUBJECT TO THE FOLLOWING:

01. The works hereby granted consent shall be begun before the expiration of three years from the date of this consent.

Reason: As required by Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02. The works hereby permitted shall be carried out strictly in accordance with the approved plans as listed on the separate planning drawing issue sheet dated 28.03.19.

Reason: In the interests of proper planning and for the avoidance of doubt.

03. No works hereby permitted shall be carried out prior to the submission to and agreement by the Local Planning Authority of a scheme of phasing for the works (full repair, conversion, and, for the engine house, demolition) of the listed buildings. The works shall then be carried out strict accordance with that phasing scheme.

Reason: To ensure that the listed buildings are appropriately repaired and converted as a benefit of this development, in accordance with policy EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

04. Prior to any works being undertaken on the listed buildings, a detailed method statement and specification of all works to the listed buildings shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out strictly in accordance with the agreed details.

Reason: To ensure that the listed buildings are appropriately repaired and converted as a benefit of this development, in accordance with policy EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

Agenda Item 16

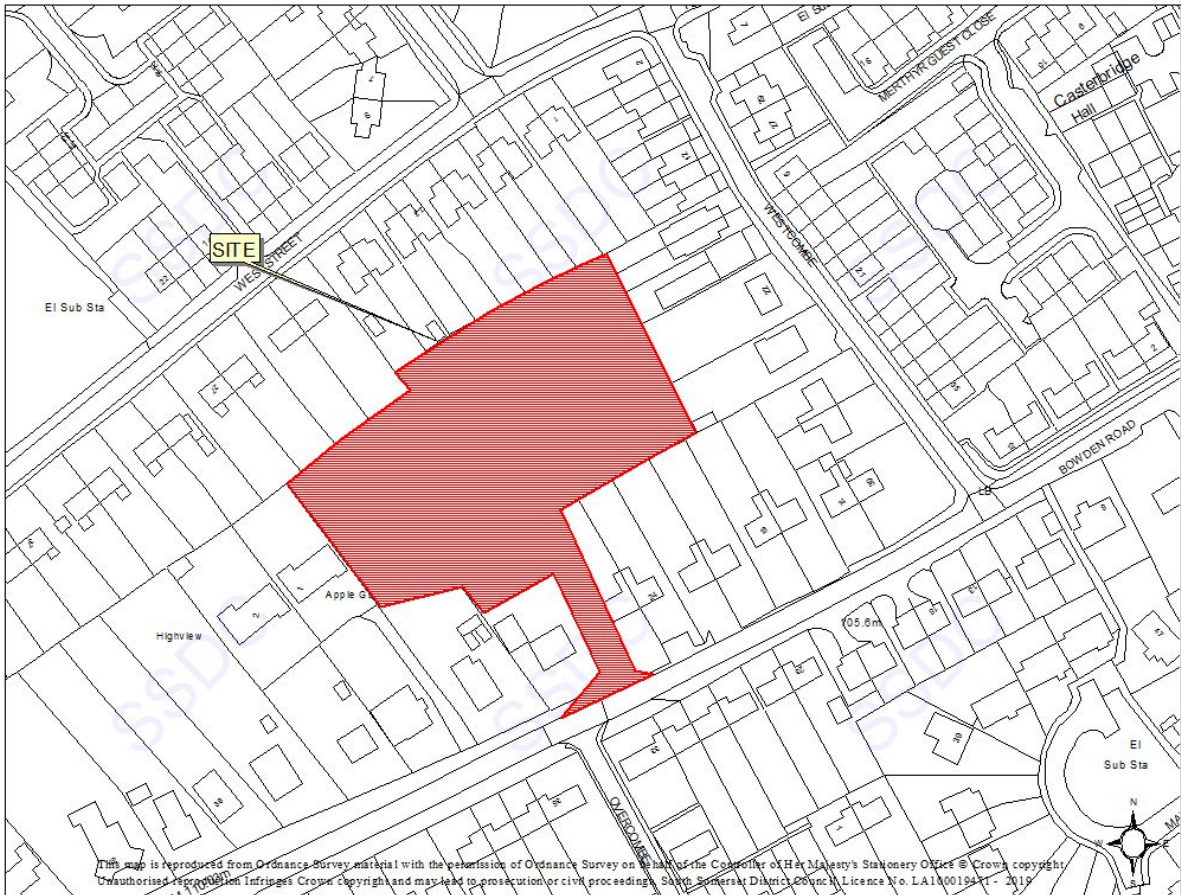
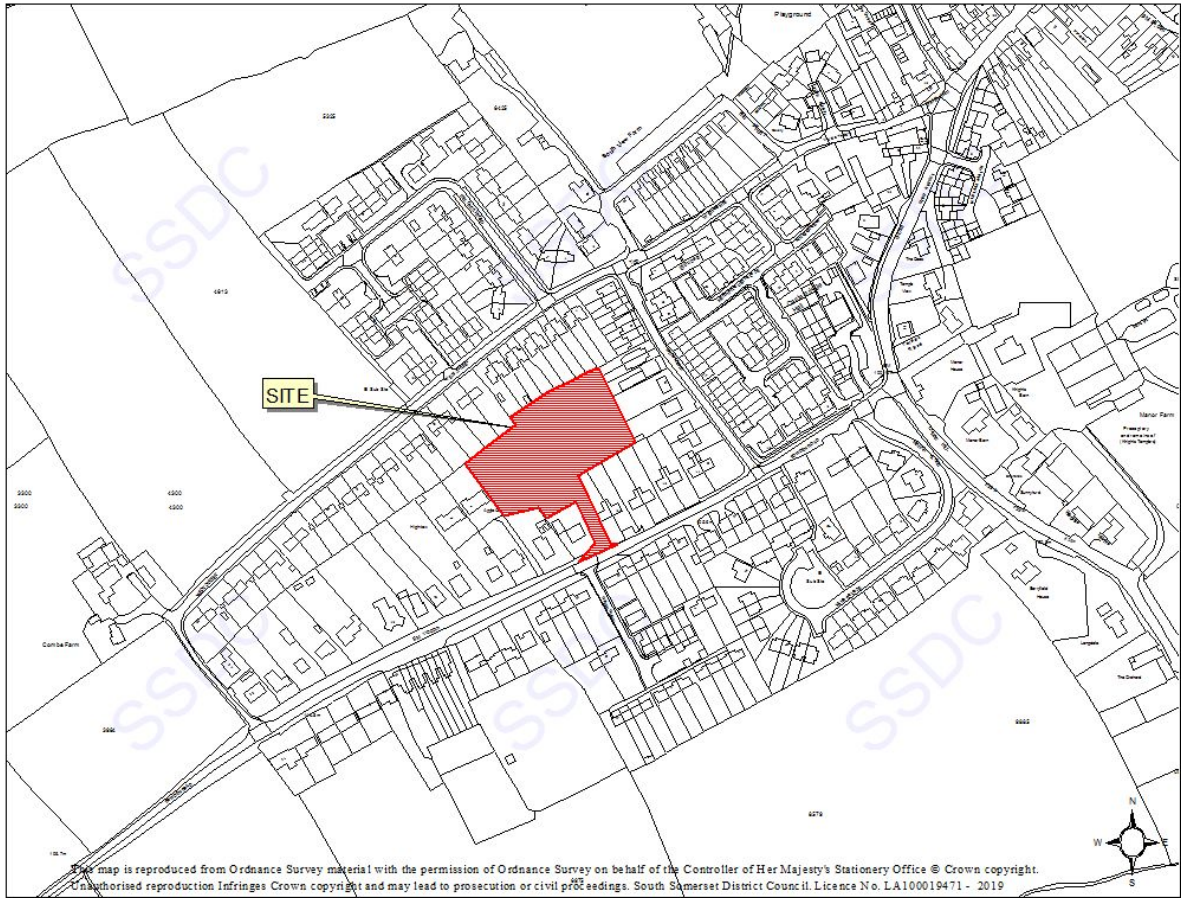
Officer Report On Planning Application: 19/00184/S73A

Proposal :	Section 73A application to vary condition 1 (approved plans) of planning application 17/04047/S73A to amend Plot 1 from a single-storey bungalow to a 2-storey dwelling.
Site Address:	Land Rear Of 18 To 24 Westcombe Templecombe
Parish:	Abbas/Templecombe
BLACKMOOR VALE Ward (SSDC Member)	Cllr William Wallace Cllr Hayward Burt
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	29th April 2019
Applicant :	Mr R. Thorner
Agent: (no agent if blank)	Mr Peter Clark Lake View Charlton Estate Shepton Mallet Somerset BA4 5QE
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL

The following report sets out the position that the Council is recommended to take in responding to an appeal that has been lodged in respect of this application on the grounds of non-determination. The application has been brought Committee to seek the Committee's endorsement of this recommendation, in light of the history of the site, the local objections raised and following discussions with the Ward Members.

SITE DESCRIPTION AND PROPOSAL



This application is a Section 73 application that seeks to amend planning consent 17/04047/S73A, a mixed residential development scheme comprising a total of 16 houses and bungalows. This current application is seeking to amend condition 1 of application 17/04047/S73A, which is the approved plans condition, in order to amend Plot 1 from a single storey bungalow to a two-storey dwellinghouse.

The works to the development are now at an advanced stage with a number of the approved dwellings now complete and occupied. The application site is former garden land that belonged to several neighbouring properties. The site is relatively flat and level with adjacent development and is surrounded by residential properties to all sides including bungalows to the west (known as Collingham Close and which now forms part of the wider site). Plot 1 sits immediately adjacent to the rear gardens of 28 and 30 Bowden Road. An access road to serve the development runs between 26 and 28 Bowden Road. Plot 1 is the first plot on the left hand side of the access road as you enter the development.

HISTORY

18/01071/S73A: Section 73a application to vary condition 2 (approved plans) of planning approval 17/04047/S73A to amend Plot 1 from a single storey bungalow to a two-storey dwelling. Permitted.

17/04047/S73a: Application to vary condition 2 (approved plans) of planning approval 09/03037/FUL, 11/02147/S73 and 16/03330/S73a to substitute with revised plans. Refused at Committee but subsequently allowed at appeal.

16/03330/S73a: Section 73a application to amend conditions 2 (approved plans) and 9 (finished floor levels) of planning approval 09/03037/FUL following level changes arising from final road and drainage designs. Permitted.

11/02147/S73: Application to vary condition 2 of planning approval 09/03037/FUL (revised site plan). Permitted.

10/02561/FUL: Erection of six bungalows with garages on former garden land (revised application). Pending consideration.

09/03037/FUL: The erection of thirteen dwellings. Permitted April 2010.

08/04307/FUL: Erection of six dwellings on former garden land. Application withdrawn 2008.

06/01540/FUL: Erection of a bungalow with detached garage. Permitted 2006.

05/02627/FUL: Alterations to garages for plots 9 and 10. Permitted 2005.

03/01480/FUL: Erection of twelve dwellings and access road. Permitted 2003.

01/00341/OUT: Erection of fourteen dwellings. Refused 2001.

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).

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

SD1 - Sustainable Development

SS2 - Rural Settlements

SS6 - Infrastructure Delivery

HG4 - Provision of Affordable Housing - Sites of 1-5 Dwellings

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision open space, outdoor playing space, sports, cultural and community facilities in new development

EQ2 - General Development

EQ4 - Biodiversity

National Planning Policy Framework

Part 2 – Achieving sustainable development

Part 5 – Delivering a sufficient supply of homes

Part 8 – Promoting healthy and safe communities

Part 9 – Promoting sustainable transport

Part 11 – Making effective use of land

Part 12 – Achieving well-designed places

Part 14 – Meeting the challenge of climate change, flooding and coastal change

Planning Practice Guidance (PPG)

Other

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

Templecombe Parish Council: Object and made the following comments:

- Although this is considered as a paper exercise the Members strongly object to the replacement of a single storey bungalow with a two storey dwelling as it is felt this is out of proportion. Members are also discontented with the way the planning has been dealt with by the Developers

County Highways: Referred to their standing advice.

SSDC Highway Consultant: The only highway issues that may arise from this development scheme is the provision of car parking. Provided the proposed level of car parking still accords with the optimum standard as set out in the Somerset Parking Strategy, there is no highway objection.

REPRESENTATIONS

Written representations have been received from three local households raising the following objections and concerns:

- The originally approved plans for bungalows should be adhered to as this makes for a balanced development providing much needed bungalows and it was on this basis that we purchased our properties.
- Increased overlooking of existing properties.
- Proximity to our garden, the plot is drawn firmly within our boundary by up to 1.6m.
- Our driveway has been omitted from the plans, yet these are a requirement.
- This will block morning sunshine from reaching Plots 5, 6 and 7.

- Loss of light to plots 2 and 3 and an even larger shadow across plot 7.
- The seller and purchaser of this development land agreed that only single storey properties would be built to the north / west of 28 Bowden Road. The advertising placard and estate agent's publicity pictures have illustrated that agreement through much of January 2019 thereby confirming the situation.
- There is a discrepancy between the architect's drawing F1325/217 showing the positions of Plots 1, 2 and 3 and the northwest boundary of 28 Bowden Road. I have measured the position of the boundary fence, which is now accepted by the developer, and find that it should be shown a little more than 1 metre to the northwest. The impact of this is that Plot 1 has less space for the footpath between the boundary fence and the building (dwelling). If the developer chooses to move the dwelling at Plot 1 to the northwest by the required amount then similarly Plot 1's garage has to be moved by the same amount which will have a knock on effect for Plots 2 and 3 and may need adjustments.
- Car parking space is at a minimum and larger properties require more space for even more cars.
- The road is still not completed to level and as such water is draining away along Bowden Road and carrying mud and stones with it. I believe there is a condition requiring the completion of this road prior to any houses being occupied but there have been living on site for over 2 years now with no proper drainage, street lighting or road. These poor conditions and cramped layout are contributing to their non-saleable nature.
- We sold our bungalow in Kent in order to be within sight of our son and his family as we grow older and need more assistance. This will not be the case if Plots 1, 2 and 3 are allowed to become two-storey properties. If this does happen then we will have been miss-sold Plot 7.
- There is no financial benefit in building houses instead, indeed the opposite is true, this is evidenced by the fact that buyers have not been found for three properties now constructed. Bungalows are in short supply everywhere. Houses will not attract a higher price.

CONSIDERATIONS

This application is a Section 73 application that seeks to amend planning consent 17/04047/S73A, a mixed residential development scheme comprising a total of 16 houses and bungalows. This current application is seeking to amend condition 1 of application 17/04047/S73A, which is the approved plans condition, in order to amend Plot 1 from a single storey bungalow to a two-storey dwellinghouse.

This application follows a number of previous applications relating to the development of this site, of particular relevance to the current application are the last two applications submitted for the site, applications 17/04047/S73A and 18/01071/S73A, which permitted Plots 1, 2 and 3 to be altered from single storey bungalows to two-storey houses. Both of these applications were Section 73 applications, which are a type of application used to seek amendments to an approved planning consent through the variation or removal of conditions. In this instance, the amendments were sought to amend the approved plans condition in order to alter the various plots from bungalows to houses.

Unfortunately, the latest permission, application 18/01071/S73A which dealt with Plot 1, did not seek to amend the latest consent which permitted Plots 2 and 3 to be amended to houses and instead sought to amend an earlier consent for the site. This is important because each Section 73 application is effectively a replacement permission of the previous consent granted and so where there is a succession of Section 73 applications, as is the case for this site, each subsequent application needs to include all previously agreed amendments as well as the amendments proposed under the latest application so that they are all encapsulated under a single replacement permission and can be incorporated into the finished build. What a developer cannot do is 'cherry-pick' different elements from different planning consents, they should only build out from a single consent.

Due to the manner in which the amendments to Plots 1, 2 and 3 have been sought, it means that they are not all encompassed by a single permission and technically the developer should only build out one or the other of these permissions, i.e. either Plots 2 and 3 can be amended to two-storey dwellings as

approved under application 17/04047/S73A, or Plot 1 can be amended to a two-storey dwellings as approved under application 18/01071/S73A. This issue was raised with the applicant during the course of the last application however they chose not to amend the application at that time to address this matter and instead decided just to establish the acceptability of amending Plot 1 to a two-storey dwelling. The purpose of the current application is to encapsulate all of the previously agreed amendments to Plots 1, 2 and 3 under a single over-arching consent.

It is noted that the Parish Council and several neighbours have objected to this application for various reasons. The impact of this proposal and their concerns however have already been fully considered under the earlier applications and the various amendments found to be acceptable. There have been no significant changes to either planning policy or physically to the site and its immediate environs since these applications were determined which might otherwise put a different light on the outcome of the previous applications and it is not considered that the cumulative impact of the proposals raise any new substantive concerns.

To conclude, the acceptability of the proposed amendments have already been considered and agreed through the previous applications, albeit in a piecemeal manner. It is not considered that the building out of all three plots as two-storey dwellings, as detailed on the submitted plans (and which is identical to that previously approved), will give rise to any new demonstrable harm over and above what has already been approved. As the scheme does not give rise to any new demonstrable harm there can be no basis for objecting to the current application.

Accordingly it is the officer's recommendation that the Council raises no objection to this proposal.

RECOMMENDATION

That the planning appeal be allowed for the following reason:

The proposed development, by reason of its context, density, scale, layout, design and materials, respects the character of the area, causes no demonstrable harm to visual amenity, residential amenity or highway safety and is considered to constitute an appropriate sustainable form of development that accords with the aims and objectives of policies SS2, SS6, TA5, TA6, HW1, EQ2, EQ4 and EQ5 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans numbered F1325/217X, F1325/205F, F1325/214F, F1325/209A, F1325/203B, F1325/200B, F1325/215, F1325/206C, F1325/207C, F1325/208C, F1325/210C, F1325/212C and F1325/216H.

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

02. The external wall, roof and chimney materials, the materials and external finish for all external windows and doors, internal and external boundary treatments and surfacing materials for the access drive, paths, turning and parking areas shall accord with those agreed under discharge of condition application 13/00878/DOC, unless otherwise agreed in writing by the local planning authority.

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

03. Prior to any other works commencing in respect of the development hereby permitted the visibility splays shown on drawing no. F1325/217D shall be provided in full and shall thereafter be permanently maintained in this fashion.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan.

04. The proposed roads, including footpaths and turning spaces where applicable shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan.

05. At the proposed access there shall be no obstruction to visibility greater than 300mm above adjoining road level within the visibility splays shown on the submitted plan F1325/217D, such visibility splays shall be permanently retained and maintained thereafter.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan.

06. The foul and surface water drainage details to serve the development shall accord with the details set out on drawing number F1325/225B received 29/07/2016, unless otherwise agreed in writing by the local planning authority. 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: To ensure the site is adequately drained to accord with policy EQ7 of the South Somerset Local Plan.

07. The development shall be carried out in accordance with the internal ground floor levels set out on drawing number F1325/217 X, unless otherwise agreed in writing by the Local Planning Authority.

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

08. The development shall be carried out in accordance with the landscaping scheme detailed on drawing number J46-01A received 31/01/2013. All changes to existing ground levels and all planting, seeding / turfing comprised in the approved details shall be carried out in the first planting and seeding season following the first occupation of the dwellings or the completion of the development, whichever is the sooner. 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 and to protect the trees on the site subject to a Tree Preservation Order to accord with policy EQ2 of the South Somerset Local Plan.

09. The tree protection measures detailed on drawing number J46/-01A received 31/01/2013 shall be implemented and kept in place until the approved development is completed, unless otherwise agreed in writing by the local planning authority.

Reason: To protect the trees on the site subject to a Tree Preservation Order to accord with policy EQ2 of the South Somerset Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

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

11. Prior to plot 16 being first brought into use the first floor window in the south elevation shall be fitted with obscure glass (and fixed closed) and shall be permanently retained and maintained in this fashion thereafter.

Reason: In the interest of residential amenity to accord with policy EQ2 of the South Somerset Local Plan.

12. Prior to plot 3 being first brought into use the first floor window in the north elevation shall be fitted with obscure glass and shall be permanently retained and maintained in this fashion thereafter.

Reason: In the interest of residential amenity to accord with policy EQ2 of the South Somerset Local Plan.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no openings within the south elevation of Plot 1 without the prior express grant of planning permission.

Reason: In the interest of residential amenity to accord with policy EQ2 of the South Somerset Local Plan.

Informatives:

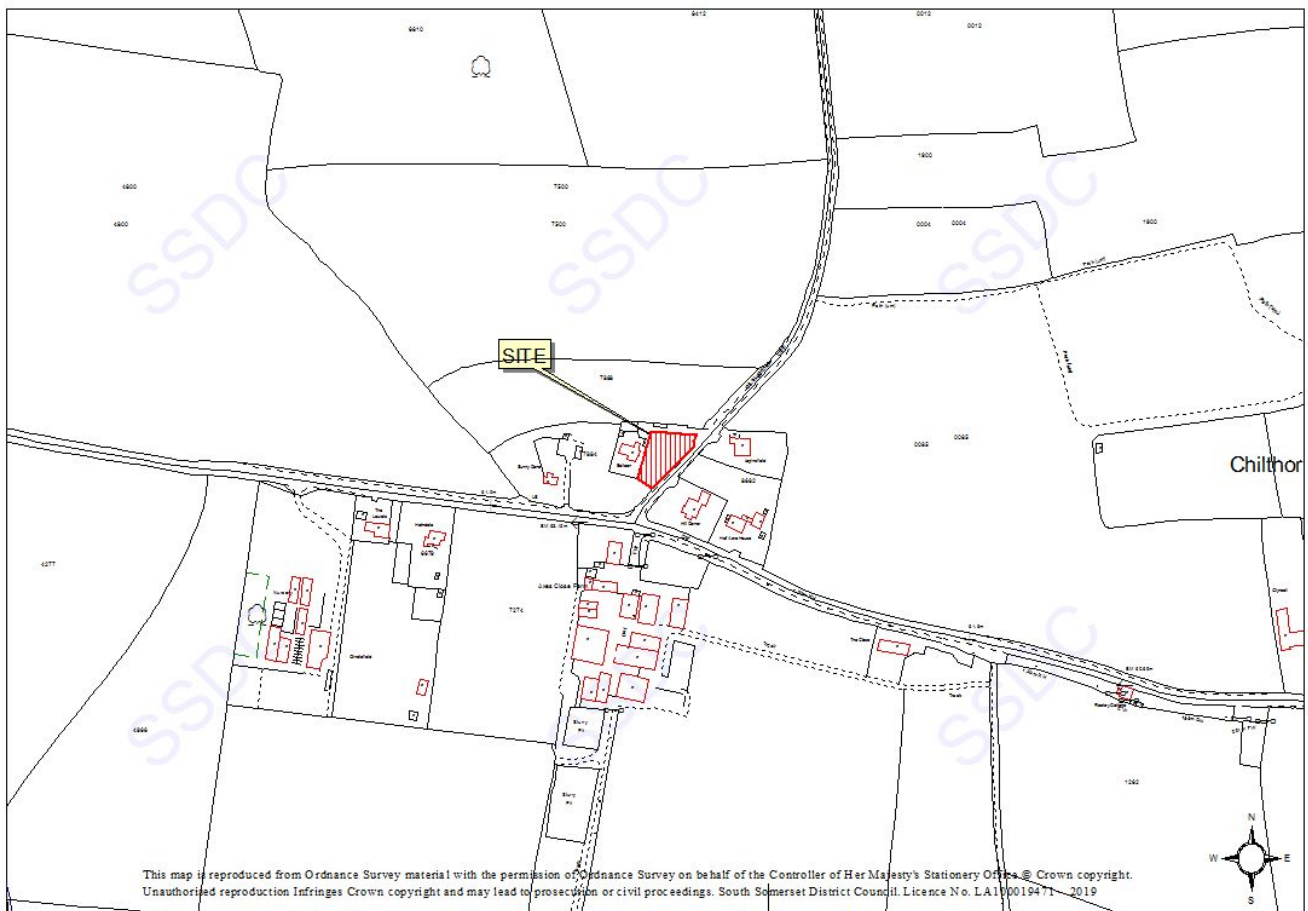
01. The applicant is reminded that no consent is hereby granted for the installation of Air Source Heat Pumps (ASHPs). If the applicant wishes to install such equipment without the need for planning permission it will need to comply with the requirements of Class G, Part 14, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
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Agenda Item 17

Officer Report On Planning Application: 19/01166/HOU

Proposal :	Demolition of existing rear porch and garage/store and erection of extension with integral garage and rooms above with associated internal alterations.
Site Address:	Fieldways Chilthorne Hill Chilthorne Domer
Parish:	Chilthorne Domer
Northstone, Ivelchester and St Michaels Ward (SSDC Member)	Cllr Tony Capozzoli, Cllr Charlie Hull and Cllr Paul Rowsell
Recommending Case Officer:	Jane Green
Target date :	18th June 2019
Applicant :	Mr B Nardiello
Agent: (no agent if blank)	Paul Day Paul Day Architectural Designs Ltd Honeysuckle Cottage Church Street Kingsbury Episcopi Martock TA12 6AU United Kingdom
Application Type :	Other Householder - not a Change of Use

The application has been called to Area East Committee by the Chair for further debate.





Date of site visit: 15 May 2019

Neighbours/consultees correct: Yes

Description: Demolition of existing rear porch and garage/store and erection of extension with integral garage and rooms above with associated internal alterations.

Policy: Policies SD1, SS1 and EQ2 of the South Somerset Local Plan 2006-2028
Chapter 12 of the NPPF

Somerset County Council Parking Strategy (SPS) (September 2013) and Standing Advice (June 2017)
South Somerset District Council Supplementary Guidance - Extensions and Alterations to Houses - A Design Guide

Town/Parish Council: Chilthorne Domer Parish Council - The Parish Council discussed the above application at their meeting this evening and wish to make the following comments:

There were two types of objection to the application raised. Firstly there are factual inaccuracies within the application as the access serves the application property and two other dwellings have a right of way across it.

Secondly, the Parish Council believes that the proposal represents a dominating element, dwarfing the existing bungalow and is too large for the site, both in footprint and ridge level, contrary to SSDC's residential extension guide. The Council also have serious concerns regarding the lack of sewage treatment provision, surface water runoff prevention and an insufficient level of parking for a dwelling of this size. Local residents have expressed concern regarding the possible obstruction by construction traffic or delivery vehicles of Chilthorne Hill, the only access for 7 other properties, including two farms,

these concerns are shared by the Parish Council.
For these reasons the Parish Council strongly object to the proposal.

Other Consultees:

Highways Authority: Standing advice applies - see road record plan

Highways Consultant: No highways issues, no objection

Neighbour Comments: neighbours notified and site notice displayed (general interest), one representation received summarised as follows:

- Reference to the Council's Residential Extension Guide
- Not in keeping with the character of the building
- Not appropriate for the area
- Too large and prominent in streetscene
- Benefit from a much larger footprint
- Lack of parking provision
- Removal of fir and oak trees

Design/Layout/Materials: The proposal to extend the dwelling is considered acceptable. Whilst the proposed extension is of large scale, that alone should not be a reason to refuse the application. The position of the plot and the position of the extension within the plot mitigates the prominence of the extension and it is not considered to be overly dominant. It is noted that the objector has referred to the Council's own supplementary guidance for design of which some of the points raised are important. However, each proposal is assessed on its own merits. It is considered in this case the large plot allows the increased footprint comfortably, in a link-block design, and given the non-uniform arrangement of residential properties the larger footprint will not disrupt the character of the area.

It is therefore considered that the proposal is acceptable to the character of the building and the surrounding area.

Residential Amenity: The proposed development does not introduce any significant concerns for impact on residential amenity in terms of overlooking, overshadowing or loss of light. As such no demonstrable harm is caused to occupiers of nearby residential properties.

Highways: The proposal allows for at least 4 vehicle spaces within the site which meets the Highways Authority's optimum standards for this area and does not impact on highway safety.

Other Matters: Matters raised regarding sewage treatment provision will be assessed as part of the Building Regulations application as will surface water runoff which should be no more an issue than any other residential property. The concern from the Parish Council regarding construction traffic or delivery vehicles is considered unfair to restrict development.

CIL: This authority does not collect CIL from household development.

Summary: No objection is recorded. The proposed development is considered to be acceptable and planning permission is granted.

Recommendation: Approve for the following reason:

The proposed development, due to its design, scale and materials, is not considered to result in any demonstrable harm to visual or residential amenity and therefore accords with the aims and objectives

of EQ2 (General Development) of the South Somerset Local Plan (2006-2028) and the principles of the National Planning Policy Framework (2019).

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:

Drawings: 6854-01, 6854-02, 6854-03, 6854-04 and 6854-05

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

03. The materials to be used in the development hereby permitted shall be those as identified within the application form and plans hereby approved and no other materials unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to comply with saved policy EQ2 (General Development) of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework

Informatives:

01. The applicant's attention is brought to the Highways Authority's Road Records plan dated 15 May 2019 on the electronic file for detail of their highway ownership.
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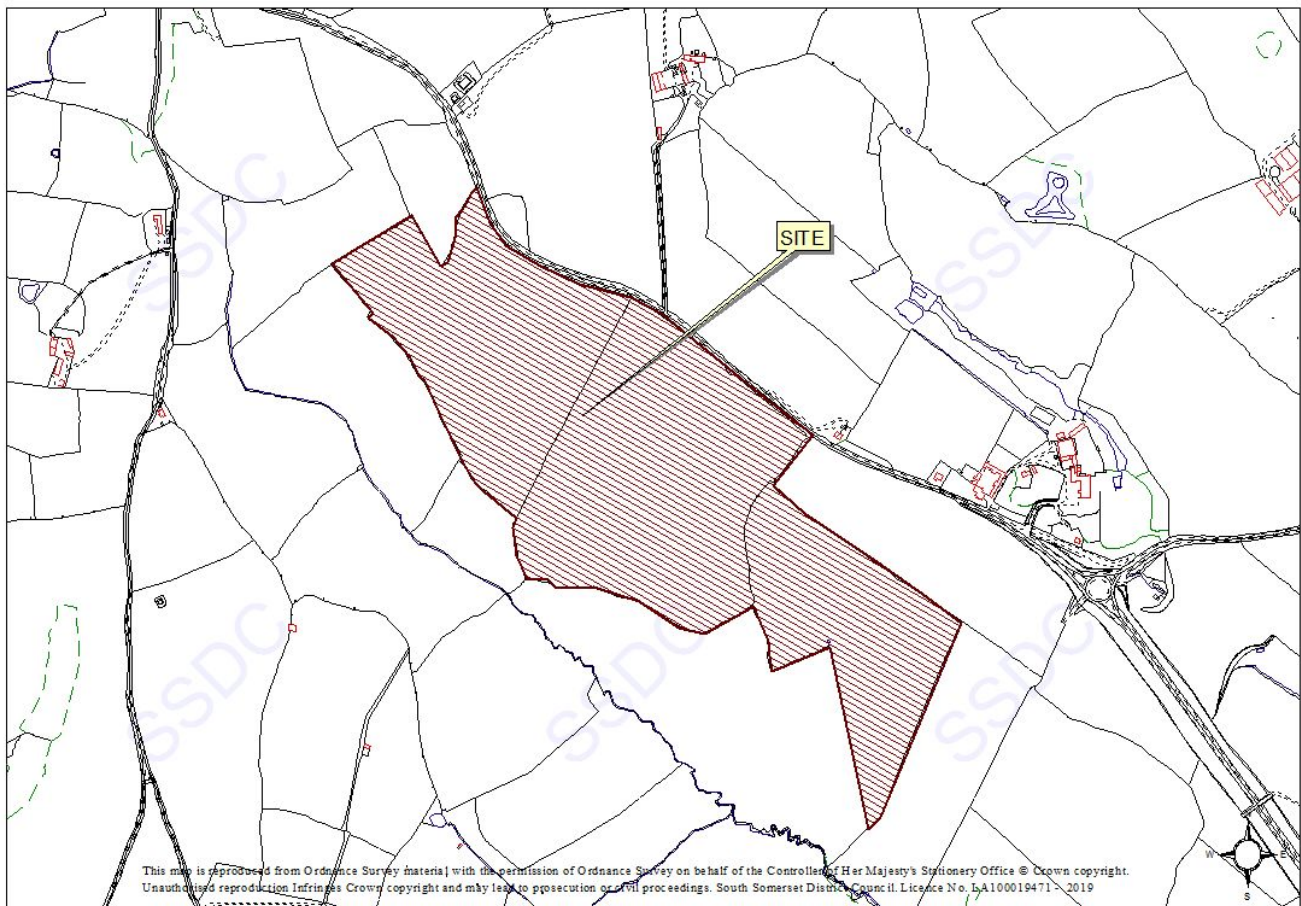
Agenda Item 18

Officer Report On Planning Application: 19/01097/S73

Proposal :	Section 73 application to vary Condition 7 of application ref. 13/05167/S73 to extend operational lifespan of Solar Farm from 25 years to 40 years
Site Address:	Hook Valley Farm Lawrence Hill Holbrook
Parish:	Bratton Seymour
TOWER Ward (SSDC Member)	Cllr Robin Bastable
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	15th July 2019
Applicant :	Hook Valley Farm Solar Park Limited
Agent: (no agent if blank)	Mr Stephen MacLeod Intelligent Alternatives 100 Brand Street Glasgow G511DG
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL

The application is referred to Committee in terms of the Council's Scheme of Delegation as it is a 'Major Major' application.



SITE DESCRIPTION AND PROPOSAL

The application seeks to vary condition 7 of planning permission 13/05167/S73, itself and amendment to original permission 12/04445/FUL, for the construction of a 15MW solar park. It is proposed to increase the operational lifespan of the solar farm 25 years to 40 years

The site is located approximately 1 mile to the west of Wincanton, and occupies 31 Ha of land to the south-west of the A371. It is on the opposite side of the A371 and to the north-west of the Holbrook House Hotel, just north of the roundabout linking West Hill to the A371. The site comprises three fields, measuring a total of 31.6 Ha. There are access points along the northern part of the site onto the A371; and a separate access off the roundabout linking the A371 to West Hill, this access taken across a field track.

Condition 7 reads:

"The development hereby permitted shall be removed and the land restored to its former condition within 25 years of the date of the date 31 March 2014 or within 6 months of the cessation of the use of the solar farm for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all the structures, materials and any ancillary equipment which shall be removed from the site."

It is requested that this Condition is amended to read as follows:

"The development hereby permitted shall be removed and the land restored to its former condition within 40 years of the date of 31 March 2014 or within 6 months of the cessation of the use of the solar farm for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all the structures, materials and any ancillary equipment which shall be removed from the site."

HISTORY

19/00971/FUL - Installation of a secure storage container. Pending consideration.

16/05078/NMA - Application for a non material amendment to planning permission 12/04445/FUL (allowed on appeal) minor changes to Private switchgear and DNO switchgear elevation, incorporating external emergency light and hard standing. Permitted.

15/03270/S73A - Section 73A application to vary conditions 3 and 4 on planning approval 14/00328/S73A dated 18/03/2014 to amend the approved landscaping/planting scheme. Permitted with conditions.

15/02780/NMA - Substitution of plans for 13/05167/S73. Permitted.

14/02489/NMA - Application for a non material amendment to planning permission 12/04445/FUL (allowed on appeal) for minor changes to fence line and panel locations on approved planning layout drawing. Permitted.

14/00328/S73A - Application to amend condition 12 of 12/04445/FUL to allow access to the site via the existing farm access into the middle field during the construction period. Permitted with conditions.

13/05167/S73 - Application to vary condition 7 of planning permission 12/04445/FUL to provide a time-frame of 25 years from the connection date rather than the date of permission was granted so that electricity production will be for a period of 25 years. Permitted with conditions.

12/04445/FUL - Construction of a 15MW photovoltaic park with associated PV equipment. Refused, but Appeal allowed 26 September 2013.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

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

SD1 - Sustainable Development
TA5 - Transport Impact of New Development
EQ1 - Addressing Climate Change in South Somerset
EQ2 - General Development
EQ4 - Biodiversity
EQ5 - Green Infrastructure
EQ7 - Pollution Control

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development
Chapter 4 - Decision Making
Chapter 8 - Promoting Healthy and Safe Communities
Chapter 11 - Making Effective Use of Land
Chapter 12 - Achieving Well-designed Places
Chapter 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 15 - Conserving and Enhancing the Natural Environment

National Planning Practice Guidance

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

Wincanton Town Council: Recommend approval.

North Vale Parish Council: No objections.

County Highways: Standing Advice applies.

SSDC Highway Consultant; No highway issues - no objection.

REPRESENTATIONS

None

CONSIDERATIONS

The application seeks variation of condition 7 of planning permission 13/05167/S73 to increase the operational lifespan of the approved solar farm from 25 years to 40 years.

In giving this consideration, this is a relatively sizeable increase in time, however there are no obvious concerns raised. While it is acknowledged that approval would result in the effects of the development being longer in duration, there will be no change in the nature of the impacts, while it is noted that these remain temporary and will be fully reversible in time. The benefits of the proposal include the opportunity to continue generating renewable energy, supporting national and local objectives relating to the installation and continuation of renewable energy sources.

Overall, there are considered to be no long-term adverse impacts resulting from the proposal to extend the operational lifespan of the solar park from 25 years to 40 years.

In addition to the amendment of condition 7, there are other conditions such as the time limit for commencement, and conditions referring to older, now superseded plans, that should be removed or varied in order to issue a new decision.

RECOMMENDATION

Approve

01. The proposal to vary operational lifespan of the solar farm, results in a temporary permission that continues to respect the character of the area and causes no demonstrable harm to neighbour amenity and highway safety in accordance with the aims and objectives of the NPPF and policies SD1, TA5, EQ1, EQ2, EQ4 and EQ5 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: Drawings ref. 1024-0505-00 Issue 01, dated 24 January 2013; 1024-0000-00 Issue 01, dated 10 September 2012; 1024-0000-00 Issue 01, dated 4 September 2012; LCS-ECG-002, dated 17 May 2011; 9999-0206-05 Issue 01, dated 25 November 2013; 1024-0000-00 Issue 01, dated 3 September 2012; 2437_300, dated 10 September 2012; and 2437_201, dated 22 January 2013; 2437_100_RevE and 2437_200_RevC received 13 July 2015; 1024-0201-01 Issue 10 dated 25 November 2013; and 1024-0208-71 Issue 02, received 22nd November 2016.

Reason: To avoid any ambiguity as to what is approved.

02. The landscaping/planting scheme shown on Drawing No. 2437_100_RevE, together with details, ref. 2437_200_RevC, 2437_300, and 2437_201 shall be completely carried out within the first available planting season from the date of commencement of the development. For the duration of this permission the trees and shrubs shall be protected and maintained, and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape character and visual amenity further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

03. The Landscape Management Plan shall be undertaken in accordance with the details of the application for discharge of conditions (ref: 13/05162/DOC) dated 20 December 2013 and revised details of 2 January 2014 as confirmed by the Local Planning Authority's letter dated 20 January 2014. Such approved management plan, shall be fully implemented for the duration of the use hereby permitted, unless any variation is agreed in writing by the local planning authority.

Reason: In the interests of character and appearance further to the NPPF and policy EQ2 of the South Somerset Local Plan.

04. Hedge details to be removed shall accord with those given in the application ref: 13/05166/DOC to discharge conditions validated 20 December 2013 and confirmed by the Local Planning Authority's letter dated 24 January 2014.

Reason: In the interests of landscape character and visual amenity further to the NPPF and policy EQ2 of the South Somerset Local Plan.

05. The supporting posts to the solar array shall be anchored into the ground as shown in drawing no. 9999-0206-05 Issue 01 received 25 November 2013.

Reason: To avoid any ambiguity as to what is approved.

06. The development hereby permitted shall be removed and the land restored to its former condition within 40 years of the date of 31 March 2014 or within 6 months of the cessation of the use of the solar farm for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all the structures, materials and any ancillary equipment which shall be removed from the site.

Reason: To avoid any ambiguity as to what is approved.

07. No means of external illumination/lighting shall be installed without the prior written consent of the local planning authority.

Reason: In the interests of landscape character and visual amenity further to the NPPF and policy TA5 and EQ2 of the South Somerset Local Plan.

08. No CCTV equipment shall be installed on the site other than that shown on the submitted layout plan ref. 1024-0201-01 Issue 10, in accordance with the CCTV design details submitted with the application.

Reason: In the interests of landscape character and visual amenity further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

09. No form of audible alarm shall be installed on the site without the prior written consent of the local planning authority.

Reason: In the interests of landscape character further to the NPPF and policy EQ2 of the South Somerset Local Plan.

10. Details of the surface water run-off limitation scheme shall accord with those submitted as part of the application for the discharge of conditions ref: 13/05166/DOC validated 20 December 2013 and accepted by the Local Planning Authority's letter dated 24 January 2014. The approved scheme shall be implemented in accordance with the approved programme and details.

Reason: To enable the Local Planning Authority to retain control over surface water flood risk further to the NPPF and policies EQ1 and EQ7 of the South Somerset Local Plan.

11. The temporary use of the middle field access, hereby permitted, shall cease on or before 31 March 2014. Thereafter this access shall be stopped up and this part of the site made good in accordance

with details to be submitted to and approved by the Local Planning Authority by 31 May 2014 and any landscape planting comprised in the approved details shall be implemented in the next available planting season. After the 31 March 2014 all construction and maintenance vehicular access shall be solely via the track at the southern access point off the roundabout on the A371.

Reason: In the interests of highway safety and landscape character further to policies TA5 and EQ2 of the South Somerset Local Plan.

12. The access track shall be constructed in accordance with the survey details submitted as part of the application for the discharge of conditions ref: 13/05166/DOC validated 20 December 2013 and accepted in the Local Planning Authority's letter dated 24 January 2014.

Reason: In the interests of visual amenity and highway safety further to policies TA5 and EQ2 of the South Somerset Local Plan.

13. Details of the means of connection to the electricity grid from the site shall accord with those given in the application for the discharge of conditions ref: 13/05163/DOC validated 20 December 2013 including the applicant's letter dated 15 January 2014 and agreed by the Local Planning Authority's letter dated 20 January 2014. The grid connection shall be implemented in accordance with the approved details.

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

14. The means of construction, surfacing and materials of the access track at the southern end of the site shall accord with those given in the application for the discharge of conditions ref: 13/05166/DOC validated 20 December 2013 and accepted by the Local Planning Authority in its letter of 24 January 2014. Such details shall be fully implemented as approved.

In the interests of landscape character and visual amenity further to policy EQ2 of the South Somerset Local Plan.

15. The Site Construction Management Plan shall be fully implemented as detailed in the application for the discharge of conditions ref: 13/05166/DOC validated 20 December 2013 and accepted by the Local Planning Authority's letter dated 24 January 2014.

Reason: In the interests of neighbour amenity and highway safety further to the NPPF and policies TA5 and EQ2 of the South Somerset Local Plan.
