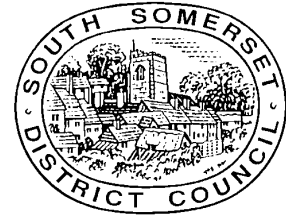


South Somerset District Council
Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 22 August 2012

2.00pm

**The Millennium Hall
 Water Street
 Seavington St Michael
 TA19 0QH**

(location plan overleaf - disabled access is available at this meeting venue)



The public and press are welcome to attend.

Please note: Planning applications will be considered no earlier than 3.30pm.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, Becky Sanders on Yeovil (01935) 462462.

email: becky.sanders@southsomerset.gov.uk

website: www.southsomerset.gov.uk/agendas

This Agenda was issued on Tuesday 14 August 2012.

Ian Clarke, Assistant Director (Legal & Corporate Services)



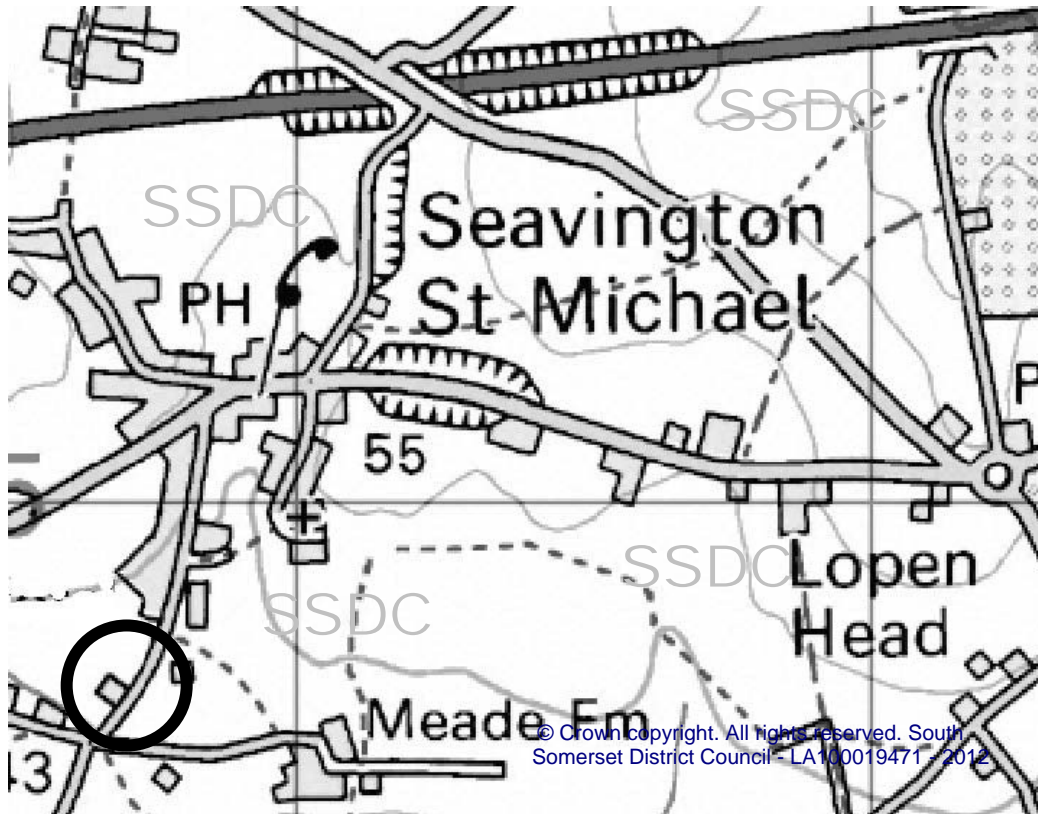
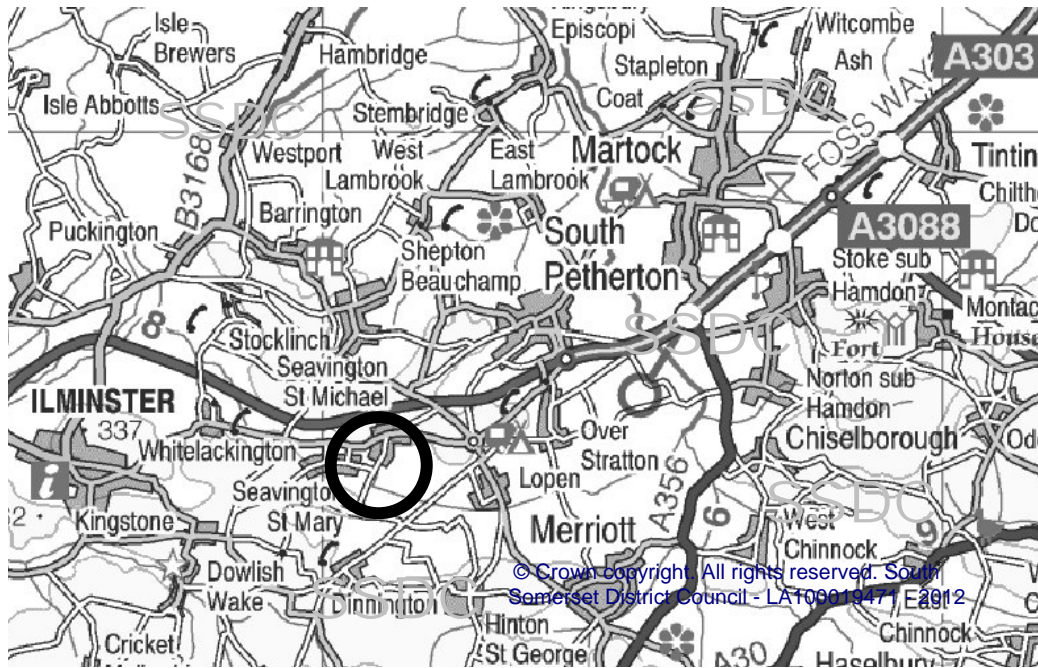
2007-2008
 Neighbourhood and
 Community Champions:
 The Role of Elected Members
2006-2007
 Improving Rural Services
 Empowering Communities
2005-2006
 Getting Closer to Communities

This information is also available on our website
www.southsomerset.gov.uk



INVESTOR IN PEOPLE

Location of meeting venue



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Area North Membership

Pauline Clarke
Terry Mounter
Graham Middleton
Roy Mills
David Norris

Patrick Palmer
Shane Pledger
Jo Roundell Greene
Sylvia Seal

Sue Steele
Paul Thompson
Barry Walker
Derek Yeomans

Somerset County Council Representatives

Somerset County Councillors (who are not also elected district councillors for the area) are invited to attend area committee meetings and participate in the debate on any item on the agenda. **However, it must be noted that they are not members of the committee and cannot vote in relation to any item on the agenda.** The following County Councillors are invited to attend the meeting: John Bailey and Sam Crabb.

South Somerset District Council – Council Plan

Our focuses are: (all equal)

- Jobs – We want a strong economy which has low unemployment and thriving businesses.
- Environment – We want an attractive environment to live in with increased recycling and lower energy use.
- Homes – We want decent housing for our residents that matches their income.
- Health & Communities – We want communities that are healthy, self-reliant, and have individuals who are willing to help each other.

Scrutiny procedure rules

Please note that 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.

Consideration of planning applications

Consideration of planning applications usually commences no earlier than 4.00pm (**but this month no earlier than 3.30pm**), following a break for refreshments, in the order shown 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. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A representative from the Area Highways Office will attend Area North Committee quarterly in February, May, August and November – they will be available from 1.30pm at the meeting venue to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset Highways direct control centre on 0845 345 9155.

Members questions on reports prior to the meeting

Members of the committee are requested to contact report authors on points of clarification prior to the committee meeting.

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”. Members of the public can view the council’s Executive Forward Plan, either online or at any SSDC council office, to see what executive/key decisions 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 North Committee are held monthly, usually at 2.00pm (unless specified otherwise), on the fourth Wednesday of the month in village halls throughout Area North.

Agendas and minutes of area committees are published on the council’s website [www.southsomerset.gov.uk /agendas](http://www.southsomerset.gov.uk/agendas)

The council’s Constitution is also on the web site and available for inspection in council offices.

Further information about this committee can be obtained by contacting the agenda co-ordinator named on the front page.

Public participation at committees

This is a summary of the protocol adopted by the council and set out in Part 5 of the council’s Constitution.

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

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the public question time session.

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/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.

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

Area North Committee

Wednesday 22 August 2012

Agenda

Preliminary Items

1. **To approve as a correct record the minutes of the meeting held on 25 July 2012**
2. **Apologies for absence**
3. **Declarations of interest**

In accordance with the Council's current Code of Conduct (adopted July 2012), 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. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9. In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

Planning applications referred to the Regulation Committee

The following members of this committee are also members of the council's Regulation Committee:

Councillors Terry Mounter, Shane Pledger and Sylvia Seal.

Where planning applications are referred by this committee to the Regulation Committee for determination, in accordance with the council's Code of Practice on Planning, 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**

Councillors are requested to note that the next Area North Committee meeting will be held at 2.00pm on **Wednesday 26 September 2012 at the Village Hall, Chilthorne Domer.**

5. Public question time
6. Chairman's announcements
7. Reports from members

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**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.**

Area North Committee - 22 August 2012

8. Promoting Community Safety in Area North

Strategic Director: Rina Singh, Place and Performance
Assistant Directors: Helen Rutter and Kim Close, Communities
Service Manager:
Lead Officer: Charlotte Jones, Area Development Manager (North)
Contact Details: charlotte.jones@southsomerset.gov.uk or (01935) 462251

Sergeant Christian Wells will attend the meeting to give a short verbal update on local issues, crime trends and initiatives.

Area North Committee - 22 August 2012

9. Area North Community Office Service

Strategic Director: Rina Singh, Place and Performance
Assistant Directors: Helen Rutter / Kim Close, Communities
Service Manager: Charlotte Jones, Area Development Manager 9North)
Lead Officer: Madelaine King-Oakley, Area Support Team Leader (North)
Contact Details: Madelaine.king-oakley@southsomerset.gov.uk or (01935) 462746

The Area Support Team leader (North) will attend the committee to make a brief presentation on the Area North Community Office Service.

Some basic information on the service is shown below.

In Area North there is one community office, based at Langport Information Centre. This follows the ending of the service in Somerton from the end of July. The service is available from 9.00am to 2.30pm Monday to Thursday. The following services are available:

Housing and Council Tax Benefit - receipt, verification and scanning of application forms and evidence, general advice and guidance including clarification of additional evidence required and payment amounts and dates.

Council Tax - advice and guidance on moving in/out of area, discounts and exemptions and instalment plans, processing of payments (debit cards).

Housing - receipt and checking of housing applications and evidence, general advice and guidance.

Waste and Recycling - advice on collection days, guidance on what goes in each bin, missed collection reports, ordering of new/replacement bins. Payments for garden waste.

Streetscene - report litter, fly tipping, dead animals, discarded needles, dangerous dogs, dog fouling, stray dogs, and graffiti.

Community Protection - report pest problems (rats, wasps, insects).

Horticulture - report damaged bins/fences/gates/hedges, shrubs/trees/hedge maintenance.

Planning - provide public copies of applications for viewing, hand out application forms, general advice and guidance.

Community Safety - recording of incidents.

Area North Committee – 22 August 2012

10. Area Development Plan – Area North – 2012-13 – Update report

Strategic Director: Rina Singh, Place and Performance
 Assistant Directors: Helen Rutter / Kim Close, Communities
 Service Manager: Charlotte Jones, Area Development Manager (North)
 Lead Officer: As above
 Contact Details: charlotte.jones@southsomerset.gov.uk or (01935) 462251

Purpose of the Report

To provide an update of the work undertaken by the Area Development (North) Service, to address the priorities of the Area Committee and local communities.

Councillors are asked to contact the Area Development Manager (North) or other named contacts in advance of the meeting with requests for further information.

Public Interest

In a rural area such as Area North in South Somerset, economies of scale can be harder to achieve for public services. Building on existing partnerships, or promoting voluntary action can assist to make real improvements for local people.

South Somerset District Council aims to address this challenge, and build upon the local skills and knowledge found in local communities, through its well-established Area Working system, the Council's 'enable-partner-deliver' ethos, and its ambition "to strive to deliver an improving quality of life for all".

Four SSDC Area Development teams support four Area Committees and 60 ward members to identify and address local social, economic and environmental priorities for Yeovil, the market towns and rural areas of South Somerset, in Areas West, North, South and East.

This includes directing the work of the Area Development team, together with an annual grants budget, and a dedicated allocation of the council's capital programme.

This report provides information on the work supported through partnership working or direct investment) completed or taking place since April 2012.

Recommendation

Note and comment on the report and presentation highlighting any specific current priorities within wards and parishes.

Introduction

a) Area North Priorities 2012-13

Agreement on priorities helps direct the allocation of time and finance held by the Area Portfolio, and acts as a basis for work with SSDC services, other public agencies and

communities. This might include local scrutiny of public service delivery, promoting local partnership working and supporting community engagement activities.

Following the re-election of the Area North Committee in May 2011, area priorities were reviewed and agreed as follows (for further details see report to Area North Committee November 2011).

- a) **Jobs** – we will aim to add value to the economy in Area North, through promoting sustainable economic growth, assisting with the delivery of the Somerset Rural Broadband Programme, promoting tourism and enhancing the offer to visitors.
- b) **Affordable Housing** – we will assist with the delivery of affordable homes in Area North, including support to test and develop new models.
- c) **Self-Help** – we will promote greater levels of self-help to promote the sustainability of local services and facilities for all ages.

Given the dispersed nature of Area North, addressing these priorities is often on a parish by parish (or even site by site) basis, with a range of distinctive projects supported. The default model for project delivery is to be community led.

b) The SSDC Council Plan – 2012-2015

The SSDC Council Plan sets out a sharp focus on priorities and what SSDC wants to deliver within available resources.

Appendix A provides extracts from the SSDC Council Plan with links to the work programme of the Area Development (North) service and current priorities set by the Area Committee and by district councillors at a ward or parish level. The Council Plan can be viewed in full at:

<http://www.southsomerset.gov.uk/media/408146/ssdccouncilplan2012-2015.pdf>

c) Area North Development

In summary the Area Development Service provides support for:

- New projects and initiatives that invest in long term local economic, social and environmental well-being. The significant majority of work supported is community led – including business groups - and / or in close collaboration with other SSDC / public services.
- Community involvement in public decision-making and problem solving including community forums and the work of the Area Committee.
- Local access to SSDC services for residents, businesses and visitors through SSDC community office service and Local Information Centres; through publications and events.

Current highlights

A few highlights of recent months: -

- Norton Community Land Trust awarded funding from Homes and Communities Agency (subject to planning) and registered with Financial Services Authority (costs supported from Area North reserve fund for affordable housing).

- Kingsbury Episcopi Community Shop official opening
- Area North community forum / networking meeting. Eight public / voluntary services represented around 60 people attended.
- Grant offers in place to South Petherton and Langport / Huish from s106 and capital programmes for improvements to local community facilities. (Work led by Community Health and Leisure).
- Successful bids to the Levels and Moors programme for a number of South Somerset / Area North projects including £20,000 to “Walk Langport”.
- Martock Opportunity Shop co-ordinator appointed (also with funding from Levels and Moors); successful Growing Martock Business breakfast event (led by M3 community partnership).
- Closure of Somerton Community Office. Communications plan in place to assist customers with alternatives.
- Planning consent for former public toilets, Stoke sub Hamdon granted, securing a commercial re-use in the heart of the village.

Please refer to **Appendix B** – the Area Development Plan for further information on recent work to address area priorities including support to a range of community-led projects.

Further details are available on request from a member of the Area Development team – phone (01935)-462252 email: areanorth@southsomerset.gov.uk

Financial implications

None from this report. The Area North budget was approved by Full Council in February 2012. There is additional information within the Budget Monitoring report elsewhere in this agenda.

Council Plan Implications

In the main the Area Development Plan is drawn from local priorities raised by community groups, residents, local businesses and Town & Parish Councils. In consultation with ward members, time and finance provided will be directly linked to corporate priorities as set out in the Council Plan. The most likely contributions to the Council Plan actions are shown in Appendix A.

Carbon Emissions and Adapting to Climate Change Implications (NI188)

None directly from this report. There are a number of local initiatives designed to promote carbon reduction including support to ‘Transition’ volunteers. In particular where we are asked to support buildings projects, applicants are expected to assess the business case for energy efficiency and carbon reduction. Opportunities for sustainable transport and promoting local self-containment are priorities.

Equality and Diversity Implications

None directly from this report. The Area Development Plan includes a number of projects and initiatives, which actively promote equalities through removing barriers to discrimination and promoting diversity.

Background Papers: *Area North Development Plan 2012-13*

Appendix A - SSDC Council Plan 2012 to 2015 <http://insite/media/414415/ssdccouncilplan2012-2015.pdf>

Extract of actions that closely relate to the work of Area Development, the Area Committee / ward members (August 2012)

NB: Most actions require partnerships of council services and other agencies and with the wider community.

Focus One – Jobs	“We want a strong economy which has low unemployment and thriving businesses”
	<ul style="list-style-type: none"> • Motivate and support business associations and act as a point of contact for businesses and partners. Improve communications with businesses so that we are supporting them in meeting their needs and not acting as a barrier. • Provide targeted support for start-ups and small businesses and those with the aspiration to expand. • Secure land with planning permission for employment use in areas where it is needed. • Enhance the vitality of town centres and discourage large scale out of town retail development that has a negative impact on local centres • Facilitate a realistic development programme for new employment sites that have been identified in market towns by 2015. • Support early delivery of Super Fast Broadband to rural areas by 2015 • Work with partners, to contribute to tackling youth unemployment.
Focus Two – Environment	“We want an attractive environment to live in with increased recycling and lower energy use”
	<ul style="list-style-type: none"> • Continue to deliver schemes with local communities that enhance the appearance of their local areas. • Deliver campaigns and projects that help householders and businesses (including the Council) to cut energy use and adapt to climate change
Focus Three – Homes	“We want decent housing for our residents that matches their income”
	<ul style="list-style-type: none"> • With partners, enable additional new homes to meet the needs of the district, including mixed housing schemes to buy or rent that are affordable • Work with partners to combat fuel poverty
Focus Four – Health and Communities	“We want communities that are healthy, self-reliant, and have individuals who are willing to help each other”
	<ul style="list-style-type: none"> • Maintain and enhance the South Somerset network of leisure and cultural facilities, optimising opportunities for external funding to promote healthy living. • Continue to provide Welfare Benefits support and advice to tackle poverty for our vulnerable residents. • Ensure, with partners, that we respond effectively to community safety concerns raised by local people and that the strategic priorities for policing and crime reduction in South Somerset reflect local needs. • Work with and lobby partners to help communities to develop transport schemes and local solutions to reduce rural isolation and inequalities to meet existing needs of those communities. • Evaluate the overall requirements of the Government’s ‘Localism’ legislation and work with communities to develop plans for their community.

Appendix B - Area Development (North) Service Plan 2012-2013 – Update Report August 2012

Key: CJ = Charlotte Jones - Area Development Manager
 TO = Teresa Oulds / PB = Pauline Burr - Community Regeneration Officer (Job share)
 LC = Les Collett - Community Development Officer MKO = Madelaine King-Oakley Area Support team leader
 Email: areanorth@southsomerset.gov.uk Phone: 01935 462252

	Officer Dealing	Action / Service / Project Description (what is planned to be done this year)	Current position / update (August 2012)	Next steps - 3-6 months plan
1	CJ / LC	Promote new opportunities to increase affordable housing and work with partners to deliver the current Area North Housing Programme.	Norton sub Hamdon Community Land Trust established with funding. A number of enquiries from parish councils put on hold - linked to new Local Plan and SS2 policy. Long Load deferred for review. Long Sutton - two schemes with consent and funding. Major applications monitored - involvement with pre-application consultation.	Continue to work with housing providers to develop new schemes; provide guidance to parishes on ways to use new Local Plan / NPPF to secure additional affordable housing for local people. Ensure progress of schemes within current programme. Arrange Parish workshop for Neighbourhood Planning.
2	CJ / TO / PB	Promote local economic development creating or sustaining jobs; adding value to local tourism ; helping with business growth.	Monitored weekly planning applications and engage as appropriate to promote local involvement or assist with evidence base for decision making. Work with spatial planning / economic development / licensing etc. Reviewed prior allocations for employment space and current draft Local Plan. New workspace at Westover approved. Current application for workspace at Lopenhead. Re-marketing for employment land Old Kelways under assessment. Stoke toilets - re-use secured through sale and COU to photographic studio. Vacancy survey in Langport / Westover completed. Rural shops / pubs monitored. Enquiries referred to Business Support team as appropriate.	Continue to monitor and engage with development management process as appropriate. Work with Spatial Planning / Economic Development to review and assess potential of employment land allocations (within draft Local Plan) together with availability of business premises. Work with local businesses / associations to promote continued local economic development. Confirm details of review of business rate relief (NNDR) policies. Review work programme in light of adopted SSSC Economic Development Strategy.

	Officer Dealing	Action / Service / Project Description (what is planned to be done this year)	Current position / update (August 2012)	Next steps - 3-6 months plan
3	CJ / TO / PB	Support creation and progress of action plans for vacant premises or redundant land and / or Historic Buildings at Risk ; where re-use or improvement will enhance local well-being.	Seven projects actively monitored / supported to progress - four in SSDC ownership. Four are listed buildings. Old Kelways - part of former SSDC offices handed back and re-let secured to private sector.	Monitor / support progress. Keep ward members / community informed. Ensure leadership & governance in place for each. Finalise options for South Petherton toilets.
4	CJ / TO	Work in partnership to assess and improve local access to advice, learning, skills and employment .	Review of 'job club' provision with SCC, support to Martock community job club (Opportunity Shop) and employment project. Promoting networking between groups in Somerton / Langport area - EG: The Angel, Vista, Netbuddies, Somerset Skills and Learning.	Identify further local development in Langport / Somerton eg job club type offer. Continue to promote networking between public / voluntary groups and business networks.
5	TO / PB	Support local business networks to develop, including use of Area Development community enquiries service.	Langport Area Business Group - support to town centre marketing programme - with Langport Town Council. Martock Business Engagement Group - Growing Martock Business programme. Promote involvement with SSDC Tourism e-newsletter to tourism businesses. Assisted Somerton B&TA to publish new mini-guide.	Continue to assist with current projects and respond to new enquiries. (Signage project at business locations may help stimulate further networking.)
6	PB	Develop and implement a 'light touch' programme of marketing, networking and local projects to improve the visitor experience and add value to the local economy.	New signage ordered for Cartgate Picnic area. Links maintained with National Trust. Support to development of 'Walk Langport' project. Local tourist information through LICs. Westover business park signage project at design stage. £20,000 allocated in Area North Capital programme.	Further development of marketing programme including town centres, with South Somerset Market Towns Investment Group (MTIG). Commence review of business plan for Langport Visitors Centre. Develop ideas for signage and marketing project (£20,000 in capital programme).

	Officer Dealing	Action / Service / Project Description (what is planned to be done this year)	Current position / update (August 2012)	Next steps - 3-6 months plan
7	CJ / PB	Continue to monitor and support the completion of the Levels and Moors Local Action for Rural Communities (LARC) investment programme.	The programme is fully allocated and is now in the final phase.	Continue to monitor and support the progress of projects in hand. Provide summary report local benefits achieved.
8	TO/PB	Support delivery of South Somerset Market Towns Investment Group programme (MTIG)	Projects completed locally led, from Local Priorities and Visitor Audit programmes. Involvement of MTIG group to prioritise investment of Portas Plus grant.	see above - plans to invest Portas+ grant. Support projects into next round of grants. Town Apps - supporting local groups to compile data.
9	TO/PB	Continue to support the network of voluntary run Local Information Centres serving residents and visitors.	Service Level Agreements reviewed and in place for 2012-13 in Martock, Somerton, Langport and South Petherton. (In 2011-12 around 80 volunteers recorded over 11,000 visitors.)	Communications and monitoring of SLA; support further development on request.
10	MKO	Provide SSDC Community Office Service - a local source of face to face information, help and advice.	Langport - Occupational licence with Langport Town Trust in place. Links maintained with other tenants - SSVCA Links and Langport LIC volunteers. 543 customer visits to date (April to July). Somerton - Public consultation and equalities impact assessment completed. Decision to close confirmed (26th July), with various mitigations planned. Notice to end occupational licence given to Lady Smith Memorial Hall.	Consider impact of shift to Universal Tax Credit and on-line applications for Council Tax; introduction of 'Info Hubs' and ongoing 'access to services' plans of SSDC and SCC. Somerton - Complete handover arrangements with Lady Smith Hall mgmt committee to support continued community use. Implement communications to raise local awareness of alternative ways to contact SSDC and continue to work with LIC / STC YHG to identify and assist vulnerable customers.

	Officer Dealing	Action / Service / Project Description (what is planned to be done this year)	Current position / update (August 2012)	Next steps - 3-6 months plan
11	TO	Promote the availability of public transport , including review of current local transport options to identify if additional investment could add value to existing public / private provision.	SSVCA Links service monitored, with a view to providing financial support if required. Changes to local bus services communicated via local community contacts / newsletters.	Work with SSDC / SCC Transport Officers and providers to produce report on future options for local services.
12	CJ	Promote local access to ICT and broadband , including delivery of the Somerset and Devon Rural Broadband programme in Area North.	Joint work with Economic development. Assisted SCC to pass on PR campaign messages for broadband programme. Encouraged local engagement with programme. Assisted with promotion of 'Netbuddies' classes in Somerton / Langport.	Assist with local engagement as the programme develops. Continue to promote better access to ICT - facilities and help.
13	TO / MKO	Help residents with access to the services they need and raise awareness of the availability of local service provision.	Additional staff time from SSDC Housing and Welfare Service contracted from April 12 - provision of one day per week additional, targeted welfare benefits take-up advice and support. Simple publications produced for parishes / LICs as a guide to local public services. Use of community forum to promote services.	Communications and monitoring. Staff can visit community groups on request to raise awareness of local services. Use of community newsletters and parish council network.
14	CJ / LC	Continue to develop Area North Community Network for multi-agency / community problem solving (including community safety)	Regular liaison with Neighbourhood Policing team in place to agree joint work if required. Good progress to develop youth & community partnership working in Stoke. Support to Martock Local Action Group.	An example project is to support the Martock Local Action Group to review / develop extent of Neighbourhood Watch Schemes.

	Officer Dealing	Action / Service / Project Description (what is planned to be done this year)	Current position / update (August 2012)	Next steps - 3-6 months plan
15	CJ / LC / PB / TO / DH	Offer an enquiries and support service to community-led projects and groups promoting local social, economic and environmental well-being.	Wide variety of enquiries received April - July - for help with local projects and issues and local involvement with new Local Plan. A number of parishes enquiring about Neighbourhood Plans and use of Policy SS2 to secure locally needed development. Current programme of support includes around 40 locally led projects; including local investment plans using s106 contributions in Curry Rivel, Ilton, Langport & Huish Episcopi. (see attached detailed parish programme for more details)	Continue to provide enquiries service and continue to monitor and support the progress of local projects.
16	TO / LC	Promote facilities, activities and opportunities for the development of children and young people ;	Play scheme sessions booked via Community Resource Service at Aller, Kingsbury, Martock and Ilton. Help at Ilton Youth Club to ensure continuity. Youth workers appointed by community led youth project following 100% withdrawal of local services by SCC. Various local facilities offered help and advice to progress projects.	Continue to support local projects to develop including links with investment in local facilities for children and young people from s106 programme. Assist the Area North youth and community project to establish as an independent management group and develop its membership.
17	CJ / LC	Support the creation and delivery of local investment plans for community facilities funded by developer obligations; capital programmes; external grants and local fundraising.	Parish level investment plans can assist where there are a number of facilities to consider, and differing timescales / ownerships to contend with. A number of developer obligations received, together with allocation in SSDC capital programme. Current work with Langport / Huish; Ilton; South Petherton; Martock; Somerton; Curry Rivel; Tintinhull.	Continue to monitor progress and develop detailed plans. Link with development of SSDC approach to Neighbourhood Planning. Produce update report in conjunction with s106 Monitoring Officer.

Current programme of local projects supported.

	Officer Dealing	Ward	Parish	Action / Service / Project Description (what is planned to be done this year)	Current position / update (August 2012)	Next steps - 3-6 months plan	Target Completion or Continue 2013-14
1	LC	Burrow Hill	Barrington	Support installation of village hall solar panels	Provided guidance and assessed application for small grant.	Support project completion & pay grant	Completion
2	LC	Curry Rivel	Curry Rivel	Support delivery of Curry Rivel community facilities investment plan.	Programme includes refurbishment of SSDC play areas at Stanchester Way and Abby Close; improvements to community facilities at Westfield / Eastfield. Some initial feasibility work completed and funding available from SSDC and s106 programme. Further funding may be required for parish led element.	Assist CRPC to develop local investment plan - parish consultation planned for Sept / Oct.	Continue
3	LC	Curry Rivel	Curry Rivel	Support improvements to Robert Sewers Village Hall	Grant awarded for energy efficiency improvements as part of phased refurbishments. Previous support to establish community priorities; increase user involvement and carry out DIY improvements.	Provide further guidance if required to complete project. Help make links with wider parish plans as needed.	Completion
4	LC	Curry Rivel	Drayton	Support Drayton Village hall - floor refurbishment	Provided guidance and assessed application for small grant.	Support Project completion & pay grant	Completion
5	LC	Hamdon	Stoke Sub Hamdon	Support Stoke PC to refresh Stoke Parish Plan	Initial review with SsHPC and Spatial Policy. Local consultation is first step. On hold due to other local priorities at present.	Consider in light of guidance from SSDC re Neighbourhood Plans.	Continue

	Officer Dealing	Ward	Parish	Action / Service / Project Description (what is planned to be done this year)	Current position / update (August 2012)	Next steps - 3-6 months plan	Target Completion or Continue 2013-14
6	LC	Hamdon	Stoke Sub Hamdon	Support the Stoke Recreation Trust - 5 year plan	Grant to BMX track improvements. Stoke Youth Affairs group progressing well. Charity Shop has exceeded expectations.	Provide support as required to complete.	Continue
7	CJ	Hamdon	Stoke Sub Hamdon	Secure re-use for former SSDC public toilets.	Planning consent for COU granted. Sale approved by DX.	Monitor completion and occupation.	Completion
8	LC	Islemoor	Ilton	Ilton community investment plan - refurbishment of Copse Lane play area together with longer term development plan to improve local community facilities	Project progressing well. S106 and SSDC funding secured.	Provide support as required to complete. Assess grant application subject to project plan and financial needs.	Continue
9	LC / TO	Islemoor	Ilton	Support Ilton Youth Club and Play Scheme	Small grant for additional support on club nights, with a view to recruiting additional volunteers. Play day arranged to help look forward to Autumn term.	Provide support to help secure continuity of youth club and promote additional informal activities for children and young people.	Completion
10	LC	Islemoor	Isle Abbots	Support Isle Abbots village hall refurbishment	Project progressing well	Provide support as required to complete.	Completion

	Officer Dealing	Ward	Parish	Action / Service / Project Description (what is planned to be done this year)	Current position / update (August 2012)	Next steps - 3-6 months plan	Target Completion or Continue 2013-14
11	PB	Langport & Huish	Langport & Huish	Rowing on the Parrett - supporting the development of a rowing club in Langport	Provided guidance and assessed application for small grant.	Support project completion & pay grant	Completion
12	PB	Langport & Huish	Langport & Huish	Support improvements to Westover business signage	Community led idea to improve visual appearance of Westover. Advice and support offered to collate business interest. Site and ownership secured for new signage.	Identify funding, use as model for further projects of this type.	Completion
13	PB	Langport & Huish	Langport & Huish	Support "Walk Langport". New pathways and improved access.	Project linked to final completion of Cocklemoor Bridge project - potential to handover maintenance of pathways Cocklemoor.	Provide support as required to complete. Assess grant application subject to project plan and financial needs.	Continue
14	PB	Langport & Huish	Langport & Huish	Town Centre - parking issues/signage and marketing scheme.	New signage in place led by Langport Area Business Group and Town Council. SSDC commencing car parks strategy review and operational review.	Car parking - to be determined by scope of current reviews.	Completion
15	LC	Langport & Huish	Langport & Huish	Support Memorial Field Trust to refurbish tennis courts into Multi-Use Court.	Work with Youth Facilities Officer. Grant offers made. Final fundraising to be completed.	Provide support as required to complete.	Completion

	Officer Dealing	Ward	Parish	Action / Service / Project Description (what is planned to be done this year)	Current position / update (August 2012)	Next steps - 3-6 months plan	Target Completion or Continue 2013-14
16	TO	Langport & Huish	Langport & Huish	Review of management agreement at Huish Episcopi Sports Centre. Development of STP	Revised agreement formed with Academy Governors.	Agreement by ANC.	Completion
17	PB	Langport & Huish	Langport & Huish	Langport Local Information Centre - service level agreement	SLA in place. Assisted with new leaflets.	Continue to support under SLA	Continue
18	LC	Martock	Long Load	Support installation of hearing loop for church/ village hall	Provided guidance and assessed application for small grant.	Support Project completion & pay grant	Completion
19	PB	Martock	Martock	Moorlands Car Park improvements - lighting scheme	Final scheme reviewed with MPC to link with precinct project.	Release funds subject to final design (property services).	Completion
20	PB	Martock	Martock	Support for Parrett Works Rope Walk - conservation plan	Temporary permission for caravan storage for owners of Rope Walk to support income. Positive progress on-site to develop ideas with variety of interested parties.	Maintain progress to develop ideas and support.	Continue
21	PB	Martock	Martock	Installation of new signage at Cartgate Picnic Area	Signs designed, funded and ordered.	Installation and payment.	Completion
22	TO	Martock	Martock	Martock LIC - service level agreement / Community Office	SLA in place.	Continue to support under SLA	Continue

	Officer Dealing	Ward	Parish	Action / Service / Project Description (what is planned to be done this year)	Current position / update (August 2012)	Next steps - 3-6 months plan	Target Completion or Continue 2013-14
23	CJ/PB/TO	Martock	Martock	Support Martock Growing Business project and Opportunity Shop.	Guidance offered as required. Assisted with interviews for Opportunity Centre co-ordinator. Assisted with recent Business Breakfast.	Provide support as required to maintain progress.	Continue
24	LC	Martock	Martock	Martock Youth Centre - refurbishment of youth centre building and review of future needs for additional community facilities.	Grant offered for improvements to energy efficiency.		Completion
25	LC	South Petherton	Seavington St Michael	Provide advice and support to business planning at Seavington Community Shop & Café	Support given to revise business plan based on current and likely trading forecasts. New ideas for developing business implemented. Further funding advice given and assistance with bids.	Provide support as required to maintain progress of business plan	Completion
26	PB	South Petherton	South Petherton	Community Information Centre - service level agreement (SLA)	SLA in place.	Continue to support under SLA. (?Relocation of LIC following end of lease).	Continue
27	LC	South Petherton	South Petherton	Over Stratton village hall - improvements to fittings.	Small grant for replacement / compliant curtains for blackout, insulation and fire prevention.	Provide support as required to complete.	Completion

	Officer Dealing	Ward	Parish	Action / Service / Project Description (what is planned to be done this year)	Current position / update (August 2012)	Next steps - 3-6 months plan	Target Completion or Continue 2013-14
28	LC	South Petherton	South Petherton	Support completion of investment programme at Lightgate Lane Recreation ground	Grant offered to parish council (Community Health and Leisure) for programme of improvements - MUGA, play area, pitches.	Provide support as required to complete.	Completion
29	CJ	South Petherton	South Petherton	Transitional support to South Petherton Lengthsman scheme	Transitional support grant paid. Parish group have re-organised following the loss of all partnership funding from SCC / SSDC.	Completed	Completion
30	PB	South Petherton	South Petherton	Support to Petherton Folk Fest	Provided guidance and assessed application for small grant.	Support Project completion & pay grant	Completion
31	LC	St Michaels	Chilthorne Domer	Support to Chilthorne Domer Recreation Trust - refurbishment of pavilion	Project completed.	Invite representatives to make presentation to ANC.	Completion
32	LC	St Michaels	Montacute	Local planning for community facilities / services - village hall.	Guidance offered as required.	Continue to provide support on request	Continue
33	LC	St Michaels	Tintinhull	Local planning for community facilities / services - village hall / sports pavilion / play & youth facilities	Guidance offered as required.	Continue to provide support on request	Continue
34	LC	St Michaels	Tintinhull	SSDC play area refurbishment at Thurlocks	In hand (Community Health and Leisure)	<i>Further details to be obtained.</i>	

	Officer Dealing	Ward	Parish	Action / Service / Project Description (what is planned to be done this year)	Current position / update (August 2012)	Next steps - 3-6 months plan	Target Completion or Continue 2013-14
35	LC	St Michaels	Tintinhull	Assist Tintinhull Parish Council to produce and publish a local community plan	Monitor / provide assistance with the delivery of priority projects which match SSDC corporate / area priorities. Plan endorsed by ANC - June 2012	Project completed. Continue to support development of local investment plan for facilities - village hall and playing field (see above)	Completion
36	LC	Turn Hill	High Ham	High Ham 2012 community project - programme of workshops to interpret and record High Ham during 2012	Small grant. Guidance offered as required.	Provide support as required to complete.	Completion
37	CJ	Turn Hill	Long Sutton	Turn Hill Parish Lengthsman - year 2 of 3 year agreement with SCC & Long Load, Long Sutton, Aller, High Ham & Pitney	Monitor during final year of support. Guidance on revising partnership agreement offered.	Provide help to Long Sutton Parish Council to establish new arrangements for monitoring and reporting within the group.	Completion
38	TO	Wessex	Somerton	Support operation of Local Information Centre via service level agreement (SLA)	SLA in place.	Continue. Monitor/develop links due to closure of Somerton Community Office.	Continue

	Officer Dealing	Ward	Parish	Action / Service / Project Description (what is planned to be done this year)	Current position / update (August 2012)	Next steps - 3-6 months plan	Target Completion or Continue 2013-14
39	TO	Wessex	Somerton	Wessex Youth Club - support to management group to develop local management of youth work- including partnership with Martock.	Small grant. Guidance offered as required. Youth workers employed.	Provide support as required to complete (independent management group in place).	Completion
40	LC	Wessex	Somerton	Support installation of shelter at Somerton Recreation Ground	Provided guidance and assessed application for small grant.	Support project completion & pay grant	Completion
41	MKO	Wessex	Somerton	Support Lady Smith Memorial Hall - Installation of broadband and development of meeting room	Provided guidance and assessed application for small grant.	Support project completion & pay grant	Completion
42	TO	Wessex	Somerton	Support Somerton Business and Trade Association with Business mini guide publication	Provided guidance and assessed application for small grant.	Support project completion & pay grant	Completion

11. Area North 2012/13 Budget Monitoring Report for the Period Ending 30th June 2012

Chief Executive: Mark Williams, Chief Executive
Assistant Director: Donna Parham, Finance and Corporate Services
Service Manager: Amanda Card, Finance Manager
Lead Officer: Nazir Mehrali, Management Accountant
Contact Details: nazir.mehrali@southsomerset.gov.uk or 01935 462205

Purpose of the Report

The purpose of this report is to update Members on the current financial position of the Area North Committee as at the end of June 2012.

Public Interest

This report gives an update on the financial position of Area North Committee after three months of the financial year 2012/13.

Recommendations:

Members are recommended to:

- (1) Review and comment on the current financial position on Area North budgets
- (2) Note the position of the Area North Reserve as at 30th June 2012
- (3) Note the position of the Area North Capital Programme for 2012/13 to 2016/17 (Appendix A) as at 30th June 2012
- (4) Note the position of the Play & Youth capital investment programme in Area North (Appendix B)
- (5) Note the position of the Area North Community Grants budget, including details of grants authorised under the Scheme of Delegation by the Area Development Manager in consultation with the ward members.

REVENUE BUDGETS

Background

Full Council in February 2012 set the General Revenue Account Budgets for 2012/13 and delegated the monitoring of the budgets to the four Area Committees and District Executive. Area North now has delegated responsibility for the Area North Development revenue budgets (which include revenue grants and regeneration), the Area North Capital Programme and the Area North Reserve.

Financial Position

The table below shows the position of revenue budgets as at 30th June 2012. This includes transfers to or from reserves.

	£
Approved base budget as at Feb 2012	192,440
Carry forwards approved June 2012	36,990
Revised Budget as at 30th June 2012	229,430

A summary of the revenue position as at 30th June 2012 is as follows:

Element	Original Budget £	Revised Budget £	Y/E Forecast £	Variance £	Fav / Adv	%
Development	192,440	226,440	226,440	-	-	
Grants	0	2,990	2,990	-	-	
Group Total	192,440	229,430	229,430	-	-	

The original grants budget was £15,370 but as this is funded from New Homes Bonus it is showing as a nil balance in the table above. Together with the carry forward there is a grants budget of £18,360 for 2012/13.

Area Development Manager Comments

The revenue budget includes employee costs, supplies and services and a budget for community grants. The approved 'carry forwards' include:

	Update position
£10,000 for additional welfare benefit uptake service in Area North	Officer appointed to provide additional one day a week within Area North for trial period of one year.
£21,000 for rural / community transport investment	Report to be compiled in Autumn
£1,500 for South Petherton Area Lengthsman scheme	Payment made.
£1,500 for community safety projects	£825 awarded and paid. £675 remaining.

Capital

I have profiled the allocation for signage & marketing (£20,000) to support local economic vitality for £5,000 2012-13 and £15,000 2013-14. This project needs further planning, to be undertaken from September. Additional signage for Cartgate is on order, funded from the reserves. The intention is to grant aid rather than complete direct installation, with long term ownership by third parties (e.g. parish councils, business owners). Suggested ideas include supporting additional 'brown signs' for tourism based services, and signage for business and retail centres.

I have allocated £25,000 towards "local priorities" – most likely allocated through as grants. This can include small grants awarded under delegated powers. There is a further £72,658 for future years in this section of the budget, i.e.: a further two years of funding at a similar level.

This leaves around £150,000 'unallocated'. Capital schemes can come forward at any time, and can be used by SSDC for its own assets; to support a scheme in partnership with another public body; or to grant aid a local community facilities. Feasibility studies / assessments for physical schemes can also be funded from capital programme. There are a number of local schemes under development, and applications for funding are likely – for example improvements to the Parish Hall, Martock, Tintinhull and Montacute Village Halls. An application for support from the Links community transport service is also possible for replacement vehicles.

A potential area of need – with good long term benefits would be assisting local schemes for a 'last mile' connection for high speed broadband. However at this stage, it is not known whether this is affordable or what the need would be. Further clarification is being sought from Connecting Somerset.

The guidance offered by the Area Development team will always consider external and local funding first, and a number of schemes have been successfully completed with minimal financial support from SSDC.

Budget Virements

Under the financial procedure rules the Strategic/Assistant Directors and Managers can authorise virements within each individual service of their responsibility (as defined by Appendix B of the Annual Budget Report) and up to a maximum of £25,000 between services within their responsibility providing that the Assistant Director Finance & Corporate Services has been notified in advance. All virements exceeding these limits need the approval of District Executive. All virements between different Services, irrespective of value, need approving by District Executive. Area Committees can approve virements between their reserves and budgets up to a maximum of £25,000 per virement and £50,000 in any one financial year, provided that all such approvals are reported to the District Executive for noting. (In accordance with the constitution)

No virements have taken place since the last report.

AREA RESERVE

The position on the Area North Reserve as at 30th June 2012 is as follows:

	£	£	Comments
Position as at 1 st April 2012		43,920	
Less remaining allocations:			
Support towards progressing	(15,000)		To transfer as required for

affordable rural housing schemes within the Area North			additional staffing, printing, and professional fees. £5000 allocated to the Norton Community land Trust for legal fees.
Interpretation panels at Cartgate picnic area	(5,000)		Approved June 2012 Panels have been ordered.
Total Committed		(20,000)	
Uncommitted balance remaining		23,920	

CAPITAL PROGRAMME

The capital programme for this financial year and beyond is attached following this report together with a progress report on each scheme either Area or District Wide that are current within Area North (Appendices A & B).

The estimated spend on the North Capital programme in 2012/13 is £58,988.

There is £81,240 in the reserve schemes for 2012/13 and a further £232,658 for future years.

The details of the Reserve Schemes for current and future years are as follows:

Schemes	Estimated Spend	Future Spend
	2012/13 £	£
Unallocated Capital Reserve	51,240	100,000
Allocation to support Economic Vitality in Area North	5,000	15,000
Planning enforcement action		45,000
Local priority projects – enhancing facilities and services	25,000	72,658
TOTALS	81,240	232,658

COMMUNITY GRANTS

During the 3 months to June 2012, £4,083 was awarded under delegated authority for grants up to £750.

There remains an uncommitted balance of £11,267 from the grants budget for 2012/13 of £18,360. Since 30th June further applications to the value of £750 have been received and are currently being assessed. If approved, this will leave an uncommitted balance of £10,517.

Community Grants Summary

Original budget 2012/13	£15,370
Carry forward from 2011/12	£2,990
Total revised budget (1)	£18,360
Carry forwards paid	(£500)
Carry forwards to be paid	(£2,250)
Carry forwards withdrawn	£240
Total revised budget (2)	£15,850
Qtr 1 Grants offered (as detailed below)	(£2,583)
SLA's (as detailed below)	(£2,000)
Balance as at 30th June 2012	£11,267

Update on grants awarded

Quarter 1 (April-June 2012) grants offered under £750

<i>Group</i>	<i>Award</i>	<i>Comment</i>	<i>Paid (as at June 2012)</i>
Drayton Village Hall – floor refurbishment	£700	Project completed	Yes
Petherton Folk Festival	£750	Project completed	Yes
Lopen Church – hearing loop	£633	Awaiting project completion	No
Somerton Business Association – mini guide leaflet	£500	Awaiting project completion	No
Total	£2,583		

Quarter 1 (April-June 2012) grants offered/commitments under service level agreements.

SLA = Service Level Agreement

<i>Group</i>	<i>Award</i>	<i>Comment</i>	<i>Paid (as at June 2012)</i>
Langport Local Information Centre	£500	SLA agreed	Yes
Somerton Local Information Centre	£500	SLA agreed	Yes
Martock Local Information Centre	£500	SLA agreed	Yes
South Petherton Community Information Centre	£500	Awaiting signed SLA	No
Total	£2,000		

If Members would like further details on any of the Area North budgets or services they should contact the Area Development Manager (North).

Corporate Priority Implications

The budget is closely linked to the Corporate Plan.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

There are no implications currently in approving this report.

Equality and Diversity Implications

When the Area North budget was set any savings made included an assessment of the impact on equalities as part of that exercise.

Background Papers: Financial Services Area North budget file

AREA NORTH CAPITAL PROGRAMME 2012/13 - 2016/17

Appendix A

	2012/13 Estimated Spend £	Actual Spend to 30/06/2012 £	Remaining Budget £	Future Spend £	Responsible Officer (s)	Responsible Officer's Comment on Slippage & Performance Against Targets
Health and Well-Being						
Improvement to District owned Play Areas January 2001 Play Audit.	18,804	0	18,804		R Parr	Balance is for Thurlocks, Tintinhull (£2000); Curry Rivel Stanchester Way Phase 2 (£16,531). Work re-scheduled for 2012-13.
Bracey road Martock - Play area improvements (in addition to above)	1,497	0	1,497		R Parr	Project completed, balance is retention payment.
Martock Youth Centre building improvements	3,000	0	3,000		L Collett	Energy efficiency improvements to building including heating, secondary glazing and draft proofing
Total Health and Well-Being	23,301	0	23,301	0		
Environment						
Cocklemoor Bridge	28,452	0	28,452		C Jones	Works completed. Payment to be made to SCC once easement across SSDC land approved. Heads of terms formally submitted to SCC (March 12), agreement awaited, followed by final lease.
Langport Vision - improvements to Langport and River Parrett Visitor Centre and car parking at Westover	2,597	0	2,597		P Burr	New signage on visitor centre and minor improvements, extension to overflow car park completed. Linking pathway improvement to be completed later this year in collaboration with the locally led 'Walk Langport' project.
Total Environment	31,049	0	31,049	0		
Economic Vitality						
Martock, town centre improvements - Phase 2 (YD979(YC233) A140 AN08)	2,638	0	2,638		G Green	Scheme is largely complete. Final balance for improved lighting in car park, linked to community led project for enhancements to precinct.
Martock Town centre Improvements - Phase 3	2,000		2,000		C Jones	Grant to Martock Parish Council. Project completed, grant to be paid.
Total Economic Vitality	4,638	0	4,638	0		
Total North Capital Programme	58,988	0	58,988	0		
Reserve Schemes Awaiting Allocation But Approved in Principle						
Unallocated Capital Reserve	51,240	0	51,240	100,000	C Jones	Provision for investment not otherwise covered in reserve programme. Additional £25,000 awarded February 2012 for 2012/13
Allocation to support economic vitality in Area North	5,000	0	5,000	15,000	C Jones	Promote local economic well-being in Area North; schemes prioritised which are community led and include additional partnership
Planning Enforcement	0	0	0	45,000	I Clarke	Provision for compensation due to enforcement action (Discontinuance Order)
Local priority projects - enhancing facilities and services	25,000		25,000	72,658	C Jones	Detailed allocations through grants or capital appraisal. Support for partnership investment into local infrastructure and facilities.
Total Reserve Schemes	81,240	0	81,240	232,658		
Summary						
North Capital Programme	58,988	0	58,988	0		
Reserve Schemes (Unallocated)	81,240	0	81,240	232,658		
Total Programme to be Financed	140,228	0	140,228	232,658		

AREA NORTH CAPITAL PROGRAMME 2012/13 - 2016/17

Appendix A

	2012/13 Estimated Spend £	Actual Spend to 30/06/2012 £	Remaining Budget £	Future Spend £	Responsible Officer (s)	Responsible Officer's Comment on Slippage & Performance Against Targets
Corporate Capital Programme within Area North (Play & Youth App B)						
Community Play Schemes	41,000	1,000	40,000	13,000	R Parr	Schemes at Thurlocks, Stanchester Way & Abbey Close. Future scheme at Lavers oak.
Youth Facilities Development	10,000	0	10,000	0	R Parr	Schemes at Huish Episcopi & Compton Dundon.
Multi Use Games Area	70,000	0	70,000	0	R Parr	Schemes at Langport & South Petherton.
Grants for Parishes with Play Area	0	0	0	12,500	R Parr	Scheme at Ilton
Third Sector and Partnerships						
Village Hall Grants						
Barrington Village Hall awarded 25/4/12	3,000	0	3,000		A Knight	
Curry Rivel-Robert Sewers Hall awarded 27/6/12	4,500	0	4,500		A Knight	
Gypsy & Traveller Sites programme:						
Health & Well-Being						
Infrastructure & Park Homes, Ilton - Grant for MUGA	60,000		60,000	0	S Joel	Project delayed. Ilton PC resolving wider recreation ground and site location.
Infrastructure & Park Homes, Ilton - Grant for MUGA - Inc	(60,000)		(60,000)	0	S Joel	
	0	0	0	0		

Summary Youth and Play schemes within the Area North Capital Programme 2012/13 - 2016/17

Appendix B

	Committee Date	Original Profile Year	Original Budget £	Paid prior April 12 £	Balance 2012-13 £	Paid 2012-13 £	Remaining Budget 2012-13 £	Estimate 2013-14 £	Estimate 2014-15 £	Estimate 2015-16 £	Estimate 2016-17 £	Comment
CURRENT SCHEMES APPROVED												
SSDC owned Play Areas												
Work approved following the 2001 Play audit.												
Curry Rival - Stanchester Way phase2			28,000	11,469	16,531		16,531					Draft design completed and expect works to be completed in 2011/12.
South Petherton -West End View			10,000	9,727	273		273					Work completed.
Tintinhull - Thurlocks			2,000	0	2,000		2,000					Refurbishments to multi-unit climbing frame; expect works to be completed in 2011/12
SSDC play	TOTAL		40,000	21,196	18,804	0	18,804	0	0	0	0	
Other Approvals												
Bracey Rd Martock	June 02		10,000	8,503	1,497	0	1,497	0	0	0	0	
SCHEMES FROM THE CORPORATE PROGRAMME IN AREA NORTH												
Community Play Schemes 2006 approved Feb 07 Council												
Bracey Rd Martock	Feb 07		30,000	30,000	0		0					Project complete.
Hills Lane Martock	Feb 07		18,000	18,000	0		0					Project complete.
Thurlocks Tintinhull	Feb 07		20,000	0	20,000		20,000					No progress
Stanchester Way Curry Rivel	Feb 07		10,000	0	10,000		10,000					No progress
Lavers Oak Martock	Feb 07		15,000	0	0		0	13,000				Due for completion in 2013/14
Abbey Close Curry Rivel	Feb 07		10,000	0	10,000		10,000					No progress
Barrymore Close Huish Episcopi	Feb 07		10,000	9,000	1,000	1,000	0					Project complete.
	TOTAL		113,000	57,000	41,000	1,000	40,000	13,000	0	0	0	
Grants for Parishes with Play areas 2008 approved Feb 08												
Ilton	feb 08		12,500	0	0		0	12,500				Not yet due
South Petherton Lightgate Lane	feb 08		0	0	0							Grant award offer letter issued project close to placing order for works. £101.8k is funded from Playbuilder-£34.8k & S106-£67k
	TOTAL		12,500	0	0	0	0	12,500	0	0	0	
Youth Facilities 2006 approved Feb 07 Council												
Huish Episcopi	Feb 07		5,000	0	5,000		5,000					Currently fundraising to match grant
Compton Dundon	Feb 07		5,000	0	5,000		5,000					Completed in Q2
	TOTAL		10,000	0	10,000	0	10,000	0	0	0	0	
Multi Use Games Areas 2008 approved Feb 08												
Langport	feb 08		35,000	0	35,000		35,000					Currently fundraising to achieve project budget
South Petherton	feb 08		35,000	0	35,000		35,000				0	Grant award offer letter issued project close to placing order for works
	TOTAL		70,000	0	70,000	0	70,000	0	0	0	0	

Area North Committee – 22 August 2012

12. Area North Committee – Forward Plan

Strategic Director: Rina Singh, Place and Performance
Assistant Directors: Helen Rutter & Kim Close, Communities
Service Manager: Charlotte Jones, Area Development (North)
Lead Officer: Becky Sanders, Committee Administrator
Contact Details: becky.sanders@southsomerset.gov.uk or (01935) 462596

Purpose of the Report

This report informs Members of the Area North Committee Forward Plan.

Public Interest

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 North Committee agenda, where members of the committee may endorse or request amendments.

Recommendation

Members are asked to:

Note and comment upon the Area North Committee Forward Plan as attached at Appendix A and identify priorities for further reports to be added to the Area North Committee Forward Plan.

Area North Committee Forward Plan

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 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 and SCC corporate aims and objectives.

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

Background Papers: None

Appendix A – Area North Committee Forward Plan

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders, becky.sanders@southsomerset.gov.uk

Items marked in italics are not yet confirmed, due to the attendance of additional representatives. Key: SCC = Somerset County Council

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
26 Sept '12	Huish Episcopi Leisure Centre – revised management agreement	To present for approval the revised management / grant agreement between Huish Episcopi Leisure Centre and SSDC	Steve Joel Assistant Director Health and Well-Being
26 Sept '12	Flooding, drainage and emergency planning	Joint presentation about flooding, emergency planning and outlining changes in drainage responsibilities.	Roger Meecham, Engineer and Pam Harvey, Civil Contingencies and Business Continuity Manager
26 Sept '12	Supporting local economic development – capital programme.	Request for detailed approval from capital programme to support tourism and business signage & marketing schemes.	Pauline Burr - Community Regeneration Officer (North)
28 Nov '12	Highways Authority	Half yearly report - update on Highways Services.	Neil McWilliams - Assistant Highway Service Manager (SCC)
28 Nov '12	Finance Report and Area Development Plan	Area North budget, including community grants and the capital programme. Area Development Plan update.	Jayne Beevor, Group Accountant / Charlotte Jones, Area Development Manager (North)
28 Nov '12	Streetscene Service	Half yearly update on Streetscene Service	Chris Cooper, Streetscene Manager
19 Dec '12	S.106 – Six monthly update report	Update report on the progress of collection and expenditure of developer obligations arising from development in Area North.	Neil Waddleton, s.106 Monitoring Officer
19 Dec '12	Presentation – Chilthorne Domer Recreation Trust	Receive a report from Chilthorne Domer Recreation Trust.	Les Collett, Community Development Officer
19 Dec '12	Rural / Local Transport	Update and options paper for further investment using reserved funding.	Teresa Oulds, Community Regeneration Officer (North) / Nigel Collins, Strategic Transport Officer.
<i>TBC</i>	<i>Somerset Water Management Partnership</i>	<i>To learn more about the work of SWMP and its current priorities.</i>	<i>Charlotte Jones, Area Development Manager (North)</i>

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
<i>TBC</i>	<i>Langport Visitor Centre</i>	<i>TBC</i>	<i>Charlotte Jones Area Development Manager (North)</i>
<i>TBC</i>	<i>Localism Act – Implications for Area North</i>	<i>Provide discussion of current / anticipated implications for communities in Area North arising from the Localism Act.</i>	<i>Charlotte Jones – Area Development Manager (North)</i>
<i>TBC</i>	<i>Historic Buildings at Risk</i>	<i>Update report. (This is likely to be a confidential item.)</i>	<i>Ian Clarke – Assistant Director, Legal and Corporate Services.</i>

Area North Committee – 22 August 2012

13. Planning Appeals

Strategic Director: Rina Singh, Place & Performance
Assistant Director: Martin Woods, Economy
Service Manager: David Norris, Development Manager
Lead Officer: As above
Contact Details: david.norris@southsomerset.gov.uk or (01935) 462382

Purpose of the Report

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

Public Interest

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.

Recommendation

That members comment upon and note the report.

Appeals Lodged

None

Appeals Dismissed

EN10/00312/USE (Enforcement Notice) - the outcome was Notice varied and upheld.
Land at Wagg Meadow Farm, Wagg Drove, Huish Episcopi TA10 9ER.

Appeals Allowed

09/02705/FUL – Land OS 6292 at Percombe Hill. Stoke Road, Martock.
Change of use of land from agricultural to a private Gypsy and Traveller site with the erection of haybarn/tractor shed, stable, utility block, mobile home and touring caravan.

The Inspector's decision letter is shown on the following pages.



Appeal Decision

Inquiry held on 8 February and 12 June 2012

Site visit made on 7 February 2012

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS

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

Decision date: 25 July 2012

Appeal Ref: APP/R3325/C/11/2162410

Land at Wagg Meadow Farm, Wagg Drove, Huish Episcopi, Somerset TA10 9ER

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr S B Davis against an enforcement notice issued by South Somerset District Council.
 - The Council's reference is EN10/00312/USE.
 - The notice was issued on 2 September 2011.
 - The breach of planning control as alleged in the notice is without planning permission
 - a. the carrying out of operational development (being building and/or other operations) on the land, namely the erection of a building to be used as a single dwelling house;
 - b. the material change of use of the land from an agricultural use to a mixed use of agriculture and residential by:
 - i. The use of a building on the land as a dwelling house.
 - ii. The siting of caravans on the land for residential use.
 - iii. The use of the land as a permanent camp site for visitors.
 - The requirements of the notice are:
 - a. Discontinue the residential use of the land, namely the use of the building and the caravans.
 - b. Demolish the said building and remove all materials forming the building from the land.
 - c. Remove from the land the caravans and all fixtures and fittings associated with the residential use of the caravans.
 - d. Discontinue the use of the land as a campsite.
 - The period for compliance with the requirements is 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b),(d),(f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.
-

Procedural Matters

1. Evidence was given under oath or by sworn affirmation.
2. Applications for costs were made by the appellant and council. These applications are the subject of separate decisions.
3. An additional ground of appeal (ground (c)) was added.
4. The appellant argues that the notice was not precise, in that in the allegation 3(a) reference is made to 'the erection of a building', without identifying the specific building. I do not accept the notice is imprecise; it is directed at people with knowledge of the land and as there is only one building that has had its

use changed in the way described, those receiving the notice would not be in any doubt as to what the notice was directed at.

5. The appellant considers that the notice is incorrect in that it has identified the land of the enforcement notice as being one planning unit, whereas he says it is a clear principle that a separate dwelling house should be considered as a separate planning unit. Therefore, the allegation 3(b)(i) is wrong in that the dwelling house does not result in a contribution to a mixed use of the site as a whole.
6. I accept that where possible it is usual for dwelling houses to be identified as individual planning units. However, each case is looked at on its own facts. Here it is clear that the unit of occupation of the land is the whole site identified by the enforcement notice. While there are some boundaries within the land in relation to the stock and planting, there is no distinct physical separation around the building, with parking and nearby land appearing to be shared by the various uses that are now occurring.
7. The appellant suggests that the dwelling house unit is a separate and self-contained unit of accommodation, with the balcony being the only outside space for the dwelling. However, the parking spaces are clearly shared and photographs in August 2011 show a deck chair, potted plants and other domestic paraphernalia outside the dwelling house. While the appellant now maintains that the dwelling house is a separate use from the agricultural unit, it was noted in the latest proof of evidence that there is some use of the building for storing animal feed, expensive equipment, farm machinery, tools, chemicals etc. I have taken account of *Burdle v Secretary of State for the Environment* and the 'test' suggested. In this situation where the whole site is the unit of occupation with a variety of activities that are not incidental or ancillary to one another, but which fluctuate and are not specifically confined within separate or physically distinct areas of land, the use of the land is in my view a composite use and the appropriate planning unit is the whole of the land.

Decision

8. The appeal is allowed on ground (g) and I direct that the enforcement notice be varied by the deletion in Section 6 of 'Four (4) months after this notice takes effect' and substitution with '(i) Requirements (a) relating to residential use of the building and requirement (b) - six months after this notice takes effect and (ii) Requirements (a) related to residential use of the caravans and Requirements (c) & (d) - four months after this notice takes effect. Subject to these variations the enforcement notice is upheld.

Reasons

Ground (b)

Barn

9. The appellant argues that the building was built as a barn and was then converted to house, so the barn itself, which he says was substantially complete by the end of August 2007, was in place 4 years before service on the enforcement notice on 2 September 2011. I do not accept that was the situation. The appellant's previous case was that the intention from the beginning was ultimately to occupy part of the building as a dwelling and that

provision from the outset was made for domestic use at a later date. The appellant confirmed on the second day of the inquiry that the second but last paragraph on page 4 of the original proof remained correct. It is plain that this must be the case.

10. While the appellant argues that you can have a barn with cavity walls and services and that there was no insulation to the walls, it is not at all likely that you would put in a concrete floor with an integral decorative finish over part of the structure of a barn. The layout has the clear appearance of a house, with decorative floor for the dwelling side and plain concrete floor on the 'garage' side. The appellant suggests that the plain concrete was only used because the decorative concrete ran out. I attach little weight to this, particularly given the distinct break in between the two. The fact that insulation is not provided to the walls in the early stage of construction is not indicative of a barn being built; cavity insulation can be injected at a later stage if it is required.
11. It is my view that the appellant's intention was to build a house and not a barn from a very early stage, with clear demonstration of this with the construction of the concrete ground floor. I acknowledge that in relation to previous enforcement action, that was not continued, reference was made to the building looking like a barn. I do not disagree that the building, particularly at the early stages, would have had the external appearance of a barn, but that does not mean that is what was intended to be constructed or was constructed. The arrangement of the concrete floor and decorative finish makes the intentions, and what was constructed clear to me.
12. I accept that the building was used for some agricultural purposes from August 2007 until the beginning of 2008 when the appellant says 'conversion' to the dwelling commenced. However, while there was a break in the construction work of the house at that time, when the building was used for other purposes, that does not make the building as constructed a barn, but was a convenient use of the partially completed dwelling house, for a very short period in the construction lull.
13. I find that the construction of a dwelling has occurred as a matter of fact and the appeal on ground (b) in relation to this fails.

Campsite, Grounds (b) and (c)

14. The appeal is against the use of the land as a campsite. There is no argument that tents were on the land at the appeal site. In written evidence the appellant says that he erected 4 tents left over from Glastonbury and these were erected to dry out. However, in evidence to the inquiry the number of tents that were needed to be dried was identified as about 20, and these were put up and taken down a few at a time. The argument is that apart from one of these they were not occupied and in any case they were not there for a period in excess of 4 weeks, and so were permitted development.
15. In answer to questions, the appellant was not precise about the length of use of the site for the tents, using such terms as the friend was in the tent for 'about' 4 weeks. The council saw tents on site at the beginning of August. Glastonbury would have finished towards the end of June. Even with the delay in returning from the festival of 2/3 weeks, the tents would have been likely to be in place for some time. In my experience the time to dry a tent out after a soaking, which would logically be on a dry day, is not more than a day. In

addition, the tents shown in the council's photograph were well spaced apart, which would not be necessary for purposes of drying out. Even if it was 20 tents and they were put up a few at a time over a period, the use of the land would have been continuous use by tents, albeit different tents.

16. It is up to the appellant to demonstrate on a balance of probability that what is alleged has not occurred.
17. In my view, the information provided is not clear and unambiguous and given the dates of the Glastonbury Festival, the council's visit in August with the tents in place and the enforcement notice commencement period of 2 September 2007, I consider that it is probable that the land was in use as alleged for a period of more than 4 weeks. While I accept that the reference to 'visitors' is not absolutely necessary it does not impede the notice and there is no reason that it should be removed. The appeal on grounds (b) and (c) fails in relation to use of the land as a campsite. I would also note that the tents have been removed and that this decision does not interfere with any future temporary use rights in compliance with permitted development.

Ground (d)

Dwelling house

18. There is no argument that the dwelling house was not completed until after 2 September 2007, with the appellant's own evidence identifying internal construction occurring in the early part of 2008, with occupation following. Therefore the operational development could not have been completed, or use of the building been continuous, for the required 4 years prior to service of the enforcement notice. The appeal on ground (d) fails.

Ground (f)

Mobile Homes

19. The appellant confirmed at the inquiry that the only ground of appeal related to the mobile homes was ground (f). It is argued that these are needed in relation to the agricultural unit, providing accommodation for workers in return for work on the agricultural unit. However, there is no evidence of substance provided to show a need for even one of the mobile homes. While in theory there could be an argument for some temporary accommodation at times when the asparagus is picked or other particular periods, this would normally be available as permitted development, with removal of the units at the end. The appellant has not demonstrated a need for the mobile homes. I conclude that the steps required by the notice do not exceed what is necessary to remedy the breach identified in the notice. The appeal in relation to these on ground (f) fails.

Dwelling house

20. The appellant considers the requirements of the notice for removal of the building is unreasonable and that it should be allowed to be retained as an agricultural building. He notes that the council had viewed the building in the past, at which time it considered the building as a barn and took no action. He notes that the barn is required in association with the agricultural use of the land.

21. While some storage space may be required in relation to the agricultural use, the appellant has not demonstrated on the balance of probability the need for such a large building. This is particularly so as there are other structures on the land providing storage facilities. While a barn might be considered as permitted development, that is only the case if it can be demonstrated that the development is reasonably necessary for the purposes of agriculture within the unit. In my view, it has not been demonstrated that such a large structure is reasonably necessary for the purposes of agriculture within the unit. I conclude that the steps required by the notice do not exceed what is necessary to remedy the breach identified in the notice. The appeal on ground (f) in relation to the dwelling house fails.

Ground (g)

22. While I accept that it would be possible to demolish the building within 4 months, it is also necessary to allow some time to find alternative accommodation for the residents of the barn. I note that parents own a house nearby. While I expect the appellant will have to pay a market rent for any housing he finds, the parents' house is not in the control of the appellant and does not have to be made available to the appellant. I think that it is reasonable that more time is made available to find appropriate accommodation for the appellant and his family. I do not consider that it has been demonstrated that 12 months is required for this, but I consider that 6 months would be a reasonable period. The appeal on ground (g) succeeds to this limited extent in relation to the dwelling house use.

Other Matters

23. No evidence was put forward in relation to human rights and the European Convention on Human Rights. Nevertheless, I recognise that dismissal of the appeal would interfere with the appellant's home and family life. However, this must be weighed against the wider public interest. For the reasons given above, I have found that the appellant's home is not lawful development and I am satisfied that the legitimate aims of development control as identified in the enforcement notice can only be adequately safeguarded by the refusal of permission. On balance, I consider that dismissal of the appeal would not have a disproportionate effect on the appellants.

Graham Dudley

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr S Jupp MRTPI BA (Hons)
LLM

He called
Mr S B Davis
Mr T Ferguson

FOR THE LOCAL PLANNING AUTHORITY:

Miss A Cater	Solicitor for South Somerset District Council
She called	
Mr R Wotton	Senior Enforcement Planner
Mr D Heath-Coleman	Planning and Enforcement Assistant

INTERESTED PARTY:

Mr E Holly

DOCUMENTS

Document	1	Appellant's opening submissions
	2	Council's opening submissions
	3	Better quality plan – appendix 7
	4	Concrete quote dated August 2006
	5	Appellant's costs application
	6	Council's costs application
	7	Council's closing submissions
	8	Appellant's closing submissions
	9	Appellant's costs response



Costs Decision

Inquiry held on 8 February and 12 June 2012

Site visit made on 7 February 2012

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS

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

Decision date: 25 July 2012

**Costs application in relation to Appeal Ref: APP/R3325/C/11/2162410
Land at Wagg Meadow Farm, Wagg Drove, Huish Episcopi, Somerset, TA10
9ER**

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by South Somerset District Council for a partial award of costs against Mr S B Davis.
 - The inquiry was in connection with an appeal against an enforcement notice alleging without planning permission;
 - a. the carrying out of operational development (being building and/or other operations) on the land, namely the erection of a building to be used as a single dwelling house;
 - b. the material change of use of the land from an agricultural use to a mixed use of agriculture and residential by:
 - i. The use of a building on the land as a dwelling house.
 - ii. The siting of caravans on the land for residential use.
 - iii. The use of the land as a permanent camp site for visitors.
-

Decision

1. I allow the application in the terms set out below.

The submissions for South Somerset District Council

2. The application is for a partial award of costs relating to unnecessary and wasted expense incurred by the council associated with the preparation for and attendance at the inquiry, resulting from the adjournment and changes to the appellant's case. The council says that the appellant has behaved unreasonably and reference is made to Circular 03/09 – Costs Awards in Appeals and other Planning Proceedings paragraphs A12 and B4.
3. The council's application for costs is set out in writing in document 6.

The response by Mr Davis

4. The response by Mr Davis is set out in document 9. In addition, the appellant notes that the revised proof was only sent in to the planning inspectorate two days short of the normal 4 weeks, and that there was sufficient time for the council to consider its content.

Reasons

5. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and

- thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
6. I acknowledge that the additional proof was sent to the Inspectorate a couple of days short of the normal 4 weeks, and the shortfall is de minimis. While the council has, for reasons relating to other workload, found it difficult to deal with the additional proof; that is not the fault of the appellant. However, there clearly was a marked change to the approach taken by the appellant in relation to the case that was being put on the first day of the inquiry. Clearly much of the time the council expended in relation to the first proof of evidence and submitted information was wasted and the significant change of case was unreasonable behaviour. While the inspector indicated that further material could be submitted, the expectation is for material in support of the original case being put, not a markedly changed case.
 7. In addition, the appellant was not properly prepared for the first day of the inquiry and in response to the inspector's concern about the appellant being able to reasonably present his position, the appellant realised that he would need to seek professional representation. For reasons of natural justice it was necessary for the inquiry to be adjourned. I consider that the council did incur unnecessary expense in association with the time wasted on the first day. It was unreasonable of him to come to the inquiry unprepared.
 8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 03/2009, has been demonstrated and that a partial award of costs is justified in relation to wasted preparation for the first day of the inquiry and time spent at the inquiry on the first day.

Costs Order

9. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other powers enabling me in that behalf, I HEREBY ORDER that Mr Davis shall pay to South Somerset District Council the costs of the proceedings so far as they related to preparation for the first day of the inquiry based on the appellant's first proof of evidence and attendance on the first day of the inquiry, such costs to be assessed in the Senior Courts Costs Office if not agreed. The proceedings concerned an appeal more particularly described in the heading of this decision.
10. The applicant is now invited to submit to South Somerset District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Graham Dudley

Inspector



Appeal Decision

Site visit made on 24 January 2012

by Bridget M Campbell BA(Hons) MRTPI

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

Decision date: 17 July 2012

Appeal Ref: APP/R3325/A/10/2129616

Land at OS 6292 Percombe Hill, Stoke Road, Martock, Somerset TA12 6HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs K Sanderson against the decision of South Somerset District Council.
- The application Ref 09/02705/FUL, dated 6 July 2009, was refused by notice dated 4 February 2010.
- The development proposed is described as "change of use from agriculture to residential use comprising one mobile, one utility block including space for waste storage, one touring caravan nomadic use, a hay barn/tractor shed and 2 stables. Hay barn already built and needs retaining".

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Preliminary matters

1. The description used on the Council's decision notice more accurately describes the development proposed. Whilst it qualifies the residential use as being for gypsies and travellers; that is the way the Appellant has made her case. In all other respects it simply describes the proposal with greater clarity. I shall adopt it in this decision. The use had already commenced at the time of my visit with a mobile home present and the hay barn/tractor shed already constructed.

Consideration of the planning application by the Council

2. The officer's report on this application found that the Appellant satisfied the definition of a gypsy/traveller for planning purposes as set out in Circular 01/2006 which was then in force but has since been replaced by the Planning Policy for Traveller Sites (PPTS). The definition however remains unchanged. The Appellant is a Romany Gypsy with strong local connections who at the time of the application was living on the side of the road with her husband. From the written representations made in this appeal I have no reason to reach any conclusion other than that the Appellant continues to meet the definition. National and local planning policies relating to gypsies and travellers thus apply in the consideration of this appeal.
3. The application was then assessed against policy H11 of the South Somerset Local Plan and national planning policy guidance then in force in Circular 01/2006 and taking into account representations made both for and against the proposal by interested persons. The following findings were made:

- There are no available pitches on public gypsy sites in the District and currently no site allocations; the last assessments of need suggested 17 (GTAA 2006) to 20 (panel report into RSS) more pitches required in the District. It is anticipated that a new GTAA would only show an increased need for pitches.
- Both national and local policy accept rural locations for gypsy caravan sites in principle.
- There are no highway objections; the access is adequate and there would be no problems arising from the level of traffic generated.
- The site scores well in sustainability terms. It is within reasonable distance of services and facilities and would, by providing a settled base, enable easier access to health services and education.
- In landscape terms, the site is well defined by hedgerows at present and it could be better assimilated into the surroundings by a rearrangement of layout and some further planting of native species which could be achieved by way of condition.
- There would be no material adverse impact on the amenity of the nearest neighbouring residents some distance to the east.

Taking all those matters into account it was concluded that the proposal accorded with national and local policy and that a permanent permission for the use would be appropriate.

4. Since that time national policy has changed with the National Planning Policy Framework (NPPF) issued at the end of March 2012 together with the PPTS (replacing Circular 01/2006). However, taking full account of the up to date provisions as set out in those two documents there is nothing to indicate that the assessment as undertaken by the Council and summarised above is in any way no longer appropriate. Neither party has suggested otherwise.
5. Notwithstanding the conclusion that a permanent planning permission could be granted, the application was refused on grounds that the development conflicts with policy ST9 of the Local Plan in that the Appellant would be committing a criminal offence in driving over a section of public footpath without authority to access the site.

Background to the access problem

6. The application site comprises part of a field which sits on the northern side of a trunk road, the A303, with fields to either side. When that road was duelled, the Department of Transport extinguished accesses onto it and, using CPO powers, constructed a new concrete access track along the line of a definitive footpath which runs along the rear of those fields. The Appellant has a right to drive over the concrete track for all purposes.
7. The track then connects to Old Stoke Road which has the status of a public footpath before joining the vehicular public highway. The Appellant has a legal right to drive over this stretch for agricultural purposes and for residential use other than over one part where a landowner of half the width of the track is resisting a grant for use by residential traffic. However when this land was transferred back to the owner by the Secretary of State, the Transfer included a clause stating that should the Transferee (the Secretary of State) within 21 years of the date of the Transfer so request, the Transferor or his successors in title will grant to the landowners specified (which includes the Appellant) the right to pass and repass with or without vehicles over the land.

8. Eversheds, on behalf of the Secretary of State for Transport have written to the owner asking that he grants the required right of way, pointing out his obligation to do so under the terms of the Transfer and agreeing to pay his reasonable fees. The response has been that as such a grant has already been given for agricultural traffic; there is no obligation to make a further grant for residential traffic. That stance is not accepted as correct by the Council, the Appellant or the Secretary of State. They are all of the view that there is an obligation to grant a right of access for residential traffic across the disputed land.

Assessment

9. Policy ST9, to which the Council refers, states "Proposals for new development will be required to be designed to take into account the need for security and crime prevention". This policy is, as it says, concerned with the design of proposed development. There is nothing objectionable about the proposed layout of the site in design terms. Furthermore in physical terms the track leading to it, which does not form part of the application site, is wholly suitable for providing access to serve the proposed residential use. It cannot therefore be said that there is conflict with this policy.
10. The Council has referred to the duty imposed on it by s17 of the Crime and Disorder Act 1998 to have regard to the likely effect on crime and disorder. However, that section relates to the exercise of functions by the local planning authority and the Secretary of State is not under the same duty to have regard to it. Nevertheless, while s17 is not, in itself, a material consideration for me, its subject matter – crime prevention – may be a material consideration in determining an appeal.
11. The Council says the prevention of crime is a key social objective and that social objectives have been found to be a material consideration in determining planning applications. I do not disagree. In this case the Council's concern is about an offence committed under the Road Traffic Act 188 by driving over a public footpath without authority which it says it cannot condone by its actions.
12. The section of access in dispute only extends across half of the width of the track and, were it not for the current position of a gateway and kissing gate, it is likely that the Appellant would be able to take a standard 4 wheel vehicle along the track using only that half over which she has a right of access for all purposes. As it is she could still lawfully access her site for residential purposes by a narrower vehicle such as a motor cycle or a quad bike using only half the track width or indeed she could walk on any part of it. With unrestricted access over the whole track in connection with the agricultural activities on her land she might consider more limited access for the residential use to be sufficient.
13. In these circumstances, if planning permission was granted the Appellant would have the choice to access her land for residential purposes in a somewhat restricted manner or to disregard the lack of authority to use half the width of a stretch of the track. That choice would be hers to take. The grant of permission does not oblige the Appellant to commit a criminal offence.
14. In addition, Eversheds have written to the solicitors for the landowner indicating that if they do not comply with the obligation in the Transfer to grant the right, then Eversheds will be advising the Secretary of State for Transport

on the options open to compel them to comply. Thus it seems that the matter is entirely capable of being resolved and indeed will be resolved. That is the view held by the Appellant, the Council and the Department of Transport.

15. In light of the fact that the Appellant is not obliged to commit a criminal offence in order to use the appeal site for residential purposes and in view of the clear indication that the matter in dispute is capable of satisfactory resolution, I find the concern about the possibility that a criminal offence will be committed to be insufficient justification for withholding permission in this case. If an offence is committed and there was a legitimate reason to pursue prosecution, the grant of planning permission would not affect the position, but in the circumstances of this case it seems highly unlikely that prosecution would be in the public interest. The site is suitable for the use proposed and there are no planning considerations militating against the grant of permission which is in accordance with the Development Plan for the area. Conditional planning permission will be granted.

Conditions

16. The Council has suggested a number of conditions in the event that the appeal is allowed. As permission is only warranted because of the Appellant's gypsy status, it is necessary to tie the occupation of the land to such persons. It is also necessary to limit the number of caravans and to limit activities on the site given the rural location. In order to ensure that the site fits well into its surroundings, a condition requiring details of the site layout and of landscaping are required. However, I find no reason to prevent buildings or structures other than those allowed by the permission as these would be subject to normal planning control.

Decision

17. The appeal is allowed and planning permission is granted for a change of use from agriculture to a private gypsy and traveller site with the erection of a hay barn/tractor shed, stable, utility block, mobile home and touring caravan on land at OS 6292 Percombe Hill, Stoke Road, Martock, Somerset TA12 6HT in accordance with the terms of the application, Ref 09/02705/FUL, dated 6 July 2009, and the plans submitted with it, subject to the following conditions:
- 1) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of *Planning policy for traveller sites* (DCLG March 2012).
 - 2) No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.
 - 3) No commercial activities shall take place on the land other than in connection with the agricultural use of the property, including the storage of materials, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
 - 4) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one the requirements set out in (i) to (iv) below:

- i) within 3 months of the date of this decision a scheme for the internal layout of the site, including the siting of the mobile home and touring caravan; hardstanding and access drive (including surfacing materials); parking, tuning and amenity areas; the means of foul and surface water drainage of the site; proposed external lighting within the site; tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities; (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
 - ii) within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
 - iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.
- 5) Following implementation of the site development scheme there shall be no change to any of the approved details and no additional lighting. The parking and turning areas shall be kept available for use at all times. Any planting comprised in the approved details which within a period of 5 years from planting 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 approval to any variation.

Bridget M Campbell
Inspector

Area North Committee – 22 August 2012

14. Planning Applications

The schedule of planning applications is attached.

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 1998 Issues

The determination of the applications which are the subject of reports in this plans list are considered to involve the following human rights issues: -

1. Articles 8: Right to respect for private and family life.
 - i) Everyone has the right to respect for his/her private and family life, his/her home and his/her correspondence.
 - ii) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.
2. The First Protocol

Every natural or legal person is entitled to the peaceful enjoyment of his/her possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Each report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

David Norris, Development Manager
david.norris@southsomerset.gov.uk or (01935) 462382

Background Papers: *Individual planning application files referred to in this document are held in the Planning Department, Brympton Way, Yeovil, BA20 2HT*

Planning Applications – 22 August 2012

Planning Applications will be considered no earlier than 3.30pm

Members of the public who wish to speak about a particular planning item are recommended to arrive for 3.20 pm.

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the 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 Regulation Committee even if it has not been two starred on the Agenda.

Item	Page	Ward	Application	Proposal	Address	Applicant
1	48	MARTOCK	12/01495/ FUL	Application for the development of a foodstore, associated infrastructure, access, parking and landscaping.	Paul & Co Ltd Site, Coat Road, Martock	Tesco Stores Ltd
2	59	WESSEX	12/01573/ FUL	Change of use of land for siting of one mobile home, one touring caravan and the erection of one utility/dayroom.	Land OS 2461 Middle Way, Compton Dundon	Mr S Lovridge

Area North Committee – 22 August 2012

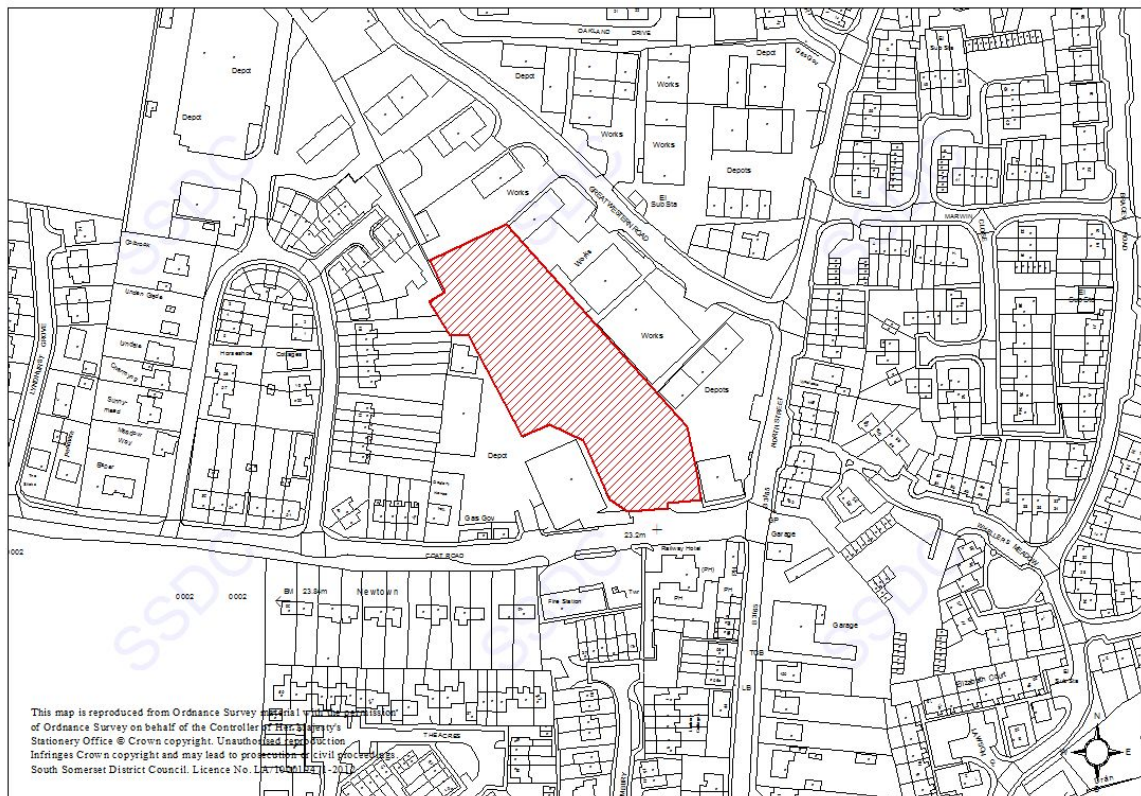
Officer Report On Planning Application: 12/01495/FUL

Proposal :	Application for the development of a foodstore, associated infrastructure, access, parking and landscaping (GR: 346157/120079).
Site Address:	Paul & Co Ltd Site, Coat Road, Martock
Parish:	Martock
MARTOCK Ward (SSDC Members)	Cllr G H Middleton & Cllr Patrick Palmer
Recommending Case Officer:	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
Target date :	24th July 2012
Applicant :	Tesco Stores Ltd
Agent: (no agent if blank)	Mark Scoot. Amethyst Maypool House, Maypool, Brixham, Devon TQ5 0ET
Application Type :	Major Retail f/space 1,000 sq.m or 1ha+

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area North Committee with the agreement of the Ward Member and Vice Chair, given the public interest in the proposal and to enable its impact to be debated.

SITE DESCRIPTION AND PROPOSAL



This 0.60 hectare site is located at the northern end of Martock, between Great Western Road and Coat Road, and is within the defined development area. The site currently accommodates Paull and Co Ltd, a builders' merchant, DIY and hardware store. There are a number of industrial type buildings on site, as well as external storage and display areas, aggregate stores and parking areas.

This application seeks permission for the erection of a foodstore, associated infrastructure, access, parking and landscaping. The proposed foodstore would be located at the northwest end of the site, with a gated service/delivery yard adjacent to the western boundary and customer car parking within the central and fore sections of the site. The existing access off Coat Road is to be improved. Car parking provision is proposed at 85 car spaces, of which 8 will be disabled spaces and 4 will be parent and child spaces. Motorcycle parking and an electric car charging bay are also proposed. Bicycle parking is proposed directly in front of the store. The proposed delivery yard is screened by a 4m high acoustic perimeter fence and high density landscaping.

The proposed building would provide a net sales area of 921m² with bulk storage, staff and administration areas and external lobby creating a total gross external floor area of 1460m². The design incorporates a shallow pitched roof with a ridge height of 5.6m, full height glazed panels on the front elevation of the building with some timber cladding, and 'oyster' coloured insulated panels on the majority of the remaining three elevations. The front elevation also incorporates a 'Tesco' sign above the porch canopy.

An amended plan was received following consultation from the Highway Authority who raised concern on over-provision of parking on site. The amended plan reduced the number of parking spaces from the originally proposed 88 to 85 spaces and also included the electric car charging bay.

HISTORY

10/04577/COL - Application for a certificate of lawfulness for the existing use of site and buildings for retail use class A1. Application permitted on 19/05/2011.

Previous planning history relates to various development of Paull & Co Ltd site.

POLICY

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

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development

Policy STR3 - Rural Centres and Villages

Policy STR5 - Development in Rural Centres and Villages

Policy 20 - The Retail Framework

Policy 21 - Town Centres Uses

Policy 48 - Access and Parking

Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan:
 Policy ST1 - Rural Centres
 Policy ST5 - General Principles of Development
 Policy ST6 - The Quality of Development
 Policy ST10 - Planning Obligations
 Policy EP2 - Pollution and Noise
 Policy EP3 - Light Pollution
 Policy EP5 - Contaminated Lane
 Policy TP2 - Travel Plans
 Policy TP6 - Non-Residential Parking Provision
 Policy MC2 - Location of Shopping Development
 Policy MS2 - Local Shopping and Services
 Policy ME3 - Employment within Development Areas

National Guidance
 National Planning Policy Framework - March 2012:
 Chapter 1 - Building a Strong Competitive Economy
 Chapter 2 - Ensuring the Vitality of Town Centres
 Chapter 4 - Promoting Sustainable Transport
 Chapter 7 - Requiring Good Design

CONSULTATIONS

Martock Parish Council - Recommend approval subject to adequate pedestrian access to and from the site, including suitable road crossings and a clear indication from the County Highway Authority that the impact on traffic volumes and flow in North Street will be acceptable.

Long Load Parish Council (adjacent) - Main concern is delivery lorries that will pass through the village to travel between the Martock and Langport stores.

Ash Parish Council (adjacent) - Only concern is the extra traffic generated by the proposal travelling through the village.

County Highway Authority - Raises no objection in principle. Comments that the data provided in relation to trip generation is accepted by the Highway Authority. Notes the proposal includes improvement to the visibility to the proposed site access and also the junction of North Street with Coat Road, which are considered to be acceptable. With regard to the parking provision proposed on site, the proposal currently provides 5 more parking spaces than would normally be required by the Highway Authority's Parking Strategy. Discussions relating to the Travel Plan, which will be incorporated into the s106 are on-going between the Highway Authority and the agent.

Area Engineer - Notes the content of the submitted drainage report regarding Wessex Water's requirement for a reduction in surface water run-off. The reduction in impermeable area, which will result in a 12% decrease in surface water run-off is considered to be acceptable.

Landscape Architect - Raises no landscape issue with the principle of store development in this location, and views the siting and general layout of the store to be acceptable. Subject to small alterations to the proposed landscaping scheme, no objection.

County Archaeologist - No objection

Economic Development Officer - Notes that the opportunities of choice between locations for a new food store within Martock is limited and will for certain not be an ideal choice of location for a proportion of the population. However from an economic perspective the proposed location is considered to be suitable, recognising the limitations of alternative and available sites in the area. The store will not host a café/coffee shop and is too small to host an opticians and pharmacy. With specific services and trades available near the Market Cross, e.g. take away food, cafés, library, bank, optician, doctor surgery, pharmacy, primary school, church, etc. there is a distinct possibility that the existing retail outlets will retain sufficient footfall to remain viable. While the proposal will clearly change the retail shopping focus for the area, the application raises no undue concerns from an economic perspective, subject to suggested restrictions on trading secured by condition.

Environment Agency - No objection subject to conditions relating to contamination, drainage, and pollution prevention.

Environmental Protection Unit (Contaminated Land Officer) – no objection subject to conditions to ensure that any potential land contamination is addressed and drainage measures agreed. Additional safeguarding conditions are recommended to control delivery times and external lighting to safeguard residential amenity.

Climate Change Mitigation Officer - Notes the effective use of daylight minimising the need for artificial lighting, well chosen construction materials and minimising the need for heating. However, as the development does not meet BREEAM Excellent rating, in accordance with Policy EQ1 of the emerging Core Strategy, an objection is raised.

Planning Policy Officer - Clarifying the status of the emerging Core Strategy Policy EQ1, stating we are not in a position to insist that a BREEAM Excellent rating is achieved by the development.

REPRESENTATIONS

Fifteen letters of objection - Have been received, raising concern over the following issues:

- Impact on current trade in Martock, which will cause lots of empty shop premises, and impact on local businesses
- Tesco will provide more and more services and deliveries once they get a foot in the door
- Increased traffic generated by large supplier vehicles and shoppers cars will impose an intolerable strain on the main road (North Street) through the town and the Coat Road junction
- Increase of traffic through out-lying villages
- No need for another Tesco in this part of South Somerset
- There are an adequate number of retail units in Martock already
- Object to Tesco business practices
- The new store will transfer the same number of jobs from existing food retailers such as the Co-op, who will either diminish or close
- Loss of Paull's which will mean cars and vans need to leave Martock for all building and DIY supplies, which is contrary to the Core Strategy which identifies the need to avoid too many people having to leave Martock to shop.
- The proposed building is of poor quality and poor architecture. It is a vulgar industrial building
- Proposed building does not respect the historical environment. The applicant

- should be asked to use hamstone
- Ugly high signage should not be allowed
- Full height glazing on the front elevation will cause light pollution and is not necessary
- Proposed building is too high and will waste building materials and heat and lighting within the store
- The site is within the curtilage of a listed building
- Doubts that the proposal will create as many new jobs as claimed
- The existing use should survive the desire of the present owners to retire
- Heavy vehicle movements will increase during construction
- Traffic barrier within the site is not suitable
- Consideration should be given to limiting trading hours of the new store
- Zebra crossing should be provided
- Washing and valeting of cars should not be allowed in Tesco car park
- Impact on local residents adjacent to site, i.e. visibility of site, lighting impact, noise
- Delivery area is located close to adjacent residential properties - concern re disturbance caused by unloading vehicles
- Fencing and landscaping 4m high might not be high enough to provide adequate screen to neighbouring properties
- Lorries should not be allowed to wait in Coat Road
- Supporting information states store will not have a bakery or butcher counter, but the plans show a bakery area
- Do not believe the figures in the traffic report are accurate with regard to the number of HGVs currently accessing the Paulls site. The small 7.5 tone Paull's delivery lorry should not be classed as an HGV

Eight letters of support - Have been received, raising the following points:

- A food store in this location is necessary and would be useful
- Location will be within walking distance for many people
- Proposal will encourage small businesses at this end of the town
- Tesco would be the anchor store desperately needed to improve retail in Martock
- Would reduce mileage from having to travel regularly to Yeovil for supplies
- It is a good use of the site
- Proposal will add new dimension to village shopping and will give local residents a fair deal
- Tesco are renowned for competitive prices and good customer service and they always support the community they serve
- Will bring good competition to this one horse town
- Will improve the job prospects of the young, unemployed population, and they are among the top payers in their industry
- If Tesco does not occupy the site once Paull's closes, no-one will

CONSIDERATIONS

Principle

As can be seen within the planning history for the site, a certificate of lawfulness for the use of the buildings and site for A1 (retail) use. Therefore the principle of utilising the site for a retail foodstore is acceptable.

The relevant issues to be considered are:

- Design

- Highways
- Impact upon Amenity
- Impact upon Town Centre

Design

The site is located within an industrial estate and therefore the quality of design and character surrounding the site is limited. The design of the proposed building is simple and typical of modern foodstore design, with a shallow pitched roof to keep the building at a low profile commensurate with other roof heights adjacent to the site. The front elevation incorporates full height glazing to maximise light into the store and timber cladding is also used to soften the front façade. Objection has been raised by a local resident over the use of such glazing as being unnecessary; however the same glazing has gained support of the Council's Climate Change Mitigation Officer as contributing towards sustainable construction and therefore is not considered unacceptable.

Concern has been raised by a local resident that the height of the proposed building is too high. The Local Planning Authority (LPA) do not concur with this view, as with a maximum height of 5.6m, the scale of the building will sit comfortably within the site against the scale of adjacent existing industrial buildings.

Concern has also been raised that the site does not respect the historic environment. The LPA is of the opinion that the setting of the site is not historically sensitive, as it does not fall within a conservation area and is not within the curtilage of a listed building, despite the claim of a local resident.

It has also been suggested through letters of representation that the design should be improved and hamstone incorporated as a material. Given the location of the site these suggestions are not considered appropriate.

Objection has been made over the proposed 'Tesco' sign on the front elevation of the building. Again, given the location of the site and the sign's proportions, the sign is not considered to be so harmful, and in any case the sign requires separate advertisement consent so does not form part of this application.

Highways

The Highway Authority has stated they have no objection in principle to the proposed development. The proposal includes improvements to visibility at the site access and also at the junction of North Street with Coat Road. The Highway Authority has confirmed that these works are acceptable and in accordance with the required guidelines. The Highway Authority has also confirmed that the local highway network has the capacity to accommodate traffic generation that will be created by the proposed development. The parking provision proposed is more than the Highway Authority's Parking Strategy requires, however given the location of the site close to North Street and the town centre, this slight over-provision does not warrant sufficient grounds to refuse the application.

Impact upon Residential Amenity

The delivery yard is located on the western side of the site, which is the closest part of the site to residential properties. While HGV vehicles will need to access this part of the site, the proposal includes an acoustic fence constructed to 4 metres high, as well as landscaping to buffer and screen the noise generated in the delivery yard from neighbouring residential properties.

The open fronted buildings currently located on much of the western boundary close to residential properties, are frequently serviced by a forklift truck loading materials in and out of the bays. There are also areas along this boundary where there is no built form to

offer a screen, and therefore the only buffer between active parts of the site and residential properties is a galvanised security fence.

The supporting information submitted with the application states that it is anticipated that the foodstore will be served by two delivery vehicles per day. On this basis it is considered that the disturbance to residential properties to the west of the site will be minimal, particularly given the current activity levels on this part of the site and the mitigation measures proposed in the form of an acoustic fence and densely planted landscaping.

In line with the Environmental Protection Unit's recommendations, it is considered reasonable to restrict hours of trading, hours of deliveries and use of lighting at the site, in order to minimise the disturbance caused to local amenity.

Impact on Town Centre

The Council's Economic Development team have been consulted on the application, and have raised no objection. As already discussed, the use of the site for retail is already deemed acceptable given the current use and existence of a certificate of lawfulness for such use. While introducing a foodstore that may provide competition against existing retail facilities within Martock is not strictly a planning consideration, it is still important to maintain a balance of uses that attract footfall to the town centre. As commented by Economic Development, Martock has a number of services and facilities that encourage vitality and hence viability of the existing businesses in Martock. The proposed foodstore would not have a pharmacy, butcher or bakery counters or a café, and this can be controlled by condition.

Other Issues

Concern has been raised by local residents that the new foodstore would not create as many jobs as claimed in the documents supporting the application. The agent has confirmed the scheme will deliver at least 85 jobs, of which two thirds will be full time posts and one third will be part time posts. This offers a considerable source of employment to the local community.

One letter of objection requests that washing and valeting of cars is not allowed in the foodstore car park. This would be contrary to the scope of the retail use of the site and could not be carried out without planning permission.

Objection has also been raised by one local resident over the business practices that Tesco use. This is not a material planning consideration.

The Climate Change Mitigation Officer raises an objection to the proposal as the development does not meet the requirements of emerging Core Strategy policies. However, the Planning Policy team has confirmed that there is currently no requirement for Core Strategy policies to be met, given the status of the document could still change through the further consultation and examination processes the document is yet to go through.

Conclusion

Notwithstanding local representations, the proposed development is considered to be of appropriate form, design and layout that would not have a detrimental impact on visual or residential amenity. The access and parking provision are considered to be acceptable and off-site highway improvements are also made. As such the proposal complies with Policies STR5, 20, 21, 48 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, EP2, EP3, EP5, TP2, TP6, MC2, MS2 and

ME3 of the South Somerset Local Plan and Chapters 1, 2, 4 and 7 of the National Planning Policy Framework.

Section 106 Planning Obligations

A section 106 agreement would be necessary to secure implementation of the Travel Plan.

RECOMMENDATION

Permission be granted subject to the following:

- 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 ensure appropriate Travel Planning measures as agreed with the County Travel Plan Coordinator; and
- b) The imposition of the planning conditions set out below on the grant of planning permission.

JUSTIFICATION

It is considered the proposed foodstore would not have a detrimental impact upon the visual or residential amenity of the area, or be prejudicial to highway safety or town centre viability and vitality. Accordingly the proposal is considered to be in accordance with Policies STR5, 20, 21, 48 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policies ST5, ST6, ST10, EP2, EP3, EP5, TP2, TP6, MC2, MS2 and ME3 of the South Somerset Local Plan and Chapters 1, 2, 4 and 7 of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

02. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with Policy ST6 of the South Somerset Local Plan.

03. Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as

otherwise extended with the agreement in writing of the Local Planning Authority. For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the enhancement of the local character and in the interests of residential amenity in accordance with South Somerset Local Plan Policy ST6.

04. Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:-

(a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

(b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in line with current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment.

(c) If remedial works are required, details shall be submitted to the Local Planning Authority, and these shall be accepted in writing and thereafter implemented. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, in accordance with policy EP5 of the South Somerset Local Plan.

05. No development approved by this permission shall be commenced until such time as a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and shall also include measures so as to prevent the discharge of water onto the highway. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To provide adequate drainage and prevent water pollution in accordance with Policies ST5 and EU4 of the South Somerset Local Plan.

06. The delivery management plan detailed in paragraph 5.5 of the submitted Noise Assessment dated 27th March 2012, shall be operated at the site once the approved foodstore is opened and the acoustic fence on the western boundary of

the site shall be erected prior to the occupation of the foodstore hereby approved, and thereafter maintained as approved.

Reason: In the interests of residential amenity, in accordance with Policy EP2 of the South Somerset Local Plan.

07. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: To ameliorate and reduce the impact of any external lighting in the interests of reducing light pollution in accordance Policy EP3 of the South Somerset Local Plan.

08. No delivery vehicle shall access the delivery yard or be loaded or unloaded between the hours of 7pm and 7.30am Mondays to Saturday and not at all on Sundays and bank holidays.

Reason: In the interests of local residential amenities in accordance with Policy ST6 of the South Somerset Local Plan.

09. There shall be no dispensing pharmacy, optician services, dedicated butcher or bakery counters or cafe within the store hereby permitted without the prior express grant of planning permission.

Reason: To ensure that the approved store meets the identified need and to safeguard the current retail base of the town, in accordance with Policies MC2 and ME3 of the South Somerset Local Plan.

10. The development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction vehicle movements, construction operation hours, construction delivery hours and specific anti-pollution measures to be adopted to mitigate construction impacts including:

1. Site security
2. Fuel oil storage, bunding, delivery and use
3. How both minor and major spillage will be dealt with
4. Containment of silt/soil contaminated run-off.
5. Disposal of contaminated drainage, including water pumped from excavations
6. Site induction for workforce highlighting pollution prevention and awareness.

Subsequently the development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highways safety and to safeguard the amenities of the locality in accordance with policies EP6, ST5 and ST6 of the South Somerset Local Plan.

11. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge of the centre line of the access and extending to points on the nearside carriageway edge (insert what is on the plan)m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interest of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

12. Prior to the commencement of any development hereby approved, details of the hard surfacing, trolley compounds and any other structures/hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

Reason: In accordance with Policy ST5 of the South Somerset Local Plan.

13. The development hereby permitted shall be carried out in accordance with the following approved plans: PL(90)200 Rev A, PL(20)200, PL(20)201, PL(20)204, PL(20)205.

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

Informatives:

01. You are reminded of the contents the Environment Agency's consultation response dated 23 May 2012, a copy of which can be found on the SSDC website under the application reference number.
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Area North Committee – 22 August 2012

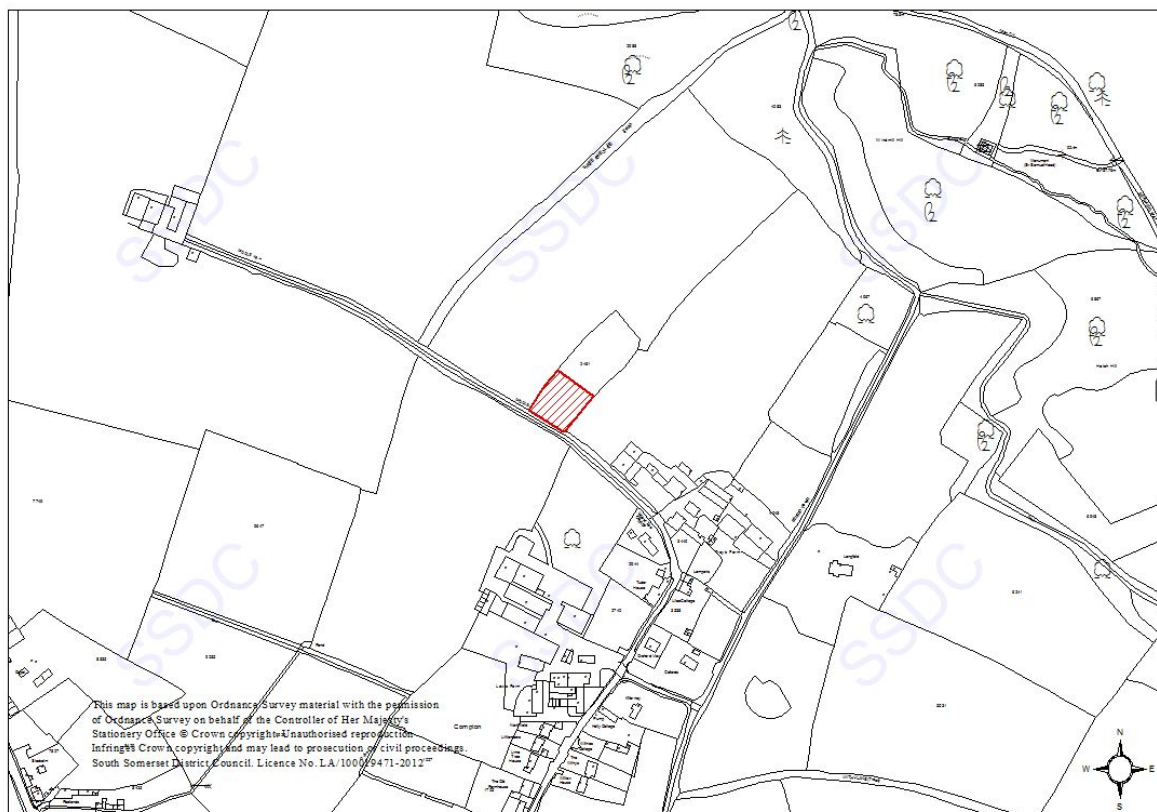
Officer Report On Planning Application: 12/01573/FUL

Proposal :	Change of use of land for siting of one mobile home, one touring caravan and the erection of one utility/dayroom (GR: 349248/133614)
Site Address:	Land OS 2461 Middle Way, Compton Dundon
Parish:	Compton Dundon
WESSEX Ward (SSDC Members)	Cllr P Clarke & Cllr D J Norris
Recommending Case Officer:	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
Target date :	11th June 2012
Applicant :	Mr Steven Lovridge
Agent: (no agent if blank)	Mrs Sally Woodbury, Romani Gypsy Advisory Group Altona Park, Hillfarrance. Taunton, Somerset TA4 1AN
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area North committee with the agreement of the Chair and Ward Member, to allow local concerns to be debated.

SITE DESCRIPTION AND PROPOSAL



The site is located to the northeast of Compton Dundon, accessed off Middle Way - an unsurfaced, unclassified adopted highway and falls outside of the defined development area for Compton Dundon, which finishes less than 100m away to the southeast. The south facing scarp of the Polden Hills runs behind the site. The site is close to a wildlife site and the East Polden Grasslands SSSI, but it is not located within the classified areas or within the 100m consultation zone for SSSIs.

The site is a small rectangular grass field, with an existing access at the southern end onto Middle Way, and bounded by mature, native species hedging on all boundaries.

This application seeks permission for the change of use of the land and siting of one gypsy/traveller pitch comprising one mobile home, one touring caravan and one utility/dayroom, with associated access and hardstanding.

HISTORY

11/04243/FUL - Change of use of land for siting of two mobile homes, two touring caravans and the erection of two utility/dayrooms. Application withdrawn on 16/01/2012, to enable consideration of a number of concerns that had been raised, including survey drawings of the access into the site to be prepared.

POLICY

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

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development

Policy STR6 - Development Outside Towns, Rural Centres and Villages

Policy 1 - Nature Conservation

Policy 5 - Landscape Character

Policy 36 - Sites for Gypsies and Travelling People

Policy 48 - Access and Parking

Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan:

Policy ST3 - Development Areas

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EC3 - Landscape Character

Policy EC8 - Protected Species

Policy EP3 - Light Pollution

Policy TP6 - Non-Residential Parking Provision

Policy HG11 - Long Term/Residential Sites

National Guidance

National Planning Policy Framework - March 2012:

- Chapter 4 - Promoting Sustainable Transport
- Chapter 6 - Delivering a Wide Choice of High Quality Homes
- Chapter 7 - Requiring Good Design

- Chapter 11 - Conserving and Enhancing the Natural Environment
- Paragraph 159 - Housing Need including gypsies and travellers

Planning policy for traveller sites - March 2012

- Para 9 a) states LPAs should provide a five year supply of deliverable sites.
- Policy H - Determining planning applications for traveller sites

Other Relevant Considerations:

The requirements of the Human Rights Act and the Race Relations Act are relevant.

Human Rights Act 1988, particularly Article 14, namely:-

“the right to freedom from discrimination on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status.”

The Race Relation Act 1976 (as amended) - Section 71(1) requires that the District Council:-

“shall, in carrying out its functions, have due regard to the need-

(a) to eliminate unlawful racial discrimination; and

(b) to promote equality of opportunity and good race relations between persons of different racial groups.

South Somerset District Council Gypsy and Traveller Accommodation Assessment 2011

- This has assessed the need for gypsy and traveller sites across the district and concluded that there was an unmet need for 18 sites between 2010 and 2020.

Appeal Decision ref - APP/R3325/A/07/2051240 dated 15th June 2012, referring to a site at Owl Street, East Lambrook. The decision refers to the Council's adopted development plan policies, stating they do not significantly conflict with advice in the NPPF or Planning policy for traveller sites, and so carry full weight.

CONSULTATIONS

Compton Dundon Parish Council (PC) - Recommends refusal. Comments made in the PC response are summarised as follows:

- The proposal does not demonstrate that towing vehicles can safely access the site
- Applicant has not provided evidence to prove they own sufficient land to accommodate necessary visibility splays
- Water supply to the site has not been addressed
- Draft s278 agreement regarding works required to the right of way have not been provided
- Plans do not contain any defined on a defined safe play area and play area treatment/equipment
- It is not known whether the applicant's parents live in the district or not
- Middle Way is only suitable for walkers or horse riders. Access to the proposed development would seriously harm the amenities and character of the area and cause inconvenience and irritation
- Site is close to SSSI and is visible from many places including public footpath L7/42 and would have adverse visual impact
- The site is not close to adequate community facilities and services
- The site is not in a sustainable location
- Access cannot cope with an increase in traffic as proposed
- There is no provision for drinking water, sewage disposal or surface water drainage
- Proposed hardstanding will cause flooding on Middle Way
- Proposal does not respect the form, setting and character of the settlement, and would harm the natural and built environment and is unlikely to conserve the biodiversity and environmental aspects of the SSSI, particularly considering the incongruous nature and colour of caravans together with associated buildings and

- parking of vehicles.
- Landscaping mitigation will not adequately address the visual harm of the proposal
- Details why proposal is contrary to relevant planning policy
- No specific circumstances have been forwarded by the agent and therefore the Human Rights Act 1988 is not relevant
- No evidence has been provided to demonstrate the applicant is a bona fide gypsy
- A sustainability appraisal has not been carried out

County Highway Authority - Notes the lack of alternative modes of transport mean that any residents of the proposed use are likely to be wholly dependant upon the car as the principle mode of transport, particularly as public transport services are considered to be infrequent and distanced from the site. States Middle Way and the surrounding approach roads are predominantly single width, poorly aligned with limited passing places. The length of road from Trays Farm to the site (approx 100m) has a surface more akin to a farm track. Accordingly these roads are not considered suitable due to the width and alignment for vehicles that would be towing caravans to and from the site. Notes that following heavy rain fall, water sits on the highway in this location. States there is no continuous footway or street lighting in this area linking the site to the nearest settlements of Street and Somerton, and the road that links these settlements has a variable speed limit ranging between 30 and 60mph, and there is also a history of road traffic accidents along this stretch of highway, and hence is not considered to be a safe or convenient route for pedestrian users. Considers that sufficient onsite parking and turning commensurate with the use can be accommodated within the site. Notes that while the existing access into the field, while not regularly used at the moment, can be used at any time for agricultural purposes. Despite this, considers the access should be improved to provide an access that is perpendicular to Middle Way, so that the site is served by a safe and appropriate means of access to the adjoining public highway. Concludes that if the improvements identified are not addressed then the Highway Authority would recommend refusal of the application.

Highway Authority in response to the ROW Officer request regarding an extension to the Church Path - The Highway Authority has commented that unless the footpath is linked into other footways to provide one continuous one, then in this particular case it is not considered to be viable as it's provision would need to be designated to an adoptable standard and would be the subject of a full safety audit and legal agreement. There may also be issues with regard to its future ongoing maintenance and funding. Hence in this circumstance it is considered to be unreasonable to expect the applicant to provide and fund this as part of their development, particularly as there have been other applications for single residential units within Compton Dundon that have not been asked to make a contribution to such a scheme.

Area Engineer - No comment

Landscape Architect - Provides detailed response regarding the landscape impact of the proposed development, considering the landscape character, pattern and type of development and visibility of the site. In summary states that a landscape objection to the proposal can be offered, however this is not a heavily weighted objection, and given the district-wide need for pitches for the gypsy and travelling community, should the site be considered to be suitable in meeting this need, the landscape objection is not necessarily of such weight as to over-ride that view. However this is with the proviso that an acceptable level of mitigation can be achieved to moderate the visual impact of the development presence in this location. Recommendations are made as to what mitigation measures could be taken and are appropriate.

Environmental Protection Officer - Requires further information regarding soil

infiltration rates, which can be secured by condition.

Rights of Way Officer - Notes there are several public rights of way in the area. References an appeal decision for nearby Turners Field in 2002 and states the Inspector concluded that there would be harm to the rural landscape and dismissed the appeal. Confirms Middle Way is a class 4 carriageway with no footways or tarmac surface, and a no through road for motor vehicles. Requests that if planning permission is granted, then an agreement is made with the applicant to secure an extension to the reinstated Church Path with a blue lias flagstone track from Trays Farm to the site. Comments that many visitors to the area are likely to be naturalists and ornithologists equipped with binoculars or telescopes and hence the impact of the development when looking from Compton Dundon to the Hood Monument is greater. Concludes by objecting to the proposal, in line with comments made by the Council's Landscape Architect.

Ecologist - Raises no objection to the proposal. States all boundary hedgerows should be retained, excepting any removal that might be necessary for reasonable access to the site. Confirms there is no justification for a butterfly survey of the site. Recommends a condition to ensure a replacement barn owl roosting and nesting structure is provided to compensate for the loss of the field shelter that currently provides a roost/nest site, and also recommends a condition to require a pre-development wildlife survey for nesting birds.

Wessex Water - No objection

REPRESENTATIONS

55 letters of objection - Have been received, raising concern over the following summarised issues:

- Residents will have to travel everywhere by car as there are no amenities in the local village
- The roads are not made for increased volume of traffic
- There is no water or electric supply on site
- Any development of this site will be to the detriment and intrusion into the beautiful landscape
- Many people walk along the footpaths and bridleways in the area and the proposal will harm the visual amenity to these users as well as local residents
- Proposal may harm local wildlife and ecology, especially barn owls and butterflies
- New residents may have dogs or other animals and not keep them under control, and potentially upset the local farming community
- A self contained septic tank may contaminate the water supply in the adjacent field
- The site is beyond the development limits of Compton Dundon
- The proposal does not meet policy requirements for gypsy sites
- Middle Way is an unsurfaced track, which is not suitable for the traffic the development will create
- Vehicles accessing the site will harm the residential amenity of the dwellings along Compton Street, some of which are very close to the road
- The junction of Compton Street with the B3151 is restricted
- The proposed development would be seen from the above hills and would be out-of-keeping with the surrounding pattern of buildings and landscape and would have a harmful impact upon it
- Community facilities in Compton Dundon are minimal
- The applicant has given insufficient information regarding the proposed development
- Depreciation of nearby property prices
- Loss of amenity to village

- Likelihood of this remaining as a small site is minimal and difficulty of enforcing numbers is very poor - comparisons with Dale Farm made
- Important tourist area, where prominent views will be spoilt
- What is the classification of the land? Planning laws cannot be defined until this is determined
- Whether applicant is bona fide gypsy
- Ownership of the land and track leading to it needs to be clarified
- Is the area designated as an AONB?
- The structures applied for are excessive and all of them are not required for one family
- The environmental impact should be carefully considered
- Structures on site need to be in keeping with the character of the area
- What impact will this have on the potential for infill development?
- Information regarding sustainability credentials of proposal has not been submitted
- Site does not have good access to the nearby highway network
- Application does not address how the mobile home will be delivered to the site or how the touring caravan will be moved in and out
- Assessment of drainage and septic tank proposals needs to be made
- Amount of hardstanding proposed is too large
- Safe play area has not been provided on site
- Proposal is contrary to landscape character of area
- Proposal is contrary to policies of the Local Plan
- No specific health or welfare circumstances have been put forward to justify the use of this site by the proposed applicant
- Errors are made on the submitted application form
- Other villages who have applied for planning permission outside defined development areas have been refused
- Any development of this site would be harmful to the SSSI
- A full wildlife survey has not been submitted with the planning application
- Additional traffic could cause subsidence to nearby listed buildings
- Additional noise
- Light pollution
- Preference should not be given to traditionally itinerant minority groups
- Site is unsuitable as it is surrounded by working farmland and close to private homes
- Danger to small children from increased traffic
- If this application is approved, there seems to be little point in any type of planning restrictions at all
- Approving application may jeopardise a largely successful breeding programme of the Large Blue butterfly
- Applicant has not tried to integrate with the local community
- Increased surface water run-off from site
- Comparisons made with Turners Field appeal
- Applicant only purchased land recently
- The applicant has no connection with the village
- This application is for a permanent residence - if the applicant wishes to cease being part of the travelling community then an application for a council house would be more appropriate
- Application could open the floodgates for development outside the village boundary
- Strict planning rules have applied to others in the locality in the past
- The proposal does not bring any benefit to the wider community
- Hedge to right of site is not owned by applicant
- Access rights to the field are agricultural only
- Proposed waste collection point would have a detrimental impact upon the recreational activities of others. Would the applicant be made to pay for waste collection services?

- There are few opportunities for employment in the village
- Proposal will impact upon views to and from Hood Monument
- If the site is approved careful consideration should be given to the wording of any conditions so that any breaches can be enforced immediately

CONSIDERATIONS

Principle

Whilst policy ST3 of the Local Plan normally precludes residential development in the open countryside, policy HG11 is one of a small number of exceptions to address the specific needs of defined sections of the population, which in this case is gypsies and travellers.

Policy HG11 states:

Proposals for residential/long term sites will be permitted outside of area of open land where development is severely restricted, such as AONBs and SSSIs provided that:

1. *Vehicle movements, noise, fumes or any subsidiary business activities would not harm the residential amenities of neighbouring dwellings or the character of the area.*
2. *The site is reasonably well related to schools and other community facilities.*
3. *No serious highway problem would result.*
4. *The site includes the following facilities:*
 - *A refuse collection point.*
 - *Access to a drinking water supply.*
 - *A satisfactory means of sewage disposal/management and surface water disposal.*
 - *Hardstanding for living vehicles and ancillary parking spaces.*
 - *A defined safe play area for children.*

The key issues are whether the proposal complies with policy HG11 without introducing significant concerns in terms of landscape impact or other site specific considerations such as impact on landscape character, rights of way and so on.

Compliance with Policy HG11

The aim of policy HG11 is to facilitate the provision of sites for genuine gypsies and travellers to meet an identified need. The most recent GTAA demonstrated a need for 18 pitches between 2010 and 2020. This evidence is not disputed and whilst some pitches have been approved since then, there is still unmet need, as evidenced by the continued submission of applications for gypsy and traveller sites.

The emerging Local Plan recognises that there may be a need to allocate sites should a five year land supply not be identified. However at this stage it is proposed to respond to sites brought forward by the gypsy and travelling community, or others, on a case by case basis.

Any site accepted under policy HG11 must be for the purposes of occupation by bona fide gypsies and travellers as defined in Annexe 1 of Planning policy for traveller sites (March 2012). This application is submitted by an agent who is a representative of the Romany Gypsy Advisory Group, on behalf of the applicant. The agent has confirmed that the applicant and his family are Romany gypsies, and in the event of planning permission being granted, a condition can be used to restrict the occupation of the site to persons with gypsy or traveller status. Accordingly it is considered that this proposal would meet an identified need for a gypsy/traveller site.

While the site is located close to a SSSI, it is classified as falling outside of the SSSI or an AONB, and hence it is appropriate for the application to be assessed against the requirements of policy HG11 as follows:

1. The site is located well away from nearby residential properties, and hence the potential for harm to residential amenity is extremely limited, particularly as no subsidiary business activity is proposed at the site.

Concern has been raised that the increase in traffic along Compton Street to reach Middle Way will cause disturbance to residential amenity and potentially harm listed buildings which do not have any foundations. However, these roads are adopted highways where large vehicles, including agricultural vehicles, have a right of access which cannot be controlled. On this basis it would be unreasonable for the LPA to object to the proposal on these grounds.

2. While Compton Dundon has limited community facilities available, the settlement still has a defined development area and therefore is currently still accepted as being a settlement that is capable of accommodating residential growth. Much has been made in various objections received to the fact that Compton Dundon no longer has a school and has only very limited local facilities. However, Somerton is approximately 4 miles from the site and Street is just over two miles away. These larger settlements have a number of local facilities, including schools and are considered to be reasonable distances for a person/family to travel. This stance is supported by appeal decisions and other planning decisions for gypsy sites within the district.
3. The concerns of the Highway Authority are acknowledged, however in this instance they are not considered to be supportable for a number of reasons. The very point of policy HG11 is to provide an exception to the restrictive planning policy that normally applies in the open countryside. Provision is also made within Planning policy for traveller sites (March 2012) for gypsy sites in the rural areas. Given the location of the site outside of the defined development area, it is anticipated that the applicant is likely to be reliant on the car as a principle mode of transport. This is generally thought to be an acceptable situation and is supported by appeal decisions relating to gypsy sites.

The LPA accepts that the approach roads are of a substandard nature, but on the basis that they are all adopted highways, and also capable of accommodating a high level of agricultural traffic, it is not considered that the standard of the approach roads is so poor that they would not be able to accommodate the increase in traffic generated by one additional residential unit in this location.

As it is accepted that inhabitants of the site would be reliant on a car, the argument used by the Highway Authority over the unsuitability of the road between Street and Somerton for pedestrians is accorded very limited weight by the LPA.

The access improvements onto the site proposed by the Highway Authority are considered to be disproportionate to the needs of the development. As is stated by the Highway Authority themselves, the existing access into the field can be used at any time for agricultural purposes, which could include large vehicles, towing vehicles and no limit on the amount of traffic accessing the site. On the basis this application is for one residential unit, which is accessed of an adopted road that is extremely lightly trafficked, it is not considered reasonable or proportionate for the access alterations suggested by the Highway Authority to be put in place. Accordingly, these

improvements are not sought by the LPA.

4. The proposal includes a refuse point, septic tank and soakaway provision. It is anticipated that these drainage aspects are acceptable in principle as no objection has been raised by the Area Engineer and further details relating to the drainage proposal can be conditioned. The agent has confirmed that the applicant is willing to fund the connection required to Wessex Water infrastructure to provide a water supply to the site, which can be conditioned. Hardstanding and a defined safe play area for children are indicated on the submitted plans. While concern has been raised that too much hardstanding is provided on site, the LPA considers the hardstanding indicated on the submitted plans is acceptable given the need for turning areas within the site.

On the basis of the above it is considered the proposal complies with Policy HG11 of the Local Plan, and now consideration to the remaining key issues.

Landscape Character/Visual Impact

Several local residents and the parish Council have objected to the proposal on the basis that it would not be in keeping with the landscape character of the area and would be highly visible from several public and prominent vantage points, and hence would harm the visual amenity of the area. The consultation response of the Landscape Architect has been summarised above, and the full comments are available on the public file. The consultation response goes into some detail, reflecting on the landscape character of the area, the sensitivity of the site and views to the site from the surrounding areas. In summary the Landscape Architect does offer grounds for landscape objection to the proposal, however he also states that this objection is not a heavily weighted one. He goes on to state that if the site is considered suitable in meeting the district wide need for pitches for the gypsy and travelling community, the landscape objection is not of such weight as to override that need. This is stated on the proviso that an acceptable level of mitigation can be achieved, and means of achieving this is included within the consultation response. Such measures include the finish of the mobile home and day room in darker muted tones, screening of the touring caravan with willow hurdles, planting of new hedgerows to improve the enclosure and screening of the site and planting of orchard trees in the paddock to add to the screening potential. These suggestions are all considered to be reasonable and would go a long way in providing landscape mitigation from significant public vantage points, and could be secured by condition.

Rights of Way

The Rights of Way Officer has requested that if the development is approved, then an agreement should be made with the applicant to provide an extension to the Church Path footpath, in the form of blue lias flagstones along the stretch of Middle Way from Trays Farm to the application site. In practical terms this is not considered to be possible given that the stretch of Middle Way referred to is an adopted highway where vehicular traffic has a right of way. This would have implications for the Highway Authority, who are responsible for the maintenance of the adopted highway, and would not want the responsibility of maintaining such an unsuitable surface along the adopted highway. It is also questionable whether the safety audit team at the Highway Authority would be willing to allow such a surface along the adopted highway in the first instance. As an aside, there have been several schemes for single residential units within Compton Dundon, and none of these schemes have been required to provide contributions towards such a scheme. On this basis it is not considered reasonable to expect the applicant to provide such a surface along Middle Way, when other developments have not been required to do so within the parish of Compton Dundon, and when it is unlikely the Highway Authority, who are responsible for the condition of Middle Way, are unlikely

to enter into a legal agreement requiring such footpath works.

Ecology

The Council's Ecologist has confirmed that the development proposal is unlikely to detrimentally impact upon butterfly habitats in the area, and has recommended conditions to ensure the provision of a replacement nesting/roosting site for barn owls, following the loss of the field shelter currently on site as well as a pre-development survey to ensure that the timing of any works does not interfere with the nesting season.

Other Issues

A number of concerns have been raised by local residents, several of which are not considered to be material planning considerations, for example, the potential for occupiers of the site to own dogs that are out of control, depreciation of nearby property prices, the applicant has not integrated with the local community and the applicant has only purchased the land recently. None of these issues are material considerations.

Concern has also been raised locally that strict planning rules apply to everyone else in this location. The fact is that exemption policy exists that makes allowances for a small number of circumstances, thereby meaning the principle of some development in the countryside, subject to set criteria, is acceptable. These exemption policies include allowances for gypsy and traveller site, and this policy cannot be ignored.

Objection has been raised on the basis that the applicant does not have a local connection to the area and no special health or education needs have been put forward to justify the proposal. Planning policy while supportive of such connections does not require these criteria to be met in order to satisfy gypsy and traveller policy requirements and hence the LPA has no power to insist that these criteria are met.

The opinion is offered in some letters of objection that if the applicant wishes to settle on a permanent site, he should live in a normal dwelling. Planning policy recognises that some gypsies and travellers cease to travel temporarily or permanently for several reasons, such as their families educational or health needs, however their entitlement to live on a gypsy/traveller site remains and they should not be forced into conventional residential accommodation.

Concern has been raised that a sustainability appraisal has not been submitted with the application. This is not a requirement set out by the LPA, and consideration to the location in terms of its sustainability has been given above.

A number of letters express concern that if approved the site will grow to such an extent, that several comparisons have been made to the Dale Farm site. This application is applying for one pitch only, and accordingly the proposal must be considered on this basis. Conditions can be used to restrict the usage of the site and the number of structures and pitches on the site.

While a number of errors have been made on the submitted design and access statement and application form, the officer is aware of the availability of local facilities and site condition and this combined with the information submitted is considered adequate to determine the application.

Concern has been raised that the proposal will cause light pollution. It is considered reasonable to condition the lighting at the site, to minimise the potential for light pollution from the site.

Finally comparisons are made with a dismissed appeal decision for residential

accommodation at nearby Turners Field. That application attempted to justify a mobile home on the basis of a functional need for a worker to live on site to serve the needs of the horticultural, 'permaculture' holding. The decision at Turners Field was that there was no overriding need for someone to live on site. The proposal before us now seeks planning permission for a mobile home for a gypsy and hence completely different planning policy is used to assess this application, with different requirements to justify the development.

Conclusion

This proposal has obviously attracted a large amount of opposition. However, the district currently has an unmet need for gypsy and traveller site pitches, and therefore there is a strong presumption in favour of such sites where the requirements of policy HG11 can be met. As has been set out above, the proposal meets the criteria set out in policy HG11 and other relevant planning policy, and accordingly the proposal is considered to be acceptable.

RECOMMENDATION

Permission be granted

JUSTIFICATION

Notwithstanding the local concerns raised, it is considered that the development would provide a gypsy/traveller pitch which would contribute towards a currently unmet need within the district. Any impacts upon visual amenity, landscape character or highway safety would not warrant a refusal in this circumstance, and the impact upon residential amenity and local ecology would be minimal. Accordingly the proposal is considered to be in line with policies ST5, ST6, EC3, EC8, EP3, TP6 and HG11 of the South Somerset Local Plan, Policies 36 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, Chapters 4, 6, 7 and 11 of the National Planning Policy Framework and Planning Policy for traveller sites.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

02. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the mobile home and utility/day room hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority. The external treatment of the day room and mobile home should be with dark timber or dark render, with muted roof tones to play down their appearance.

Reason: To protect the character and appearance of the area in accordance with Policy EC3 of the South Somerset Local Plan.

03. Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme should also include the erection of willow fencing to provide a screened area for the touring caravan, new hedgerows trackside and along the paddock boundary and planting of orchard trees in the paddock. The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with South Somerset Local Plan Policy EC3.

04. The site shall not be occupied by any other persons other than gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites.

Reason: In accordance with Policy HG11 of the South Somerset Local Plan and Planning policy for traveller sites.

05. No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.

Reason: In the interests of protecting the visual amenity and landscape character of the area, and in order to determine the scope of this permission, in accordance with Policies ST5, ST6 and EC3 of the South Somerset Local Plan.

06. The access into the site hereby approved shall be provided prior to the occupation of the site and shall be surfaced with tarmac, in accordance with the submitted details, and thereafter be maintained as such.

Reason: In the interests of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

07. No commercial activities shall take place on the land other than in connection with the agricultural use of the land, including the storage of materials, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

Reason: In the interests of local amenity in accordance with Policies ST5, ST6 and EC3 of the South Somerset Local Plan.

08. Prior to the commencement of any development on site, details relating to the surface water disposal and septic tank installation shall be submitted to and approved in writing by the Local Planning Authority. Such details must include location of the septic tank and soakaway(s), and percolation test results relating to the suitability of soakaways proposed. The drainage systems shall be installed prior to the occupation of the site and maintained thereafter in accordance with the approved details.

Reason: In the interests of local amenity and highway safety, in accordance with Policy ST5 of the South Somerset Local Plan.

09. Prior to the commencement of any development, full details of a replacement barn owl roosting and nesting structure, including siting, height, aspect and design, shall be submitted to and approved in writing by the Local Planning Authority. The replacement roost should be constructed/erected at least 30 days prior to demolition of the horse shelter and at least 30 days prior to the commencement of the development.

Reason: In order to provide continuity of roosting opportunity for barn owls at the site, in accordance with Policy EC8 of the South Somerset Local Plan.

10. No building and construction work shall be commenced within the period 1st March to 31st August unless evidence from a professional ecological consultant has been provided to the Local Planning Authority that no birds are nesting (within the old horse/field shelter) immediately prior to work commencing.

Reason: To ensure that nesting barn owls are not disturbed by development works, in accordance with Section 25 (1) of the Wildlife and Countryside Act 1981.

11. Prior to the installation of any works on site, details of the entrance gate to be erected at the site shall be submitted to and approved in writing by the Local Planning Authority. The gate shall be of agricultural design and appearance.

Reason: In the interests of the visual amenity of the area, in accordance with Policy ST6 of the South Somerset Local Plan.

12. With the exception of the structures shown on the approved plans, 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, walls or other means of enclosure shall be erected on the site without the express grant of planning permission.

Reason: In the interests of local amenity, in accordance with Policy ST6 of the South Somerset Local Plan.

13. Prior to the commencement of any development on site, a scheme for any proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. Once approved, there shall be no further external lighting erected at the site.

Reason: In the interests of the landscape character of the area, in accordance with Policy EP3 of the South Somerset Local Plan.

14. Prior to the occupation of the site drinking water shall be supplied to the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In accordance with the requirements of Policy HG11 of the South Somerset Local Plan.

15. The development hereby permitted shall be carried out in accordance with the following approved plans: 1181/04, DAY ROOM, 0914/03, 1181/01B, 1181/05, 08239/04.

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

Informatives:

01. A pole mounted, purpose built barn owl box located towards the rear of the paddock is likely to be an appropriate replacement in this case.
 02. Nesting is most likely to happen between 1st March and 31st August. However, nesting could occur outside of this period, and the Wildlife and Countryside Act makes it an offence to disturb a nesting wild bird whatever the time of year.
-