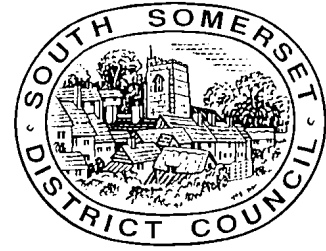


**South Somerset District Council**

*Notice of Meeting*



# Area East Committee

*Making a difference where it counts*

**Wednesday 14th January 2015**

**9.00 am**

**Council Offices  
Churchfield  
Wincanton  
BA9 9AG**

(disabled access is available at this meeting venue)



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Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than **10.15 am**.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Anne Herridge, Democratic Services Officer 01935 462570**, website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

This Agenda was issued on Tuesday 6 January 2015.

*Ian Clarke, Assistant Director (Legal & Corporate Services)*

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



INVESTORS IN PEOPLE

# **Area East Committee Membership**

Nick Weeks  
Mike Lewis  
Mike Beech  
John Calvert

Tony Capozzoli  
Nick Colbert  
Anna Groskop  
Henry Hobhouse

Tim Inglefield  
Lucy Wallace  
William Wallace  
Colin Winder

## **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 and 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**

Members of the public are requested to note that the Committee will break for refreshments at approximately **10.05 am**. Planning applications will not be considered before **10.15am** 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 formal written report from the Area Highways Officer should be on the main agenda in May and November. A representative from the Area Highways Office should attend Area East Committee in February and August from 8.30 am to answer questions and take comments from Members of the Committee. Alternatively, they can be contacted direct 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 3 minutes on agenda items; and
- see agenda reports.

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

Agendas and minutes of Area Committees are published on the Council's website <http://www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions>

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 and questions about planning applications will be dealt with at the time those applications are considered, when planning officers will be in attendance, 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 3 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 East Committee

**Wednesday 14 January 2015**

## Agenda

### *Preliminary Items*

- 1. Minutes of Previous Meeting**
- 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.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 15<sup>th</sup> May 2014, where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council. If you have a prejudicial interest you must comply with paragraphs 2.9(b) and 2.9(c) of the Code.

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 Tim Inglefield and William Wallace

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. Public Participation at Committees**

a) **Questions/comments from members of the public**

b) **Questions/comments from representatives of parish/town councils**

This is a chance for members of the public and representatives of Parish/Town Councils to participate in the meeting by asking questions, making comments and raising matters of concern. Parish/Town Council representatives may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town. The public and representatives of Parish/Town Councils will be invited to speak on any planning related questions later in the agenda, before the planning applications are considered.

#### **5. Reports from Members Representing the District Council on Outside Organisations**

#### **6. Feedback on Reports referred to the Regulation Committee**

#### **7. Date of Next Meeting**

Members are asked to note that the next scheduled meeting of the committee will be held at the Council Offices, Churchfield, Wincanton on 11<sup>th</sup> February 2015 at 9.00am.

#### **8. Chairman Announcements**

##### *Items for Discussion*

9. **Environmental Health Service update report** (Pages 1 - 8)

10. **Anti-social Behaviour, Crime and Policing Act 2014** (Pages 9 - 16)

11. **Area East Committee Forward Plan** (Pages 17 - 18)

12. **Items for information** (Pages 19 - 23)

13. **Schedule of Planning Applications to be Determined by Committee** (Pages 24 - 25)

14. **Planning Application 14/05104/FUL Dunster House** (Pages 26 - 34)

15. **Planning Application 14/04466/FUL Church House Cucklington** (Pages 35 - 41)

16. **Planning Application 14/00925/FUL Hainbury Mill** (Pages 42 - 52)

17. **Planning Application 14/00926/LBC Hainbury Mill** (Pages 53 - 58)

**18. Planning Application 14/05009/REM Longhazel, High Street, Sparkford (Pages 59 - 63)**

**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.**

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# Agenda Item 9

## **Environmental Health Service update report**

*Executive Portfolio Holder*     *Peter Seib(Regulatory and Democratic services)*  
*[Peter.seib@southsomerset.gov.uk](mailto:Peter.seib@southsomerset.gov.uk)*  
*Tel: 07970 194710*

*Strategic Director:*             *Vega Strugess , Operations and Customer Focus*  
*Assistant Director:*           *Laurence Willis, AD Environment*  
*Service Manager:*             *Alasdair Bell, Environmental Health Manager*  
*Contact Details:*                *[Alasdair.bell@southsomerset.gov.uk](mailto:Alasdair.bell@southsomerset.gov.uk) or 01935 462056*

### **Purpose of the Report**

To provide members with a brief update of the work of the Environmental Health Service in the last twelve months and to look forward to future challenges. Alasdair Bell, Environmental Health Manager will attend the meeting to give a verbal update and answer any questions.

### **Recommendation**

That Members note the report

### **Public Interest**

The Environmental Health Service is a frontline service committed to protecting public health and safeguarding the environment. The majority of work undertaken by the service is required by law with very little discretionary work.

### **Report**

The work of the service continues to go well with staff dealing with a wide variety of matters including routine inspections and enforcement activity.

### **Food and Safety Team**

The Food & Safety Team both enforces legislation and provides advice and assistance to food and other businesses. The main emphasis of the team is to contribute to the success of the local economy by helping food businesses avoid problems of food poisoning etc and the severe economic consequences that can result. The food safety element of the work of the team includes the approval and audit of food manufacturers, food sampling, premises inspections, the investigation of food complaints and food poisoning as well as responding to national food alerts. The health and safety element includes inspection, advice, complaint and accident investigation. In Area East in the last 12 months 316 food inspections have been carried out, 64 cases of suspected food poisoning have been investigated and 11 accidents reported/investigated. Much of the work carried out is routine 'behind the scenes' and the public is generally unaware of what is going on until something significant happens such as a major food poisoning outbreak. More detailed information about the number and different types of food premises dealt with and the inspection regime can be found in the Food & Safety service plan on the SSDC website. This is a statutory document that SSDC is obliged to produce every year. Significant points to note;

- The continued development of the National Food Hygiene Rating scheme ('scores on the doors'). This is a national scheme whereby all food catering businesses are given points dependant on their food hygiene and management practices. Food businesses are encouraged to put up their score certificates in visible locations. Their scores are



then put up on a national website, linked to the SSDC website, so that consumers can make an informed decision about where to eat. The scheme has proved very useful in driving up food hygiene standards in food businesses. Whilst most businesses accept their results, some are aggrieved if they do not get a top score. The Western Gazette recently ran a series of articles on the scheme, highlighting the score of a range of businesses and also ran a front page feature on one restaurant that received a zero score. Other areas of work of interest include;

- The second rollout of the turkey 'pop up' thermometer scheme at Christmas which generated much positive publicity for the council.
- The on-going work of the South Somerset Safety Advisory Group with the 'Blue Light' services to monitor safety planning at future public events.
- Work on the hygiene side of the development on the Government's of 'Food for Schools' project.
- Roll out of new 'Allergen in Food' regulations.
- Investigating a complaint of a cigarette butt cooked in a pizza.
- Planning for a possible Ebola outbreak
- Councillor Cathy Bakewell successfully argued for a change in the Consumer's Rights Bill to allow EHO's to visit food premises unannounced.

## **Environmental Protection Team**

The EP Team deals with pollution control and environmental monitoring as well as the enforcement of environmental legislation. The Team checks local air quality and investigates a range of complaints about nuisance, in particular noise and smoke. The Team issues permits and inspects premises under the Pollution Prevention and Control regime. The Team also undertakes private water supply sampling, contaminated land assessment and the investigation of private drainage complaints as well as acting as a statutory consultee on planning and licensing applications. The delivery of the Pest Control service and public health burials are also part of the service provided. During the past 12 months 62 noise complaints have been investigated and 457 calls were taken regarding pest control in Area East. Significant points to note;

- Work has continued on the planning for the remediation of an old gas works site in Langport.
- The Streetscene enforcement team has been moved across into the EP Team to generate more efficiencies.
- New anti –social behaviour legislation has been introduced
- Completion of the 5 year private water risk assessment programme has been achieved on time.
- Seizure of 35 animals from a private house in Montacute
- The dog warden organised a 'fun dog' show with the countryside rangers at Ham Hill County park to promote responsible dog ownership.

## **Housing Standards Team**

The Housing Standards Team deal with private sector housing advice and enforcement. This includes investigating complaints about sub-standard rented housing, the inspection and licensing of houses in multiple occupation (HMOs) and the licensing of caravan sites. The team also provides advice/assistance/grant aid to improve energy efficiency and tackle fuel poverty. The team also processes applications for home repairs assistance grants, disabled facilities, HMO and empty property grants, and helps administer the Wessex Home Loans scheme (see website for further details of scheme-[www.wrcic.org.uk/whil](http://www.wrcic.org.uk/whil).) The team also

works closely with the Housing Options Team in seeking to tackle the potential housing crisis that is developing in South Somerset. Significant points include;

- Increased work to bring more back empty homes into use. From October 2013 to November 2014, 110 empty homes were brought back into use due to the work of the Empty Homes Officer. Information on how we deal with empty homes can be found in the Empty Homes Strategy on the SSDC website a copy of which is attached to this report.
- The running of two Landlord Forum events
- The future impact of Housing Benefit changes on rented accommodation
- Increased enforcement action to do with substandard housing and HMOs.
- The team is still dealing with applications for £5000 'flood grants' and loans and the after effects of the flooding last year. Visits have been made to numerous properties and both individuals and group schemes are being assisted. To achieve this has involved much joint working with voluntary bodies such as the Somerset Community Foundation, the Village Agents and a range of other voluntary and statutory bodies. The team has also been working closely with other departments of the Council such as the Economic Development Unit to provide grants to businesses affected by floods.

### **Financial Implications**

There are none attached to this report

### **Corporate Priority Implications**

The work of the unit helps contribute towards the delivery of a range of our Corporate Priorities but perhaps most importantly towards Aim 3 To improve the Health and Well-being of our citizens and to Aim 5 to promote a balanced natural and built environment

### **Carbon Emissions & Adapting to Climate Change Implications**

The work of the unit contributes towards reductions in carbon emissions with it's work on fuel poverty and home insulation.

### **Equality and Diversity Implications**

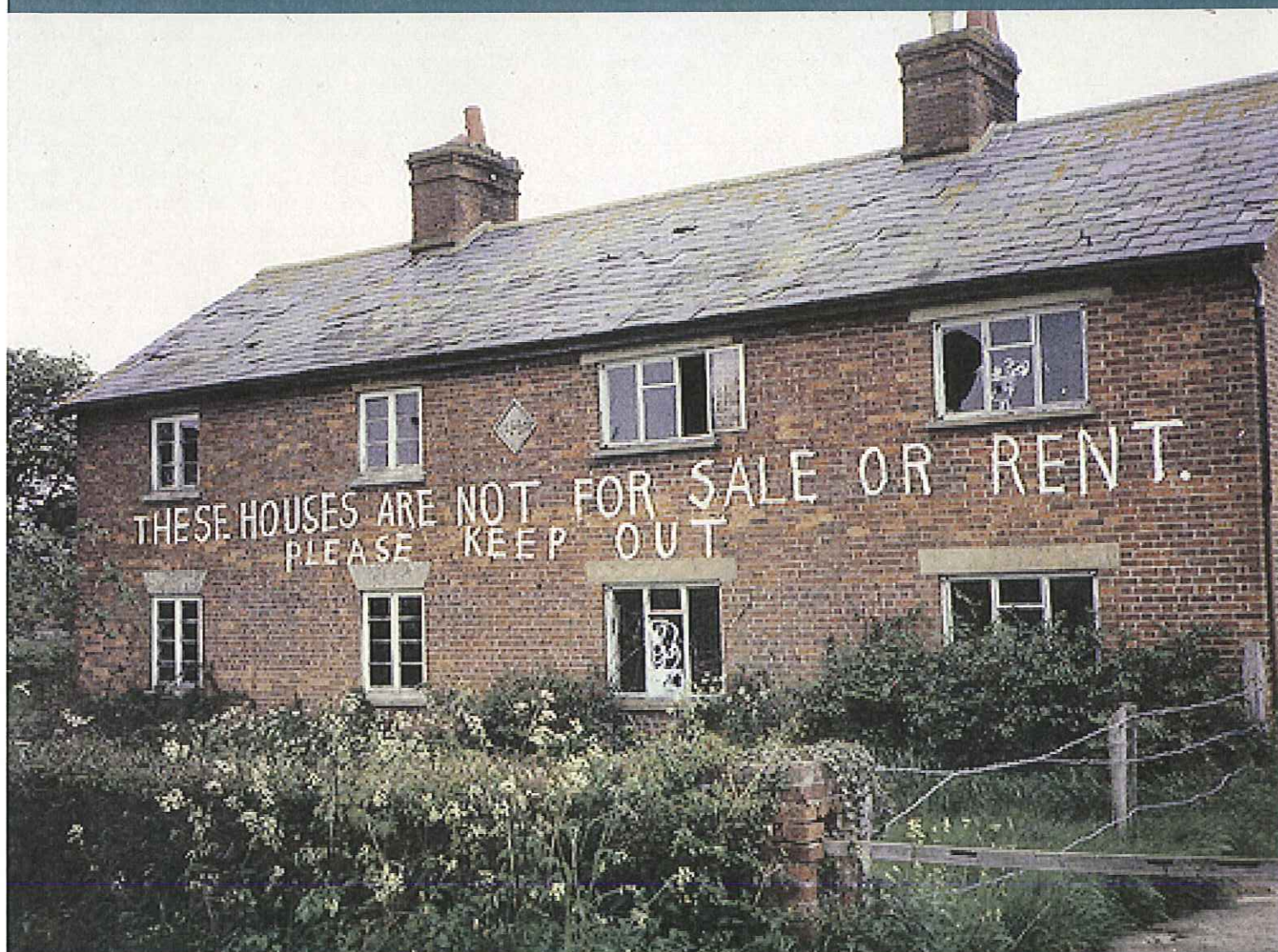
As part of the EH service plan a full equalities and diversity assessment was undertaken.

### **Background Papers:**

Environmental Health Service Plan 2014/15  
Private Sector Housing Strategy 2007-12(currently under review)  
Food & Safety Service Plan 2014/15  
SSDC Corporate Plan 2012-15  
Empty Homes Strategy 2012-15

# Empty Homes Strategy

A joint strategy between South Somerset District Council  
and  
Mendip District Council



[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)  
01935 462462

[www.mendip.gov.uk](http://www.mendip.gov.uk)  
01749 648999

Page 4

**MENDIP**  
DISTRICT COUNCIL

# EMPTY HOMES STRATEGY



## INTRODUCTION

By Ric Pallister, Leader of the Council



There are over 750,000 empty homes in England, not to mention other empty buildings, and nearly half of them have been empty long-term. Empty properties are a wasted housing resource, they can fall into serious disrepair, become unsafe and unsightly, an opportunistic place for squatters, vandals, burglars and anti-social behaviour. They can be a blight on the neighbourhood and can de-value neighbouring properties. The country is presently in the grip of a housing crisis with many homeless people who desperately need housing. There are currently over 5000 people on the housing waiting list in South Somerset who could make good use of all the empty property available. Our strategy is aimed at bringing as many empty properties as possible back into use to provide housing for local people.

## WHAT ARE EMPTY HOMES?

In South Somerset there are over 2,500 homes registered as empty on the council tax data base of which over 1,000 have been empty for 6 months or more. The remainder are either in the process of being bought or sold or are subject to probate orders and will return to occupation in due course. A similar situation exists in the Mendip area. Both councils are concentrating their efforts in bringing back these long term empty properties into use. Both residential and commercial properties are being assessed.

## WHY ARE HOMES LEFT EMPTY?

We recognize that many properties become vacant for understandable reasons such as the owner living temporarily abroad or due to complicated probate situations. Some owners allow their property to become vacant and deteriorate in the hope of redeveloping the site for more profit. Some owners for whatever reasons just can't be bothered to do anything with their property. We shall be concentrating on these properties and on those that have otherwise caused a nuisance or resulted in antisocial behavior.



# EMPTY HOMES STRATEGY

## WHAT ARE OUR AIMS?

### We aim:

- ✦ To identify all long term empty property in South Somerset and Mendip and to make contact with the owners of such property.
- ✦ To work with the owners and other interested parties to ensure that all such properties are brought back into use.
- ✦ To raise awareness of the issue and make details of our strategy known to owners and the wider community.
- ✦ To support owners and the community adversely affected by empty properties
- ✦ To work with other organisations and individuals to ensure that as much property is brought back into occupation as possible.
- ✦ To provide guidance explaining the rights and obligations of empty home owners.
- ✦ To maintain and monitor a data base of empty property.
- ✦ To maximise the income to the council from the New Homes Bonus and council tax (often unpaid on empty properties)
- ✦ To create affordable homes for local residents in housing need.

## HOW WILL WE DO THIS?

- ✦ All empty properties brought to the Council's attention will be investigated.
- ✦ We are carrying out a door to door survey of all known long term empty property across the district.
- ✦ We are asking the public, parish councils and others to report to us any other empty property.
- ✦ Once identified we will contact the owners of such properties and discuss the reasons why the property is empty.
- ✦ We will seek to bring back the property into occupation by discussion and negotiation.
- ✦ We will offer low cost loans, advice and other assistance to achieve this.
- ✦ We will refer owners to our other agencies such as Somerset Care & Repair who are also able to help.
- ✦ If all else fails we will take enforcement action to bring empty property into occupation.



## OUR CORPORATE APPROACH

Empty properties impact on the work of many parts of the Council. To successfully deal with the matter joint working across several departments is required. The following services are actively involved in dealing with empty property:

- Planning & Development control
- Building Control
- Housing Standards
- Housing Options
- Environmental Health
- Pest Control
- Street scene
- Council Tax



# EMPTY HOMES STRATEGY

## WORKING WITH OTHER AGENCIES

Not only do empty properties bear heavily on the resources of the Council they also severely impact on the resources of our partner agencies such as the Police and Fire Service. The Council works closely with these agencies to effectively deal with empty properties that cause problems in the District.

In addition to working with other statutory agencies we also work with Somerset Care and Repair to help refurbish empty property. Somerset Care & Repair is a housing based charity that is able to give advice to the owners of empty property and to lease and refurbish their properties (see contact details on last page).



## WORKING WITH OWNERS

The Council is keen to avoid the need for enforcement action and will try and work with owners in order to promote a satisfactory outcome. We can offer advice and guidance on a how best to repair and refurbish empty properties, the availability of grants and loans and advice on planning and building regulations. We can put property owners in contact with Somerset Care & Repair and other Registered Social Landlords who may be interested in refurbishing and leasing their properties from them.



## LOANS FOR EMPTY PROPERTIES

South Somerset and Mendip work with Wessex Home Loans to provide low cost home loans for landlords to bring empty property into use.

It should be noted that there are conditions attached to these loans requiring the applicant to remain the owner and give nomination rights for tenancy for a period of five years. For further advice on their availability, please contact Private Sector Housing on 01935 462462

## ENFORCEMENT ACTION

In the event that negotiation fails to bring empty property back into use the council has a range of enforcement options it can use. Robust action will be taken to ensure that extreme and persistent cases are dealt with. This action may include the use of:

- Planning Enforcement
- Empty Dwelling Management Orders
- Enforced Sale Procedures
- Compulsory Purchase

The Council will seek to fully recover any costs incurred should any enforcement action be necessary.



# EMPTY HOMES STRATEGY

## CONTACT POINTS

Private Sector Housing:  
South Somerset District Council  
The Council Offices  
Brympton Way  
Yeovil BA20 2HT  
E-mail: [private.housing@southsomerset.gov.uk](mailto:private.housing@southsomerset.gov.uk)  
Tel: 01935 462462

For independent housing advice contact:  
Shelter  
Castle Walk, Taunton  
Somerset TA1 4PW  
Freephone: 0800 1690317 or 01823 259961

Citizen Advice Bureau  
40 - 42 Hendford  
Yeovil  
Somerset  
BA20 1UW  
Telephone: 01935 421167  
Email: [CAB@southsomcab.org.uk](mailto:CAB@southsomcab.org.uk)

Somerset Care & Repair  
Barley house  
The Old Brewery  
Charlton Estate  
Shepton Mallet  
BA4 5QE  
Tel: 01749 345379  
Email: [www.somersetcareandrepair.co.uk](http://www.somersetcareandrepair.co.uk)

Wessex Reinvestment Trust  
Heatherton Park Studios  
Bradford-on-Tone  
Taunton TA4 1EU  
Website: [www.wessexhil.co.uk](http://www.wessexhil.co.uk)



For advice on Planning, Building Regulations, Council Tax, Housing Benefits contact:

South Somerset District Council  
The Council Offices  
Brympton Way  
Yeovil BA20 2HT  
Tel: 01935 462462

For advice on rent deposit schemes contact:

South Somerset District Council  
Housing Options  
Petters House  
Petters Way  
Yeovil BA20 1EA  
Tel: 01935 462462

If you are in the Mendip area please contact:

Mendip District Council  
Cannards Grave Road  
Shepton Mallet  
BA4 5BT  
Tel: 01749 648999

If you would like this document translated into other languages or into Braille, large print, audio tape or CD, please contact: 01935 462462 (8.45am to 5.15pm Monday to Friday)

Dokument ten jest na życzenie udostępniany w językowych polskim.

Este documento encontra-se disponível em Português, a pedido.



# Agenda Item 10

## **Anti-social Behaviour, Crime and Policing Act 2014**

*Strategic Director:* Rina Singh, Strategic Director (Place and Performance)  
*Assistant Director:* Kim Close, Assistant Director (Communities)  
*Service Manager:* Helen Rutter, Area Development Manager - East  
*Lead Officer:* Steve Brewer, Community Safety Coordinator  
*Contact Details:* Steve.Brewer@southsomerset.gov.uk

### **Purpose of the Report**

*To update members on the anti-social behaviour (ASB) tools being developed in South Somerset through the 'Anti-social Behaviour, Crime and Policing Act 2014'.*

### **Public Interest**

The District Council, Police and other agencies are given powers, through legislation, to help protect individuals and communities from Anti-social behaviour and crime that occurs in our area. Those powers are changing through new legislation introduced in October 2014. This report gives an overview of the specific legislation changes that officers are now working with. Although South Somerset continues to be one of the recognised safer places to live in the country, these new powers will help maintain the environment, protect victims and deal with perpetrators.

### **Recommendation:**

That the report be discussed and noted.

### **Background**

The tools identified in the 'Anti-social Behaviour, Crime and Policing Act 2014' seeks to streamline and replace the existing framework for tackling ASB and environmental nuisance. It replaces all the existing ASB tools.

SSDC maintains an ASB report monitoring system that records ASB reported to the organisation. A full list of the areas covered can be found in the table (Appendix A) that also shows the number of incidents reported in the first half of this year.

You can see from the second quarter's figures that 174 (34%) of ASB reports are dog related, 80 (16%) are about noise and 74 (15%) are about litter. Together these three areas account for nearly 65% of the total reports received. The overall total, 511, for this time period is the same as it was last year.

Although all the tools and powers to deal with ASB issues are changing it is envisaged that this system will continue to record incidents as it is the tools that are changing and not the identified classifications as shown in the table.

### **New Tools and Powers**

All existing tools and powers ceased from being available in October 2014 with all existing orders terminating, no later than, March 2017



There are 7 new powers that replace the previous 19. There are two new initiatives that are designed to improve services to victims.

It is an easy way to categorise the new tools in boxes to show direct replacement from the old ones (Appendix B) but in practice there can be crossover depending on the agency using them and what they wish to achieve. As an example the Public Spaces Protection Order can be seen as a direct replacement of the Designated Public Place Order (“no drinking zone”) but it may be that the Dispersal Power is better suited in certain geographical areas or areas that experience a short term or irregular problem.

The Safer Somerset Partnership has taken a lead across the county to look at the implementation of these tools and powers. As an example a six month pilot of the Community Trigger was run in the Mendip District Council area from February 2014. This was designed to test the theory and give the other districts some knowledge and experience in helping to develop a similar service. The Somerset wide Trigger is based on the trial area which will ensure a common level of service. A series of workshops were run to look at each of the tools and see how they can best fit within the existing resources, delivery structures and help identify opportunities.

### **Partnership Working**

The new powers are seen as a series of tools to help agencies deal with problems quickly but are not expected to be used in total isolation. The new tools are designed to be flexible and will be complimented by working in partnership, sharing information and using early and informal interventions. The statutory guidance gives a clear steer for agencies to continue to work in partnership and look for more effective ways of working.

Within the partnership environment there is responsibilities placed on individual agencies. Where there is a lead clearly identified it will be for that agency to take the development forward gaining support from others as required. Where this is not the case there will be a shared responsibility or a need to develop a multi-agency focus.

Partners are currently looking at the existing partnership structures to ascertain if they will continue to be fit for purpose and identify gaps in provision. This includes the existing ASB steering group, and case conferencing.

There will be a need to share even more information if we are seen to be acting in the best interest of the victim and minimise duplication. This could result in closer local working with our partners and regular information exchange about geographical areas and individual victims and perpetrators.

It is understood that the existing Avon and Somerset, Tier One, Information Sharing Protocol will allow partners to share this information if supported by local confidentiality agreements.

### **SSDC Required Action**

The detail below helps identify what is being delivered and required from South Somerset District Council and attempts to identify possible implications within service delivery areas.

### **Community Trigger**

The Community Trigger gives victims and communities the right to a review of actions taken, where there is an ongoing problem of reported anti-social behaviour, but feel has not been resolved appropriately.

Anyone can request a Community Trigger. If the following criteria is met the trigger will be actioned:

- Victim has reported a minimum of 3 incidents of ASB within a six month period.
- The victim feels that at least one of these incidents has not been dealt with adequately.
- None of the incidents are on-going.
- The victim has not filed a complaint against any of the agencies.
- At least one of the agencies feels that either their own or another partner's response was inadequate.

Any individual or group from the same community can ask for a trigger to be actioned. A call to the Avon and Somerset Police non-emergency number (101) or online. The web link shown below is the portal to request a Trigger and gives further information for those wishing to apply:

<https://www.avonandsomerset.police.uk/advice/neighbourhood-community/anti-social-behaviour/anti-social-behaviour-community-trigger/>

When a Community Trigger has been requested, the detail is checked to ensure it meets the criteria. Agencies dealing with anti-social behaviour in Somerset will review the case. If it is found that more could be done a plan of action will be put in place.

The Safer Somerset Partnership facilitated a pilot of the Community Trigger in the Mendip District Council area from January 2014. This helped to refine the process and help identify what was required. The lessons learned from this trial have helped to shape the process and methodology now being used.

In the six months of the trial Mendip dealt with 7 applications of which 6 met the criteria. 3 of which all related to the same incidents in the same area so treated as one trigger. This led to 4 completed reviews.

Although many of the tools have been delayed, the start date announced by government being Monday 20 October 2014, until the New Year due to training requirements for police and Court staff, the Community trigger did go live on the 20th October as planned. Avon and Somerset Constabulary had information on their website from that date.

Elected members may receive enquiries from members of the public.

Agencies working to tackle anti-social behaviour across the Avon and Somerset Force area have agreed to carry out a formal launch of the Community Trigger in the New Year. This will give time for all the agencies in the various Local Authority areas across the region time to embed the Community Trigger process into their services and help manage community expectations.

Community Safety has the overview and maintains the single point of contact for the reviews. Assistance with individual case reviews will be sought from relevant agencies and internal services as required including, Environmental Protection, Housing, Legal, Area Teams and others as required.

There have been no requests at the time of writing.

## **Community Remedy**

This gives victims a say in the out-of-court punishment of perpetrators for the low level crime and ASB.

Police will use this (Restorative Justice) to deliver a conclusion that a victim has agreed to. There is no mention in the guidance about independent panels other than as an informal

intervention. The PCC is responsible for setting the criteria, developing the documentation for the Police and possibly others to use.

SSDC Community Safety will Support Police if requested to do so.

## **Civil Injunction**

Can be used to stop or prevent persons engaging in ASB

An application can be made to the County Court from a Local Authority, Social Landlords, Police, British Transport Police, Environment Agency and NHS Protect. It is for each agency to decide on how this tool is used.

## **Criminal Behaviour Orders**

Are orders issued by the court at the request of the prosecutor on conviction of a crime to help stop further crime or related ASB.

The Criminal Prosecution Service is taking the lead in support from Police.

Unfortunately this is one of the tools that will not be available until March as the Courts are yet to receive their official guidance.

## **Community Protection Notice/Order**

The CPN is an enforcement tool that can be used by SSDC or the Police to deal with problems of reported anti-social behaviour. It is a statutory notice that can be served by enforcement agencies with requirements to stop things, do things or take reasonable steps to avoid further anti-social behaviour. A Community Protection Notice can be served on any person aged 16 or over, or a body, including a business.

The use of a CPN is a discretionary power. To issue a notice, the enforcing agency must be satisfied that the following tests are met and the behaviour in question has to be either:

- Having a detrimental effect on the quality of life of those in the locality
- Persistent or continuing in nature
- Unreasonable.

Before issuing a notice the relevant agency must first issue a written warning stating what the alleged anti-social behaviour is and giving a reasonable time for it to stop.

Discussions are still ongoing with other local authorities in the region, and with the Police regarding the circumstances in which these notices may be used. The powers are most likely to be used by Environmental Health to deal with matters that are currently already reported to them, but for which existing legislative controls are not either appropriate or proportionate. For example:

- inert rubbish in garden
- low level noise (not sufficient to be a statutory nuisance)
- bonfires
- litter
- persistent straying dogs

It is possible for the local authority to delegate the power to issue CPNs to social landlords, although this part of the legislation is not yet enabled. This option is also still under discussion.

If a CPN is not complied with SSDC and the Police have the following enforcement options:

- Issue a Fixed Penalty Notice (FPN). Maximum penalty £100. If this is accepted and paid then this discharges the liability for prosecution
- Bring a prosecution (except where an FPN is issued and paid)
- Carry out remedial works (on land open to the air). This option is not available to Police

Officers have attended workshops organised by the Safer Somerset Partnership. Discussions have been held, and are continuing, with other local authorities within the constabulary area with a view to examining how and when the powers could be applied. Discussions are being held with the Police and initial conversations have taken place with some of our largest social housing providers.

The commencement date for the use of these notices was 20th October 2014. However, there are various administrative and procedural reasons why the use of these notices is not yet possible and we are currently working towards the New Year as a realistic timescale when the powers may be used.

The joint local authorities are drafting template notices for use, and these are being submitted to legal services for approval. These are also being discussed with the Police with a view to producing a standard template in the constabulary area.

There is current discussion at a national and local level regarding interpretation of one part of the act relating to the authority to prosecute. It is unclear whether the Police have the power to prosecute for a breach of a CPN that they have served. If this is not possible a situation could arise where the local authority are being asked to prosecute for an action initiated by the Police. This clearly gives rise to some concerns on the part of both agencies. Until this matter is resolved action is unlikely.

### **Public Spaces Protection Order**

PSPO's are designed to stop individuals or groups committing ASB in a public space. Similar to the Designated Public Places Order but can be used for much more than just alcohol zones. For example a PSPO may be used for areas where inappropriate games continue to be played after other interventions have failed. Ignoring the order could lead to conviction and a £5000 fine.

Existing Alcohol Zones, and other orders will need to be reviewed between now and March 2017 when the existing orders become obsolete.

The PSPO is issued by the Local Authority after consultation with the Police, PCC and other relevant bodies. A request for a PSPO can come from any community or organization where continued annoyance has not been dealt with.

The new PSPO will be time serving (Maximum 3 years) with minimum annual review.

### **Premises Closure Order**

In practice this is most likely to be used more by the Police than the Local Authority but anticipate that Environment Protection, Licensing and Legal Team to adopt a view on the practicalities of this being used by SSDC. There may be requests coming forward from the community and other agencies to use this power.

Police or Local Authority are able to close premises which are used or likely to be used to commit nuisance or disorder. A Closure Notice can be issued to close premises for 48 hours

by the Police without reference to the courts. Courts can issue a Closure Order for up to six months.

### **Absolute Ground for Possession**

This is a brand new tool to possess and secure assured tenancies where ASB or criminality has already been proven in court or the tenant's property has been closed for more than 48hrs under a Closure Order.

Social Landlords are most likely to be the users of this tool but is available to any landlords.

### **Dispersal Power**

The Police now have the power with an inspectors authorisation to remove a person or persons likely to commit or are committing ASB, crime or disorder to leave an area for up to 48 hours. This tool carries the power to confiscate items used, or likely to contribute to the behaviour.

This is a Police power which could lead to a request for a Public Spaces Protection Order in problem areas to deal with particular problems.

### **Additional Calls on Service.**

It is likely that service requests from the public will increase once they are made aware of the new tools and powers.

It is possible that other organisations will look to the Local authorities to implement or use some of the powers on their behalf to solve issues that have or as yet not been resolved.

Given the continued use of informal interventions it is hoped that these tools and powers will be used as a last result rather than first action but will act as a strong deterrent in the majority of cases.

### **Financial Implications**

There are no financial implications directly related to this report although consideration will be required at a future point.

### **Corporate Priority Implications**

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.

### **Carbon Emissions & Adapting to Climate Change Implications (NI188)**

There are no Climate Change implications directly related to this report.

### **Equality and Diversity Implications**

There are no Equality and Diversity Implications directly related to this report

**Background Papers:** Anti-social Behaviour, Crime and Policing Act 2014  
Report to Area East Committee January 2014 entitled 'Anti-social Behaviour, Crime and Policing Bill'

## Appendix A - 2014-2015 ASB Types

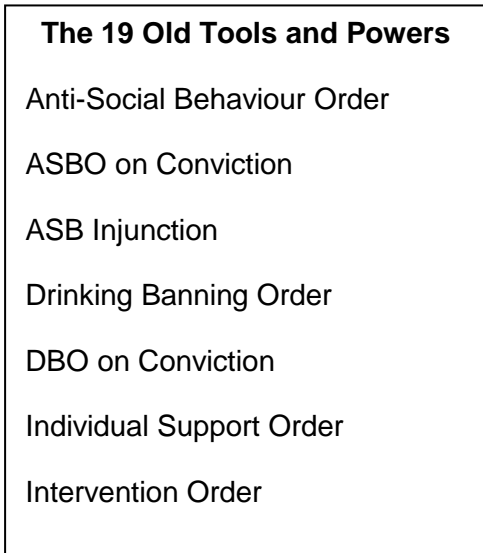
ASB type On ASB System	Q1	EP Q1	Total	Q2	EP Q2	Total	Q3	EP Q3	Total	Q4	EP Q4	Total	YearTotal
Abandoned cars	54		54	46		46							
Alarms (persistent ringing/ malfunction)		3	3		6	6							
Barking dogs	2	34	36	2	55	57							
Begging													
Bullying													
Car repairs on the street/ in garden	1	4	5		1	1							
Cards in phone boxes				1		1							
Climbing on buildings													
Crack houses	1		1										
Cycling/ Skateboarding in pedestrian areas/ footpaths													
Damage to buildings													
Damage to bus shelters													
Damage to phone kiosks													
Damage to trees / plants / hedges	1		1										
Damaged dist council bins/benches	1		1	2		2							
Damaged dist council gates and fences	7		7	5		5							
Dangerous dogs	17		17	25		25							
Discarded condoms				1		1							
Discarding needles / drug paraphernalia	11		11	13		13							
Damage to street furniture													
Dog fouling	55		55	58		58							
Dogs - stray	41		41	34		34							
Dropping litter	39		39	64		64							
Drunken behaviour	1		1	1		1							
Dumping rubbish													
False calls to emergency services													
Fighting													
Fly-posting	7		7	8		8							
Following people													
Games in restricted / inappropriate areas	1		1										
Glass or litter in an open space	12		12	10		10							
Graffiti	9		9	9		9							
Groups of individuals making threats													
Hooliganism / loutish behaviour	1		1										
Impeding access to communal areas													
Inappropriate sexual conduct													
Inappropriate use of fireworks													
Inconvenient/ illegal parking													
Indecent exposure													
Joyriding													
Letting down tyres													
Loitering													
Loud music		27	27	2	30	32							
Menacing gestures													
Misuse of airguns													
Noise from business / industry		13	13		17	17							
Noise from pubs/clubs		11	11		14	14							
Noisy cars/ motorbikes		3	3		4	4							
Noisy neighbours	5	31	36		45	45							
Obscene nuisance phone calls													
Off-road motorcycling													
Parking on grass and verges	2		2	2		2							
Pestering people													
Pestering residents				1		1							
Presence of dealers of users				1		1							
Racing cars													
Sending nasty/ offensive letters													
Setting fires (not directed at specific persons or property)		37	37		39	39							
Setting vehicles alight				1		1							
Shouting and Swearing													
Sniffing volatile substances													
Soliciting													
Street drinking	2		2	6		6							
Taking drugs													
Throwing missiles													
Uncontrolled animals													
Urinating in public				1		1							
Verbal abuse				1		1							
Vomit or faeces on pavement				6		6							
Voyeurism													
<b>Total ASB records</b>	<b>270</b>	<b>163</b>	<b>433</b>	<b>300</b>	<b>211</b>	<b>511</b>							
Fly-tipping	327	0	327	352	0	352							
Dead Animal Collection	62	0	62	78	0	78							
<b>SSDC Direct responsibility</b>													
<b>Shared responsibility</b>													
Others direct responsibility													

Vicki Dawson  
Robert (Bob) Hoskins

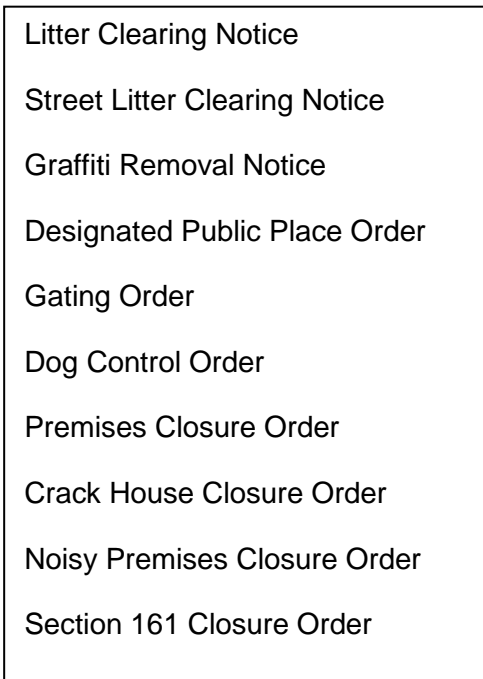
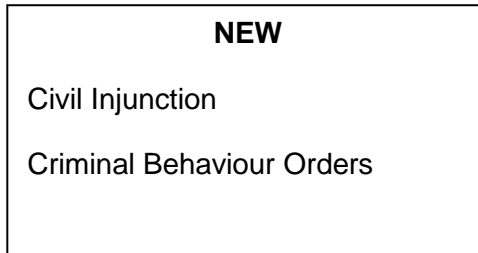
Steve Brewer

Nicola Doble

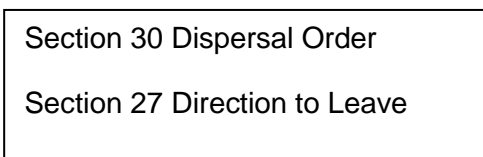
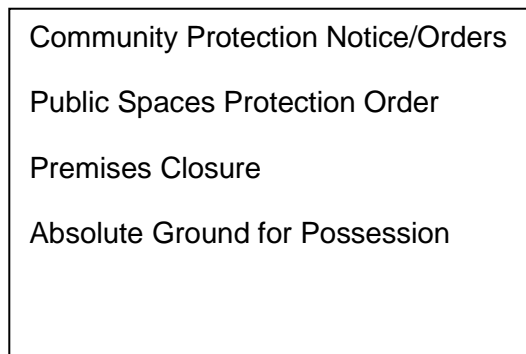
Appendix B



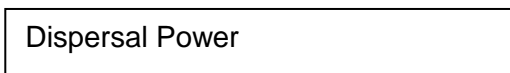
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# Agenda Item 11

## **Area East Committee Forward Plan**

*Head of Service:* Helen Rutter, Area Development Manager  
*Lead Officer:* Anne Herridge, Democratic Services Officer  
*Contact Details:* anne.herridge@southsomerset.gov.uk or (01935) 462570

### **Purpose of the Report**

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

### **Recommendation**

Members are asked to:-

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

### **Area East Committee Forward Plan**

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

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

Items marked *in italics* are not yet confirmed.

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

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

**Background Papers:** None

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## Appendix A

### Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
11 Feb 15	Welfare Service	Annual update on the work of the service.	Catherine Hansford
11 Feb 15	Area East Annual Parish & Town Council Meeting Summary of Issues Raised	To inform Members of the topics discussed and the issues raised at the Annual Parish and Town Council Meeting held on 27 January 2015.	Helen Rutter SSDC
11 Feb 15	Village Halls	An annual update on Village Halls within Area East	Tim Cook SSDC
11 Feb	Conservation Team update	An update on the work of the Conservation team	Adron Duckworth SSDC
11 Mar 15	Buildings at risk update	To update members on the buildings at risk register	Adron Duckworth SSDC
11 Mar 15	Update on work with Young People in Area East	Update of work being done to support young people and youth activities and facilities in Area East.	Tim Cook SSDC
11 Mar 15	Local Housing Needs in Area East	To provide an update on housing need in Area East	Kirsty Larkins SSDC
11 Mar 15	6 monthly Streetscene Update	To provide an update of the service and the winter achievements.	Chris Cooper SSDC
8 April 15	<i>Transport support for community and public transport and SSCAT</i>	<i>Annual report on corporate support for community and public transport and SSCAT Bus</i>	<i>Nigel Collins SSDC  Andy Chilton - sscatingride@ yahoo.co.uk</i>
8 April 15	Out turn report for the ADP (Area Development Plan)	To inform Members of progress on activities and projects contained within the ADP	Helen Rutter ADM

# Agenda Item 12

## **AREA EAST COMMITTEE**

**14<sup>th</sup> January 2015**

### **ITEMS FOR INFORMATION**

Should members have questions regarding any of the items please contact the officer shown underneath the relevant report. If, after discussing the item with the officer, and with the Chairman's agreement, a member may request the item to be considered at a future committee meeting.

#### **1. Appeals**

## Planning Appeals

Head of Service

*Martin Woods, Assistant Director (Economy)*

Lead Officer:

*Dave Norris, Development Control Manager*

Contact Details:

*Dave.norris@southsomerset.gov.uk or (01935) 462382*

### Purpose of the Report

To inform members of the decisions of the planning appeals lodged, dismissed or allowed as listed below.

### Appeals Dismissed\*

Parish/Town	Application No.	Description and Location	Applicant(s)	Officer's Recommendation	Committee Decision
Bruton	14/01733/FUL	Formation of two flats at 19A Brue Avenue	Mr J Loosemore	Refusal	N/A

\* Papers Attached

### Financial Implications

None

### Background Papers

Planning Application files



## Appeal Decision

Site visit made on 27 October 2014

**by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

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

**Decision date: 4 December 2014**

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### **Appeal Ref: APP/R3325/A/14/2223467**

### **19A Brue Avenue, Bruton, Somerset BA10 0HZ**

- 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 Mr John Loosemore against the decision of South Somerset District Council.
  - The application, Ref. 14/01733/FUL, dated 9 April 2014, was refused by notice dated 10 June 2014.
  - The development proposed is to form a new one bedroomed dwelling over the existing double garage and bungalow known as 19A Brue Avenue, Bruton using attic trusses creating a 1.5 storey height.
- 

### **Decision**

1. The appeal is dismissed.

### **Main Issues**

2. The main issues are (i) the effect of the proposal on the character and appearance of the area; (ii) the adequacy of the on-site parking and turning facilities and the access, and any consequential effects as to their safe and convenient use, and (iii) the effect on the living conditions for neighbours and future occupiers of the development by reason of privacy. My consideration of the issues is in part informed by a previous appeal dismissed in November 2013 relating to the demolition of the existing building and the erection of a pair of semi-detached houses (Ref. APP/R3325/A/13/2196073), 'the previous appeal'.

### **Reasons**

#### *Character and Appearance*

3. The appeal scheme involves the retention of the existing structure and footprint of the garage and bungalow but the undertaking of substantial alterations and additions to increase its height to one and a half storeys. This would allow the creation of two flats, one at ground floor and one at first floor but accommodated in the roof space.
  4. The appellant argues that the proposal would be in accordance with paragraph 111 of the National Planning Policy Framework 2012 ('the Framework') as it would be a more effective use of a brownfield site. It would also add a dwelling to the housing stock in a sustainable location. Whilst this is undoubtedly true,
-

regard must be also had to whether the appeal scheme satisfactorily responds to the constraints of the site. In my view, the major limiting factor is the proximity of the surrounding dwellings, comprising the semi-detached pair of Primrose Cottage and Daffodil Cottage immediately to the north; Hawthorne Hollow, the small bungalow immediately to the south and No. 12 Burrowfield Close to the west.

5. Whilst the altered building would be somewhat lower than the building proposed in the previous appeal, it would still read as an essentially two storey structure. The windows in the eastern roof slope would draw the eye and give emphasis to the disparity in height and bulk with the particularly modest profile of Hawthorne Hollow. I consider that this disparity would appear somewhat incongruous, and in conjunction with the tight spacing between the buildings at the end of the cul-de-sac, result in a reasonable perception of 'over-development' of this part of the streetscene.
6. The other main disadvantage of the increase in height would be the effect on the open character between the appeal building and No. 12 Burrowfield Close and its neighbours. Although this modest distance of about 11m or 12m can accommodate a single storey building as observed by the Inspector in the 2006 allowed appeal for the existing bungalow, the proposed increase in height would be visually intrusive. This would be a further negative impact on the character and appearance of this relatively high density mix of older and newer residential development.
7. Overall on this issue I conclude that the proposal would have a harmful effect on the character and appearance of the area in conflict with Saved Policies ST5 and ST6 of the South Somerset Local Plan 2006. It would also be contrary to Section 7: 'Requiring Good Design' of the Framework.

*Parking, turning and access*

8. The increase in the number of vehicles requiring access to the development, together with their turning and parking as a result of the extra dwelling, is referred to in two of the refusal reasons. I accept the Council's argument that the integral garages would be too small to permit them to be conveniently used. Dimensions of 6m x 3m for garages are now the recognised standard both locally and nationally to avoid the practical difficulties which prevent their regular use.
9. Because of the substandard garage size, parking would be likely to occur in front of both garages and when combined with the requirements for Hawthorne Hollow I consider that the turning area would be wholly inadequate. As the Council has pointed out, the effect of this would almost certainly be lengthy reversing and this would have implications in terms of safety, noise and conflict between the occupiers.
10. I have noted the appellant's comments as regards bus services but I find no reason which would lead me to disagree with the Inspector's conclusion in the previous appeal that public transport accessibility and the ease of reaching shops and services on foot is not good enough to warrant any relaxation of parking standards. This applies both to the numbers and size of spaces and the adequacy of the manoeuvring areas.

11. On this issue I consider that the proposed parking and turning areas would be insufficient, inconvenient and hazardous and that this would be contrary to Local Plan Policy ST5 and paragraph 32 of the Framework.

*Living Conditions*

12. The main concern remaining is a loss of privacy for existing and future occupiers. However the scheme is substantially different in this regard to the proposal in the previous appeal. I consider that with the proposed roof lights in the western elevation there would not be a particularly strong perception of overlooking by occupiers of 12 Burrowfield Close and its neighbours. To the west the windows would face the houses in Brue Avenue but there is intervening screening and these properties have relatively long gardens which enable achievement of the standard separation distances between opposing windows.
13. For the cluster of development at the end of the cul-de-sac as a whole, the high density already results in a degree of mutual overlooking. However I do not consider that the additional dwelling would increase it by a significant amount in conflict with Local Plan Policy ST6 and the fourth bullet point of paragraph 17 of the Framework.

**Conclusion**

14. Although I do not regard a loss of privacy as being a sufficient basis for refusal of the application, this favourable conclusion for the appellant does not outweigh the significant harm caused on the first two issues of character and appearance, and parking, turning and access. I have had regard to all other matters raised, including references to other paragraphs in the Framework, but have found nothing to alter my conclusion that, on balance, the appeal should be dismissed.

*Martin Andrews*

INSPECTOR

# Agenda Item 13

## Schedule of Planning Applications to be Determined by Committee

Strategic Director: Rina Singh, Place and Performance  
 Assistant Director: Martin Woods, economy  
 Service Manager: David Norris, Development Manager  
 Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

### Purpose of the Report

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

### Recommendation

Members are asked to note the schedule of planning applications.

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

Members of the public who wish to speak about a particular planning item are recommended to arrive for 10.05am.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
14	CARY	14/05104/FUL	Demolition of retail unit and erection of 3 terraced house with associated parking	Land Adjacent To Dunster House, Woodcock Street, Castle Cary.	Mrs H Merrifield
15	TOWER	14/04466/FUL	Demolition of existing garage. Construction of new detached garage, home office and garden store	Church House, Cucklington, Wincanton.	Mrs Kerry Bowen
16	IVELCHESTER	14/00925/FUL	Alterations and the conversion of existing agricultural buildings to create 7 no. dwellings	Hainbury Farm, Ilchester, Yeovil.	The Executors of Mrs PCH Young (Deceased)
17	IVELCHESTER	14/00926/LBC	The carrying out of internal and external alterations to convert existing agricultural buildings to create 7 No. dwellings	Hainbury Farm, Ilchester, Yeovil	The Executors of Mrs PCH Young (Deceased)
18	CAMELOT	14/05009/REM	Erection of a dwellinghouse (Reserved matters of outline approval)	Land adjoining Longhazel, High Street, Sparkford.	Mr & Mrs Clive Wakefield

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

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

### **Referral to the Regulation Committee**

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

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

### **Human Rights Act Statement**

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



# Agenda Item 14

## Officer Report on Planning Application: 14/05104/FUL

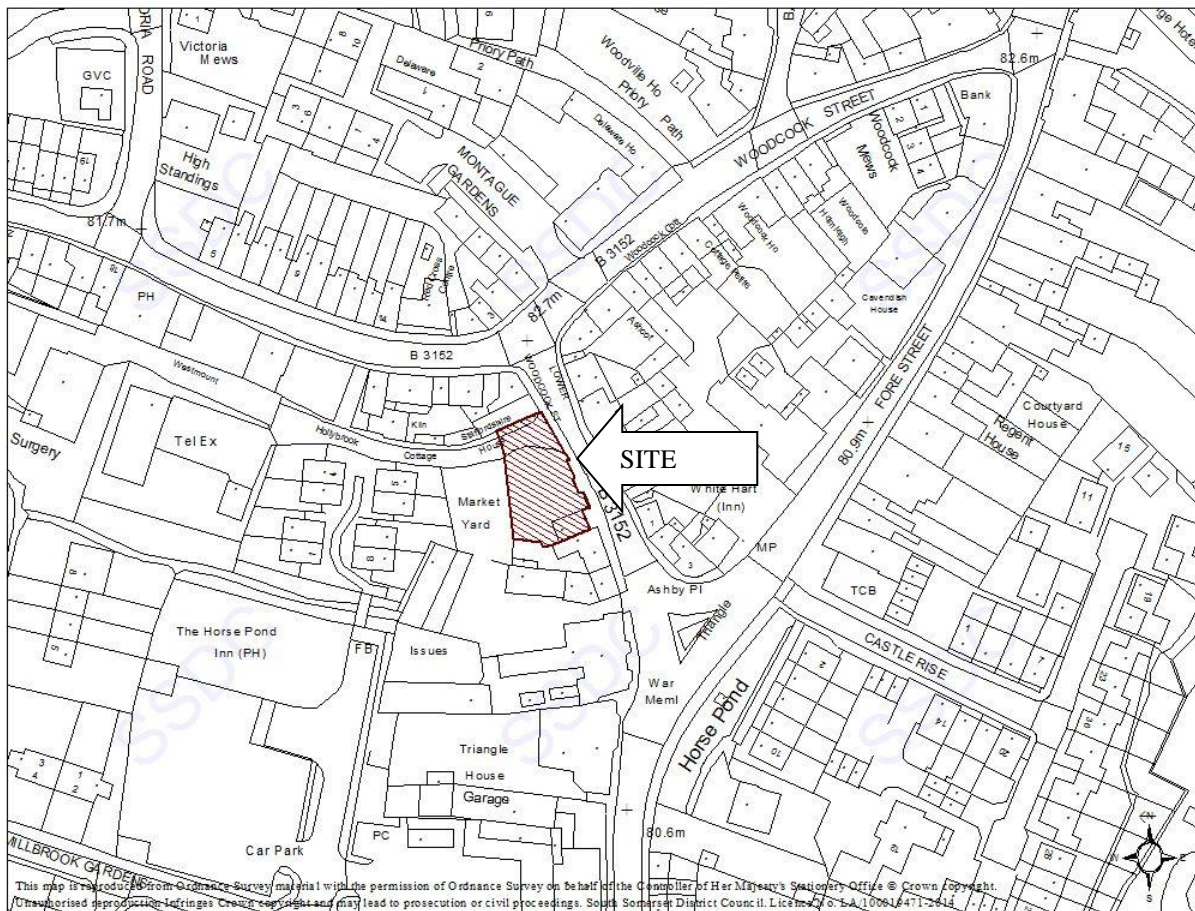
<b>Proposal :</b>	Demolition of retail unit and erection of 3 terraced house with associated parking (GR 363998/132247).
<b>Site Address:</b>	Land Adjacent To Dunster House Woodcock Street Castle Cary
<b>Parish:</b>	Castle Cary
<b>CARY Ward (SSDC Member)</b>	Cllr N Weeks Cllr H Hobhouse
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date :</b>	7th January 2015
<b>Applicant :</b>	Mrs H Merrifield
<b>Agent:</b>	Val Russell Architects The Old Rectory, Yarlington Wincanton,BA9 8DN
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL

The application is before the committee at the request of the ward member, with the agreement of the area vice chair, to enable local concerns to be fully debated.

### SITE DESCRIPTION AND PROPOSAL





The proposal seeks permission for the demolition of an existing retail unit and for the erection of a terrace of three dwellings with associated parking. The existing property consists of a single storey attached retail unit, formerly a public toilet, and an associated private car park.

The proposed terrace would be of two and half storey construction. The building would be finished in natural stone, with a plain tiled roof and painted timber window frames. The site is located close to a variety of residential properties and a public house. The site is located within a development area and a conservation area as defined by the local plan, and is close to grade II listed building.

## HISTORY

13/04348/FUL - Replacement of defective roof lantern with new rooflights in the plane of the roof - Application permitted with conditions 11/12/2013

98/02669/FUL - The reconstruction and enlargement of existing store/workshop to rear of shop - Application permitted with conditions 07/01/1999

## 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.

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

The policies of most relevance to the proposal are:

**Saved policies of the South Somerset Local Plan (Adopted April 2006):**

Policy MC4 - Other Uses in Town Centres  
Policy ST5 - General Principles of Development  
Policy ST6 - The Quality of Development  
Policy EH1 - Conservation Areas  
Policy EH5 - Setting of Listed Buildings

**National Planning Policy Framework**

Chapter 1 - Building a Strong, Competitive Economy  
Chapter 2 - Ensuring the Vitality of Town Centres  
Chapter 7 - Requiring Good Design

**South Somerset Sustainable Community Strategy**

Goal 3 - Healthy Environments  
Goal 4 - Services and Facilities  
Goal 8 - High Quality Homes

**CONSULTATIONS**

**Castle Cary Town Council** - Objects on the grounds of the loss of the retail unit, insufficient parking and outside space. They suggest two dwellings would be more appropriate. They state that any development needs to be strictly in keeping with the local environment and needs to be dwellings of a cottage style.

**County Highway Authority** - Refers to standing advice

**SSDC Environmental Protection Unit** - No comments

**SCC Archaeology** - No objections

**Wessex Water** - Notes that new water supply and waste water connections will be required from Wessex Water. They state that separate systems of drainage will be required and that no surface water connections will be permitted to the foul sewer system.

**SSDC Economic Development Officer** - Initially raised a concern regarding the loss of the retail premises effectively forcing the closure of an existing business. On the receipt of further confidential information from the applicant he made the following comment:

*"I am now in receipt of a detailed explanation of the circumstances surrounding the financial situation relating to Dunster House, Castle Cary. I am now comfortable that the applicant has worked favourably with the tenant over a very long period, to the point that significant renovation works are now required. I have had sight in confidence of correspondence relating to the remedial works and have concluded that the tenant has been effectively financially supported by the landlord. My original concern was associated to the displacement of a business in Castle Cary. Whilst I am no longer objecting to this application which will if approved remove this business premises, I would encourage the tenant to engage with the Economic Development service to see if an alternative location can be found from which to trade.*

**SSDC Conservation Officer** - Notes the application is to recreate the historic frontage of Lower Woodcock Street, which it is known from photographs used to have dwellings in a similar position, demolished in the 1960s. He considers that the proposed plans will likely enhance the character of the area, reinstating housing on both sides of the street. He states that the 1930s toilet block is of some interest in respect of the growth and development of Castle Cary but that its removal would not be too harmful to the character of the conservation area. He initially raised some concerns as to detailing, but was satisfied that his concerns had been addressed through the submission of amended plans. He offers his full support to the scheme subject to conditions to control:

- Detail of the external materials to be used
- Details of the stonework
- Details of the doors, windows, boarding, lintels and openings
- Details of the window recessing
- Details of the roof eaves, verges, abutments and rainwater goods
- Details of services to the properties
- Relevant landscaping conditions

**SSDC Area Development Officer** - Suggests that the preservation of a retail element in the scheme would be desirable. They note the findings of shop surveys they have carried out and conclude that the turnover of retail units in Castle Cary is lower than many other towns and uptake of vacant units tends to be quicker. They note that the unit is not especially attractive, but that there is an incumbent business, which has been there for some years.

## **REPRESENTATIONS**

One letter of support was received from the occupier of a property in Galhampton, and one from the occupier of a property Castle Cary. Support was raised on the grounds that it would restore an attractive part of the town and would screen the inappropriate wooden houses to the rear which are out of keeping.

Letters of objection were received from the occupiers of four properties in Castle Cary, one from an accountancy business based in a neighbouring property, and from the occupier of a property in Wraxall. Objections were raised on the following grounds:

- The toilet building is part of the town heritage and is within a conservation area.
- Why would new dwellings be appropriate, when a UPVC door was not considered acceptable.
- The height of the dwellings will result in a loss of light to the objector's properties to the north side of the access lane and on the opposite side of the street and would be overbearing and out of character with the surrounding area.
- Stringent conditions should be applied to ensure that the buildings are in keeping with the character of the area.
- Are new dwellings necessary given the level of existing and proposed dwelling in the town?
- The existing thriving business would be forced to close down and the proprietor would lose his livelihood. The loss would be a detriment to the town.
- The lack of parking will exacerbate an existing difficult parking situation.
- Retail premises are in short supply and have been made worse by a recent loss close to the site.
- The proposal represents overdevelopment of the site, which will not enhance the status or character of the conservation area.
- The area is currently used for dustbins and there is a question as to where they would be stored in the future.

- The proposed terrace would be town houses rather than cottages as on the opposite side of the road.
- The building on of the currently unpaved area could exacerbate existing flooding issues.
- The proposed property would overlook the objector's property.
- The proximity of the proposed properties to the pavement will exacerbate existing problems.
- The vertical emphasis of the proposed properties would be at odds with the prevailing horizontal emphasis on neighbouring properties.

## **CONSIDERATIONS**

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

The site is within the development area of Castle Cary, close to a variety of services, facilities, and employment opportunities. As such the site is considered to be a sustainable location for residential development.

As highlighted by the town council and neighbouring occupiers the proposal represents the loss of an existing retail unit, which is currently tenanted by a local business. The site is located within the town centre of Castle Cary but outside the primary shopping frontage as designated by the local plan. As such, saved policy MC4 of the local plan is relevant, which states that residential uses will be permitted except "*...where proposals will create a concentration of such uses where the cumulative impact would be harmful to the vitality and viability of the centre.*" Chapter 2 of the NPPF is also relevant as it seeks to ensure that the vitality of town centres is retained wherever possible. The SSDC Economic Development Officer was consulted as to the potential impact on the vitality and viability of the town centre. He was initially concerned regarding the impact of the development on the current tenant of the property, but on the receipt of additional information from the applicant he stated that he was satisfied that the applicant has worked favourably with the tenant over a very long period, to the point that significant renovation works are now required. Having had sight in confidence of correspondence relating to the remedial works he concluded that the tenant has been effectively financially supported by the landlord. In any case, there is no local or national planning policy that protects individual business owners, just policies that seek to protect the vitality and viability of town centres. Therefore, whilst the area development team would prefer to see an element of retail retained within the scheme, there is no evidence that the loss of this single retail property on the edge of the town centre would have a demonstrable impact on the viability and vitality of the town centre as a whole. Furthermore, there is no evidence that the provision of three dwellings in this this location would lead to such a concentration of residential properties that there would be a cumulative impact, which would be harmful to the vitality and viability of the centre.

Notwithstanding local concerns in relation to the principle of development, it is therefore concluded that the loss of a single retail premises and the introduction of three new residential units is acceptable in this location in accordance with saved policy MC4 of the local plan and the aims and objectives of the NPPF.

### **Visual Amenity**

The SSDC Conservation Officer was consulted as to the impact on the character of the conservation area and the setting of the nearby listed building. On the receipt of amended plans and additional information form the applicant he was content with the impact of the proposal, subject to a variety of conditions to control the detailing of the scheme.

Local concerns were raised as to the loss of the existing public toilet building. However, whilst the conservation officer was mindful that the toilet block is of some interest in respect of the growth and development of Castle Cary, he concluded that its removal would not be too harmful to the character of the conservation area. Similarly local concern was raised as to the design of the proposed building. However, the proposed buildings are considered to satisfactorily reflect local vernacular, and will at least preserve the character of the conservation area.

As such, notwithstanding the various concerns raised as to the impact on the visual amenity of the area, the proposal is considered to preserve the character of the conservation area and have no adverse impact on the setting of the listed building in accordance with saved policies EH1, EH5, ST5, and ST6 of the local plan.

### **Residential Amenity**

The area is fairly tightly grained in terms of built form, and as such the provision of three dwellings in this location will inevitably have an impact on the residential amenity of adjoining occupiers. Concerns have been raised that due to the height of the proposed building, there will be an overbearing and overshadowing impact on properties to the north of the access lane and properties on the east side of Lower Woodcock Street. Whilst there will be a degree of overshadowing due to the position of the proposed building relative to these properties, the impact will be somewhat limited. The properties to the north would be approximately 13 metres away from the gable end of the proposed, whilst the properties to the east would be closer at approximately 8.5 metres, the roof will be sloping away and therefore the highest point would be another 3.5 metres away from the impacted properties. It is therefore considered that the impact from overbearing and overshadowing would not be significant enough to warrant refusal of the scheme.

A concern has been raised regarding the potential for the proposed dwellings to overlook neighbouring properties. There are no first floor windows to the side elevation proposed so overlooking from this elevation is unlikely. The rear elevations of the proposed buildings will face towards the rear elevations of the existing Market Yard dwellings. However, the facing first floor windows would be approximately 25 metres apart and, as such, any overlooking impact in this direction is unlikely to be significant. The properties on the opposite side of the street are far closer, being around 8.5 metres between facing windows. However, this overlooking would consist of front elevation to front elevation windows across a busy street, where full privacy cannot be expected and the situation would not be unusual in a town centre location.

As such, notwithstanding the local concerns regarding the impact on residential amenity, it is considered that the proposal will not cause demonstrable harm to the residential amenity of neighbouring occupiers in accordance with policy ST6 of the South Somerset Local Plan.

### **Highways**

The highway authority was consulted and referred to their standing advice. Their standing advice is not relevant in terms of visibility splays, as the proposed access is onto a private drive. In any case the proposed dwellings are likely to generate a similar number of vehicle movements to the existing use, as confirmed by the highway authority by their reference to standing advice. The proposal does represent a loss of parking provision and does not meet the requirements of the Somerset Parking Strategy in terms of parking provision. For the use of the proposed 3 dwellings and the existing dwelling which currently uses the car park it is proposed to provide 4 parking spaces, compared to the 10 spaces required by the Somerset Parking Strategy (based on 4 x 2.5 spaces). Whilst, this is a significant under-provision of

spaces, it must be recognised that the site is located within a town centre location, close to a free public car park. As such, the impact on highway safety from the reduced parking provision is considered to be less than severe. It can therefore be concluded that the proposal is considered to accord with the aims and provisions of the NPPF in regards to highways impact.

### **Other Matters**

A local concern has been raised that the paving of the existing car park could exacerbate existing flooding problems in the area. However, the site is not an Environment Agency flood zone, and there is no evidence to suggest that the loss of a modest area of gravel to housing, parking and gardens would create any increase in surface water run-off. The issue can be adequately controlled at the buildings regulations stage.

A concern has been raised that the area is currently used for bin storage and these bins will have to be displaced elsewhere. However, the proposed dwellings would have adequate external space for their own bin storage, and it cannot be for the applicant to provide a bin storage space for third parties.

### **Conclusions**

The proposed dwellings are considered to be acceptable in principle, and to cause no demonstrable harm to residential amenity or the setting of the nearby listed building and would be in keeping with the character of the area. Accordingly the proposal is considered to comply with policies EH1, EH5, ST5 and ST6 of the South Somerset Local Plan and the aims and objectives of the NPPF.

### **RECOMMENDATION**

Permission be granted for the following reason:

01. The proposal is considered to be acceptable in this location and, by reason of its size, scale and materials, respects the character of the conservation area, and causes no demonstrable harm to residential amenity or the setting of the nearby listed building in accordance with the aims and objectives of Policies EH1, EH5, ST6 and ST5 of the South Somerset Local Plan (Adopted April 2006) and the aims and provisions of the NPPF.

### **SUBJECT TO THE FOLLOWING:**

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 1404-2 received 10 November 2014, and 1404-1A and 1404-3A received 08 December 2014

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

03. No work shall be carried out on site unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have

been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.)

Reason: In the interests of visual amenity and in accordance with policies ST5, ST6, EH1, and EH5 of the South Somerset Local Plan.

04. No work shall be carried out on site unless full details the new natural stonework walls, including the materials, coursing, bonding, mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing; this shall be supported with a sample panel to be made available on site and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.

Reason: In the interests of visual amenity and in accordance with policies ST5, ST6, EH1, and EH5 of the South Somerset Local Plan.

05. No work shall be carried out on site unless details of the design, materials and external finish for all new doors, windows, boarding, lintels and openings have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority. The sash windows hereby approved shall be traditional weight balanced type, not spring balanced, unless otherwise agreed in writing by the LPA.

Reason: In the interests of visual amenity and in accordance with policies ST5, ST6, EH1, and EH5 of the South Somerset Local Plan.

06. The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any work on the development hereby permitted is commenced.

Reason: In the interests of visual amenity and in accordance with policies ST5, ST6, EH1, and EH5 of the South Somerset Local Plan.

07. No work shall be carried out on site unless design details of all roof eaves, verges and abutments, including detail drawings at a scale of 1:5, and all new guttering, down pipes, other rainwater goods, and external plumbing shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with policies ST5, ST6, EH1, and EH5 of the South Somerset Local Plan.

08. All electrical and telephone services to the development shall be run underground. All service intakes to the dwelling(s) shall be run internally and not visible on the exterior. All meter cupboards and gas boxes shall be positioned on the dwelling(s) in accordance with details, which shall have been previously submitted to and approved in writing by the local planning authority and thereafter retained in such form. On (all) buildings satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish should be used. Satellite dishes shall not be fixed to the street elevations of the buildings or to roofs. All soil and waste plumbing shall be run



internally and shall not be visible on the exterior unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and in accordance with policies ST5, ST6, EH1, and EH5 of the South Somerset Local Plan.

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

Reason: In the interests of local amenities in accordance with policies St5 and ST6 of the South Somerset Local Plan.

10. The area allocated for parking on the submitted plan, drawing no. 1404-1A received 08 December 2014 shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles used in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

# Agenda Item 15

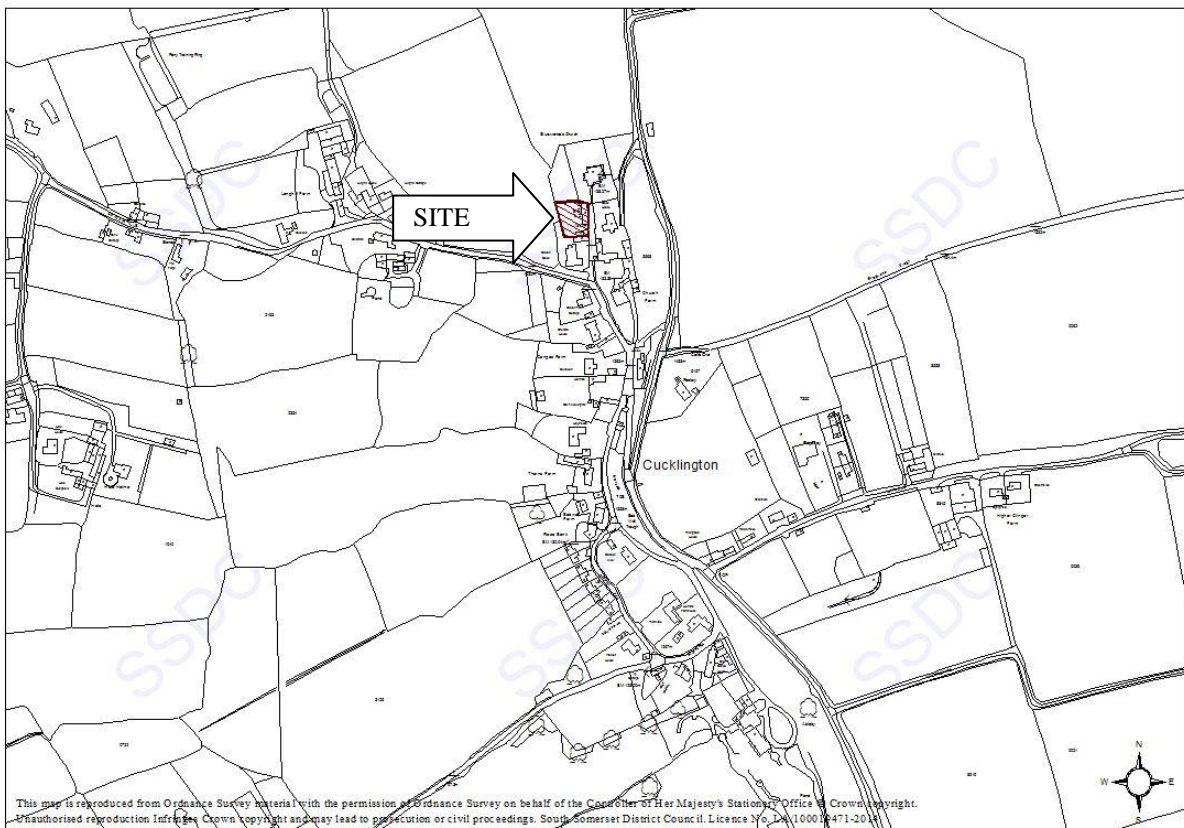
## Officer Report on Planning Application: 14/04466/FUL

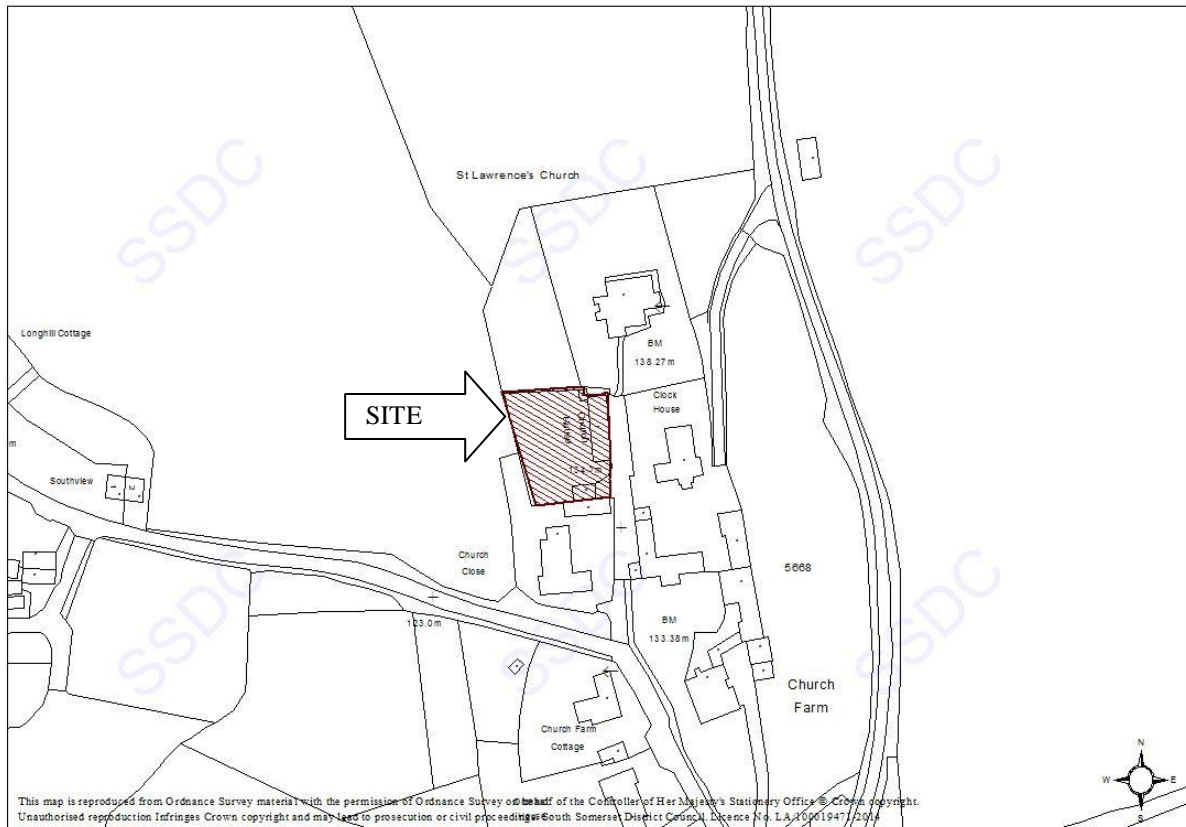
<b>Proposal :</b>	Demolition of existing garage. Construction of new detached garage, home office and garden store (GR 375514/127736).
<b>Site Address:</b>	Church House Cucklington Wincanton
<b>Parish:</b>	Cucklington
<b>TOWER Ward (SSDC Member)</b>	Cllr Mike Beech
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date :</b>	10th December 2014
<b>Applicant :</b>	Mrs Kerry Bowen
<b>Agent:</b>	Mr John Heaton Mill Farm, Hembridge, East Pennard Shepton Mallet, BA4 6TZ
<b>Application Type :</b>	Other Householder - not a Change of Use

### REASON FOR REFERRAL

This application is referred to committee by the Chairman at the Ward Member's request in response to neighbour comments that have been received to permit Members an opportunity to consider the issues arising.

### SITE DESCRIPTION AND PROPOSAL





The site is located outside of the development area in the village of Cucklington, near the Grade II\* Listed Church.

The property is a Grade II listed detached, two-storey dwelling constructed of natural stone that had been lime washed under a natural slate roof.

This application seeks permission for the demolition of the existing garage and construction of a new detached garage, home office and garden store. External materials include render and timber weather board finishes under a natural slate roof.

During the course of the application re-consultation took place following receipt of a street scene drawing, and an amended plan setting the building back to address parking concerns.

NB. Involving demolition of a building erected after 1948, there is no required for a separate application for Listed Building Consent.

## HISTORY

11/00126/FUL and 11/00127/LBC - Internal and external alterations and the erection of an extension to dwelling house - Approved.

42455 - Conversion of church cottages to form one dwelling - Permitted development - 18/4/58

## 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.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan. The policies of most relevance to the proposal are:

Save policies of the South Somerset Local Plan (Adopted April 2006):

Policy ST3 - Development Areas

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EH3 - Change of Use and Alterations to Listed Buildings

Policy EH5 - Setting of Listed Buildings

Policy EC3 - Landscape Character

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 7 - Requiring Good Design

Chapter 12 - Historic Built Environment

South Somerset Sustainable Community Strategy

## **CONSULTATIONS**

**Cucklington Parish Council** - Many people have approached to say they are pleased that an ugly concrete garage is being demolished and replaced. A number of people have written to you and their comments are on the website. The PCC has responded to say that it has no opinion as the site cannot be seen from the Church.

Objections have been raised on the grounds of increase in size, the structural influence on adjacent buildings and reference to listed building and conservation area status which the Planners are best placed to comment on.

**County Highway Authority** - standing advice applies, to consider parking and turning requirements.

**County Archaeologist** - No objection subject to condition securing implementation of a programme of archaeological work.

**SSDC Conservation Officer** - No objection. This proposal was discussed in detail at the pre-application stage where the impact of the proposal on the setting of the listed building was carefully considered. The building has a straightforward and relatively modest form, particularly when viewed from the lane to the Church. It is also set well back from the principle elevation of the house so is visually contained between the house and the neighbour's barn.

The garden on the opposite side drops away steeply from the rear of the house. The garage will be fairly visible from this perspective, but will sit fairly neatly along the side boundary and is much lower than the principle dwelling. The long and somewhat dramatic west facing elevation of the rear of the house will remain the principle feature.

**County Rights Of Way** - General comments made.

## **REPRESENTATIONS**

Neighbour notifications were sent out on two occasions following the original consultation. The

first concerned receipt of a street scene drawing, the second showed the setting back of the garage.

In response to the original, and 1st re-consultation, there were 8 neighbour letters received of which 3 supported the proposal and 5 objected.

The 3 letters of support include:

- Structure will not distract from Church House or setting of listed church
- The style, dimensions and building materials will be in harmony with adjacent buildings
- The present garage is an eyesore
- This new structure would be an improvement
- Sympathetic

The 5 letters of objection concern:

- Impossible to judge relative height of the proposed roof (Officer Note: revised drawing subsequently submitted to show street scene relationship)
- Disturbance and damage to adjacent outbuilding during the construction phase
- 'Duty' to consider the heritage assets, and their significance, and the degree of harm and whether adverse impact to the setting of heritage assets arising from the adjacent development.
- Replacement structure is significantly larger whose large increase in mass and height will detract the eye, competing with the adjacent listed building
- Much larger in every dimension
- Over-development - at the moment the proposal looks almost as big as the cottage.
- Prominence
- Over bearing relationship - the proposed building will be considerably higher than the neighbouring barn
- Detracts from the view of the church
- Loss of privacy

2nd Amendment (setting building back from lane)

There were six neighbour notification letters received. 2 are letters of support, and 4 letters of objection.

The 3 letters of support include:

- I strongly believe that this application will only enhance the approach to the church.
- Sympathetic design and much more in keeping than the current garage

The 4 letters of objections include:

- Unsightly and not necessarily in keeping with the listed building
- Too large in size and will impose on surroundings
- Why is a substantial office and store elements required?
- Significant increase in the eaves height
- Built in part in block render which is not in keeping
- Foundations will need to be substantial

## **CONSIDERATIONS**

### **Principle of Development:**

As a householder application there is support in principle. Accordingly the main considerations include character and appearance, impact on heritage assets, highway safety and neighbour amenity.

### **Character and Appearance**

A garage alongside the house; its scale and height when seen from the roadside, in combination with its setting back from the main dwelling's frontage, is considered acceptable. The adjacent outbuilding is at a lower level, which is typical in a locality that lays on sloping ground, and where different properties sit at different levels.

The garage's rear aspect has a more prominent presence that is enhanced by its two storey nature that makes full use of the change in levels. While this makes the structure that much more prominent, where it might be seen at close quarter, although it is difficult to view the two storey element as a reason to refuse, its effect would be much less so the further away it is seen. With panoramic views out from the site across the adjacent countryside to the west, the visual impact off site of the two storey element is considered would not have a detrimental effect on character and appearance, although the main interest must be possible impact on the heritage assets, namely, the listed grade II host building and the grade II\* listed Church.

### **Impact on Heritage Assets**

There is a 'duty' to consider the impact on heritage assets. The conservation officer having considered the issues and been involved in pre-application advice to the applicant has raised no objection to the proposal. Their consultation response is given in full above.

From the front the building is set back, its scale, and in particular the height of the eaves is seen to be subservient to those of the lean to part of the main dwelling. The height, and the setting back of the garage, from the front of the main dwelling, are considered, generally, supportive in accommodating the proposed building. The proposal is considered would not have a detrimental effect on the setting of either listed building or listed church. The use of materials and in particular render in this location needs careful consideration where the natural material is local natural stone. However, this is a new build, replacing a rather poor modern specimen that is best removed, while the adjacent dwelling although stone, this is white washed - so that there is scope to consider a part rendered, part timbered finish as part of a outhouse in this location.

Turning to the back of the proposed building, the presence of a two storey element is clearly controversial and emphasises local concern about scale, as does the garage's overall length. The conservation officer favourably considers the design, scale and the relationship to the listed building. The roof pitch demonstrates a great swath of slate. There would be no openings within the pitches, considered a traditional sight in many villages. A condition seeks to control unsympathetic alterations by removing permitted development rights.

### **Highway Safety:**

An amended drawing was received setting back the front of the garage to give additional space in which to park vehicles. The parking provision is considered, generally, accords with the Highways standing advice.

### **Neighbour Amenity:**

The immediate neighbour most affected are the occupants of Church Close. Apart from the adjoining vernacular outbuilding, there is a domestic garage with a window inserted in its side. The other neighbour is across the lane with views down onto the application site with possible openings facing one another, but the distance and physical presence of built form is considered generally supportive without detrimental impact. It is considered that there would be no neighbour amenity harm arising from the proposal that would unacceptably harm the residential amenity of occupiers of adjacent properties by disturbing, interfering with or overlooking such properties.

**Neighbour concerns:**

The neighbour concerns are mainly dealt with within the above subheadings. Matters not covered include the concern about the impact of the construction phase on the adjacent property. Reference is made also to past development requiring substantial foundations to prevent movement down the hill. The construction phase must be a matter for the developer to be aware of impact from their development on adjacent property, while building regulation approval needs to be adhered to. A condition is proposed to secure the boundary and by implication measures required to limit impact for the adjacent traditional outbuilding.

**RECOMMENDATION**

Approve

01. The proposal by reason of its size, scale, location and use of materials cause no demonstrable harm to character, to setting of listed buildings, to highway safety or residential amenity. As such the proposals comply with Policies EH5, ST5 and ST6 of the South Somerset Local Plan 2006, and the NPPF.

**SUBJECT TO THE FOLLOWING:**

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, received 3 October 2014; 6, received 6 November 2014; 1, 2 and 3 received 18 November 2014.

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

03. No work shall be carried out on site unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.

Reason: In the interests of character and setting of the listed building further to policy EH5 of the South Somerset Local Plan, and the NPPF.

04. No work shall be carried out on site unless details of the external render to be used have been provided to and approved in writing by the Local Planning Authority. Details shall include the finish, materials and colour of the render, and shall be supported by a sample panel, which shall remain available on site for the duration of the works.

Reason: In the interests of character and setting of the listed building further to policy EH5 of the South Somerset Local Plan, and the NPPF.

05. No work shall be carried out on site unless details of the design, materials and external finish for all new doors, windows, boarding and openings have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of character and setting of the listed building further to policy EH5 of the South Somerset Local Plan, and the NPPF.

06. No work shall be carried out on site unless design details of all roof eaves, verges and abutments, including detail drawings, and all new cast metal guttering, down pipes, other rainwater goods, and external plumbing shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of character and setting of the listed building further to policy EH5 of the South Somerset Local Plan, and the NPPF.

07. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: In the interests of the archaeology further to policy EH12 of the South Somerset Local Plan, and the NPPF.

08. Notwithstanding the Town and Country Planning Act 1990 (as amended) and the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning General Permitted Development Order, 1995 (or any order revoking and re-enacting that Order) the garage floor space shall be kept unobstructed and not physically altered, and while this shall include ancillary storage space there shall be no other use made, incidental or otherwise including its conversion to habitable floor space, except for what is shown approved in drawing no. 2 received 18 November 2014.

Reason: To enable the LPA to retain adequate control over the development in the interests of visual and neighbour amenity, further to policy ST5 and ST6 of the South Somerset Local Plan, and the NPPF.

09. Before any work is undertaken in pursuance of the development hereby permitted to prepare the site for excavation and the formation of foundations a written description of the steps and works to be taken to secure the immediate and continuing safety and stability at the boundary with the adjacent outbuilding (Church Close) shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To protect the boundary in the interests of visual amenity and in accordance with policy ST5 and ST6 of the South Somerset Local Plan 2006, and the NPPF.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, balcony, additional windows, including dormer windows, or other openings (including doors) shall be formed in the building, or other external alteration made without the prior express grant of planning permission.

Reason: In the interests of character and appearance and the setting of listed buildings, further to policy ST5, ST6, and EH5 of the South Somerset Local Plan, and the NPPF.



# Agenda Item 16

## Officer Report on Planning Application: 14/00925/FUL

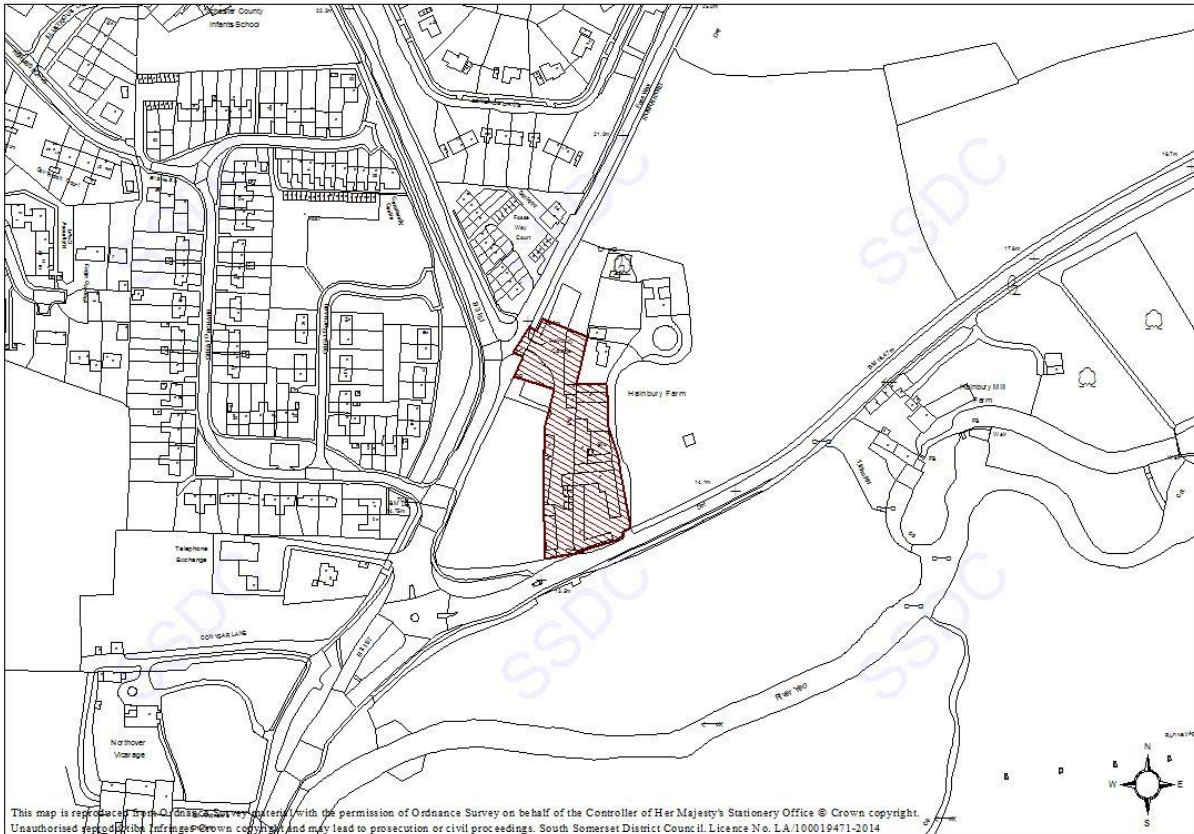
<b>Proposal :</b>	Alterations and the conversion of existing agricultural buildings to create 7 no. dwellings (GR 352549/123314)
<b>Site Address:</b>	Hainbury Farm Ilchester Yeovil
<b>Parish:</b>	Yeovilton
<b>IVELCHESTER Ward (SSDC Member)</b>	Cllr A Capozzoli
<b>Recommending Case Officer:</b>	Mrs Jennie Roberts Tel: (01935) 462441 Email: jennie.roberts@southsomerset.gov.uk
<b>Target date :</b>	28th April 2014
<b>Applicant :</b>	The Executors Of Mrs PCH Young (Deceased)
<b>Agent:</b>	DK Planning And Development Ltd, Regal House 61 Rodney Road, Cheltenham, GL50 1HX
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL

In July 2014, the Area East Committee resolved to approve this application, subject to the prior completion of a Section 106 agreement to secure a contribution of £24,737 towards outdoor playing space, sport and recreation facilities. Following the government's decision (in November 2014) to remove tariff-style planning obligations for small developments of 10 homes or less, the Council can no longer require this Section 106 agreement to be completed. The application has therefore been brought back before Committee. Currently, the application cannot be determined, as without the S106 agreement it would be contrary to the Committee's original resolution.

### SITE DESCRIPTION AND PROPOSAL





### The site and surrounding area

The site is located outside of any development area, off the B3151 Yeovilton Road on the north eastern side of Ilchester and forms part of Hainbury Farm. A second vehicular access is gained off the Old Fosse Way. The site comprises a group of linked and detached one and two storey stone barns. Some are arranged around an enclosed yard, whilst the others front onto a less enclosed hardstanding. Two of the buildings are grade II listed, whilst the others are protected due to their physical attachment or proximity to the listed buildings. The barns are on the council's 'Buildings at Risk register'. To the north of the site is Hainbury Cottage and Hainbury Farmhouse (grade II listed). The stone barns form part of the setting of this listed farmhouse.

The farm is a commercial dairy and arable holding, and comprises 183 acres of land, together with an additional 20 acre supplementary land parcel. The main group of farm buildings are now located at the Dairy Unit further up Old Fosse Way, and this is where the principal farming activities take place.

The stone barns at the application site have been subject to two arson attacks, the most recent being in September 2011. This substantially destroyed one of the barns, which has now been rebuilt. The buildings and yards have also been subject to vandalism.

In 2004, planning permission was granted for the conversion of the stone barns into commercial units (B1 use); however, this permission was not implemented.

### The proposals

This application proposes the conversion of the stone barns into 7no. residential units, comprising 1no three-bedroom dwelling and 6no. two-bedroom dwellings. The enclosed yard is to be retained as existing. Car ports are to be provided within existing barns and structures,

and each dwelling will have a private garden space. A separate covered/secure cycle parking and bin store is also to be provided. The proposed vehicular access for all of the units is to be off Old Fosse Way, and the existing access onto the Yeovilton Road will no longer provide vehicular access to the barns.

**Supporting documents:**

- An Environmental Noise Assessment document has been submitted with the application, due to the site's proximity to RNAS Yeovilton.
- A Heritage Appraisal and Impact Assessment has been submitted which assesses the proposals in relation to the historic environment.
- A Protected Species Survey and report has been submitted which particularly looks at the presence of bats and birds within the site.
- A Transport Statement has been provided which looks at access and parking issues
- A Flood Risk Assessment has been carried out, as whilst most of the site is within Flood Zone 1, the southern fringe is within Flood Zones 2 and 3.
- A Structural Survey
- A Transport Statement
- Marketing information

**RECENT HISTORY**

12/00519/LBC - Re-building of fire damaged barn - conditional consent - 09/02/2014  
04/00190/COU and 04/00253/LBC - The conversion of barn outbuildings into commercial units, light industrial and office use - conditional approval - 01/06/2004  
99/01285/LBC - reinstatement of fire damaged barn - conditional consent - 07/12/1999

**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.

Following the recent revocation of the Regional Spatial Strategy and the Somerset and Exmoor National Park Joint Structure Plan Review regard needs to be had to the development plan policies of the saved policies of the South Somerset Local Plan (2006).

- South Somerset Local Plan (adopted 2006)
- ST3 (Development Areas)
- ST5 (General Principles of Development)
- ST6 (Quality of Development)
- EC3 (Landscape Character)
- EC8 (Protected Species)
- EH3 (Listed Buildings)
- EH5 (Setting of Listed Buildings)
- EH7 (The Conversion of Buildings in the Countryside)
- EP1 (Pollution and Noise)
- ME7 (Retention of Land and Premises in Rural Areas)

Regard must also be had to:  
National Planning Policy Framework - March 2012  
Chapter 6 - Delivering a wide choice of high quality homes  
Chapter 7 - Requiring good design

Chapter 11 - Conserving and enhancing the natural environment  
Chapter 12 - Conserving and enhancing the historic environment

Somerset Parking Strategy (2012)

## **CONSULTATIONS**

**Parish Council** - Supports the application

**County Highway Authority** - No objections, subject to conditions (see recommended conditions at end of report)

**Environmental Protection** - Recommends refusal due to the proposal's failure to comply with saved policy EP1 of the South Somerset Local Plan (Pollution and Noise). However, should the application be approved, he recommends that a condition relating to acoustic insulation be attached to the decision notice.

**English Heritage** - The application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

**Conservation Officer** - No objections subject to conditions (- the majority of these, aside from a landscaping condition (see end of report) can be attached just to the associated listed building consent)

**Natural England** - Standing Advice applies (as per the District Ecologist's advice)

**District Ecologist** - No objections, subject to a condition relating to mitigation of the impact on bats and an informative relating to the requirement for a European Protected Species Mitigation Licence to be obtained.

**Environment Agency** - No objection in principle, subject to the inclusion of conditions and informatives (see end of report)

**Economic Development** - No objections

**Landscape Architect** - No objections

## **REPRESENTATIONS**

A general observation has been received from a nearby resident relating to the access arrangements, noting that it is not entirely accurate (see 'Highways' under the 'CONSIDERATIONS' section, below). However, the Highway Authority has raised no objections to the scheme, subject to conditions.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

None required

## **CONSIDERATIONS**

The main areas for consideration are:

- Principle of development

- Listed buildings
- Bats and birds
- Landscape character
- Flooding
- Noise pollution
- Highways
- Residential amenity

### **Principle of development**

The National Planning Policy Framework 2012 (NPPF) is supportive of the proposed conversion of the existing barns to residential accommodation. The proposal is in line with paragraph 55 of the NPPF, as it is development that would re-use redundant and disused buildings and their conversion would enhance the immediate setting, by reason of them not being allowed to fall further into disrepair. Additionally, It places importance on "sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation".

New Permitted Development rights (Class MB of the General Permitted Development Order) for the conversion of barns to residential came into force in April of this year. These allow up to three additional dwellings to be created through the conversion of barns without the requirement for planning permission (subject to various criteria). Whilst not wholly relevant to the proposed development (due to the buildings' listed status and the number of dwellings proposed), this new class is indicative of the government's desire to boost the supply of new housing in rural England.

Saved policy EH7 of the South Somerset Local Plan (adopted 2006) relates to the change of use of buildings outside development areas to residential use. It states that this will be permitted provided that:

1) *Every reasonable attempt has been made to secure suitable business reuse* - this criterion is no longer relevant, since the NPPF has effectively removed the requirement for marketing to take place. Nonetheless, marketing information has been received with the application, and the Economic Development officer is satisfied with the information provided that the site has been sufficiently marketed for business use.

2) *The buildings are of permanent and substantial construction and are capable of conversion without major reconstruction* - the submitted structural survey, which was carried out in December 2013, concludes that *All of the barns which are to be subject to conversion into residential accommodation are presently suitable for conversion without the need for significant structural repair and/or rebuilding*. With the above in mind, it is considered that this criterion of policy EH7 has been met.

3) *Their form bulk and general design are in keeping with their surroundings* - this criterion will be discussed in detail in the 'listed buildings' and 'landscape character' sections below. As will be seen, it is considered that this criterion of policy EH7 has been met.

4) *Any legitimate planning objections which would otherwise outweigh the advantages of reuse can be overcome by the imposition of reasonable planning conditions* - The only planning objection received is in relation to noise from nearby RNAS Yeovilton. This will be discussed below under 'Noise Pollution'. As will be seen, it is considered that this objection can be overcome with the imposition of a condition.

Having regard to the above points, it is considered that the requirements of saved policy EH7 and the NPPF have been met, and as such, the principle of the proposed development is

considered to be acceptable.

### **Listed Buildings**

Following receipt of amended plans to address a couple of initial concerns about the details of the scheme, the conservation officer has commented that he is satisfied that the scheme responds sensitively to the character and significance of the buildings and their setting, and he therefore has no objection to the proposal. He recommends the use of various conditions, although most of these are relevant to the associated listed building application. It is therefore considered that the proposed development will have an acceptable impact on the listed buildings and their setting.

### **Bats and Birds**

The bat and bird survey highlights the presence of a low number of bats at the site, which is also used for nesting or roosting by swallows, Barn Owls and Little Owls. Mitigation will therefore be required to satisfy legislation (Habitats Regulations 2010) and planning policies (NPPF, Local Plan Policy EC8). The recommended mitigation measures are detailed in the bat and bird survey report. The ecologist raises no objection to the scheme, subject to a condition requiring submission and approval of full details of mitigation prior to commencement of the development and an informative relating to the need for a protected species licence (see condition at the end of this report).

As the development will potentially cause disturbance to bats, an assessment against the three Habitats Regulations tests is required - permission may only be granted if all three tests are satisfied:

- 1) *the development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'* - The listed buildings are on the council's 'buildings at risk' register and therefore it is important that they are brought back into a use of some sort and maintained properly. It is considered that the proposed development is in the overriding public interest in terms of its positive impact on the historic environment.
- 2) *there is no satisfactory alternative* - As stated above, the listed buildings are on the council's 'buildings at risk' register and therefore it is important that they are brought back into a use of some sort and maintained properly. As such, it is considered that there is no satisfactory alternative site for the development to be carried out.
- 3) *the development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'* - The ecologist considers that as appropriate mitigation for the species is proposed (and secured by condition), favourable conservation status is likely to be maintained.

It is therefore considered that the proposal will have an acceptable impact in relation to birds and bats at the site.

### **Landscape Character**

The Landscape Architect commented that "Built form is established here, in a traditional compact arrangement. I note that minimal amendment to the building form and footprint is intended, and that the residential area is appropriately contained. Thus I have no substantive landscape issues to raise." A landscape condition can be imposed on the decision notice which will control landscape issues such as surfacing, planting, hedges, boundaries and works to the gate piers. It is therefore considered that the proposed development will have an acceptable impact on landscape character.

### **Flooding**

Whilst the site largely lies with Flood Zone 1, its southern fringe lies within Flood Zones 2 and

3. As such, a Flood Risk Assessment (FRA) was submitted with the application. The Environment Agency (EA) was consulted on the scheme, and raised no objections to it, subject to a condition requiring that work is carried out in accordance with the FRA, and that the mitigation measures detailed in the FRA are implemented. The EA has also requested that various informatives and recommendations are attached to the decision notice (see end of this report).

### **Noise Pollution**

The site is located close to RNAS Yeovilton. As such, an Environmental Noise Assessment report was submitted with the application. The council's Environmental Protection officer was consulted on this, and responded as follows: *"The application site is within Noise Exposure Category (NEC) D, as defined in Policy EP1 and Appendix A.6 of South Somerset Local Plan 2006, due to noise from aircraft associated with RNAS Yeovilton. This policy states that states that new build in these areas should be refused. Extensions and conversions to existing residential should be provided with suitable acoustic insulation. As the policy still stands I'm am obliged to therefore recommend refusal. However the applicant has aslo submitted a noise survey, (Hainbury Barns Ilchester Environmental Noise Assessment, 26th September 2013) by Mr David O'Neill which indicates that the noise exposure of the site is considerably lower than stated in the policy. This assessment is consistent with the report commissioned by South Somerset DC in July 2010 (Aircraft Noise Contours for the Royal Naval Air Statio at Yeovilton) by Bureau Veritas. This report forms the evidence base for the new contours which are referred to in the new Local Plan which has yet to be adopted.*

*Bearing this in mind, should the application be approved I would recommend the following condition. 'I would recommend the applicant submit a scheme of works for acoustic insulation for approval by the LPA prior to development. Such a scheme should refer to the measures recommended within the O'Neill report.'"*

Whilst the new Local Plan has not yet been adopted, initial Local Plan Examination Hearing sessions have taken place. The Inspector raised some issues of concern relating to the soundness of the Plan, although these did not relate to the new contours which are referred to in the evidence base. As such, it is considered that the new contours are more relevant to this application than those in the adopted Local Plan policy. It is therefore considered that the conversion of the barns to residential use is acceptable providing suitable acoustic insulation is installed, which can be secured via the condition recommended by the Environmental Protection officer.

### **Highways**

The application proposes an upgrade to the site's Old Fosseway access junction, including improved visibility splays and a footpath link from the site to the existing footpath. The site will only be accessed via Old Fosseway (currently the secondary access to the site), and the existing main access off Costello Hill will only be used by vehicles accessing Hainbury Farmhouse and the adjacent cottage. A nearby resident has written in to say that the Transport Statement makes an error in paragraph 3.3.1, which says the existing access of Old Fosse Way only provides access to the farm and the nearby Dairy Unit, whilst he states that the Old Fosseway access also provides access to properties at Fosseway Court. He goes on to say that paragraph 5.2.4 does not take into account the journeys made by the Fosseway Court residents. However, the Statement is referring directly to the site access off Old Fosse Way, rather than Old Fosse Way as a whole, and as such, it is considered that the Statement is not incorrect.

Following a site visit, the Highway Authority considers that the number of projected vehicular movements to the site, together with the improvements proposed to the access of the Old Fosseway is acceptable, and has therefore raised no objection to the proposal, subject to several conditions (see end of report).

### **Residential Amenity**

It is considered that the proposed development is sufficiently distant from neighbouring residential properties so as not to impact negatively on their residential amenity. With regard to the residential amenity of the proposed properties themselves, it is considered that they are arranged in such a way so as not to unacceptably overlook/be overbearing upon each other. Each has its own private garden area and car parking spaces/car port, and a communal bike and bin store is located at the northern end of the site.

### **CONCLUSION**

Having regard to the above, it is considered that the proposed development is acceptable in principle and in relation to: the character and setting of the listed buildings; the landscape character; bats and birds; highway safety and parking; residential amenity; flood risk and noise pollution.

### **RECOMMENDATION**

That application 14/00925/FUL be approved subject to the following conditions:

01. It is considered that the proposed development is acceptable in principle and in relation to: the character and setting of the listed buildings; the landscape character; bats and birds; highway safety and parking; residential amenity; flood risk and noise pollution. As such, it is in accordance with saved policies ST3, ST5, ST6, EC3, EC8, EH3, EH5, EH7, ME7, CR3 of the South Somerset Local Plan (adopted 2006) and the National Planning Policy Framework 2012.

### **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below):

3312/SP06, date-stamped 03/03/2014;  
3312/ABE01, date-stamped 03/03/2014;  
3312/BAE01, date-stamped 03/03/2014;  
3312/BBE01, date-stamped 03/03/2014;  
3312/BCE01, date-stamped 03/03/2014;  
3312/BDE01, date-stamped 03/03/2014;  
3312/BEE01 A, date-stamped 13/05/2014;  
3312/BFE01, date-stamped 03/03/2014;  
3312/PO1 A, date-stamped 13/05/2014;  
3312/PO2 A, date-stamped 13/05/2014;  
3312/PO3, date-stamped 03/03/2014;  
3312/PO4 A, date-stamped 13/05/2014;  
3312/PO5 A, date-stamped 13/05/2014;  
3312/PO6, date-stamped 03/03/2014;

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

02. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

03. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard



and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. It shall also include details of surfacing and boundary treatments.

Reason: In the interests of the setting of the listed buildings, in accordance with saved policy EH5 of the South Somerset Local Plan (adopted 2006).

04. Before first occupation of any of the dwellings hereby approved, the proposed development shall be served by a new access constructed in accordance with the submitted plans.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

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

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

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

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

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

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

08. No development shall take place until detailed plans have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the local highway authority) relating to line, level and layout of the improved access road junction onto Old Fosse Way and its means of construction and surface water drainage. The approved access road junction shall be laid out constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highway Act 1980 and no part of the site be occupied until the works have been fully completed to the satisfaction of the LPA.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

09. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, measures to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

10. No works shall commence on site unless a scheme of works for acoustic insulation is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall refer to the measures recommended within the submitted O'Neill report. The scheme shall be implemented in strict accordance with the approved details, prior to the occupation of the dwellings hereby approved, and shall remain as such in perpetuity.

Reason: In the interests of residential amenity, in accordance with saved policies EP1 and ST5 of the South Somerset Local Plan (adopted 2006).

11. The development permitted by this planning permission shall only be carried out in accordance with the submitted Flood Risk Assessment (FRA) dated 30 October 2013 by Awcock Ward Partnership and the following mitigation measures detailed within the FRA:

Finished floor levels should be set above the 1 in 100 year flood level or 300 mm above surrounding ground levels as indicated within the FRA.

Flood resilient measures should be incorporated as detailed within the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: To prevent the increased risk of flooding, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

12. No works shall commence on site unless there has been submitted to and approved in writing by the Local Planning Authority, full details of a bat mitigation plan and method statement, prepared by a suitably qualified and Natural England licenced bat consultant, and full details of mitigation and compensation roosting/nesting provision for barn owls and swallows. The works shall be implemented in accordance with the approved details, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

**Informatives:**

01. The applicant is advised of the following recommendations/informatives of the Environment Agency:

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. Ponds, reedbeds and seasonally flooded grasslands can be particularly attractive features within public open spaces.

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles and provides multiple benefits, reducing costs and maintenance needs.

The Council's Emergency Planners should be consulted in relation to flood emergency response and evacuation arrangements for the site. We recommend the applicant contacts the Environment Agency on 0845 988 1188 to sign up for our free Floodline Warnings Direct service.

We do not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users.

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

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

# Agenda Item 17

## Officer Report on Planning Application: 14/00926/LBC

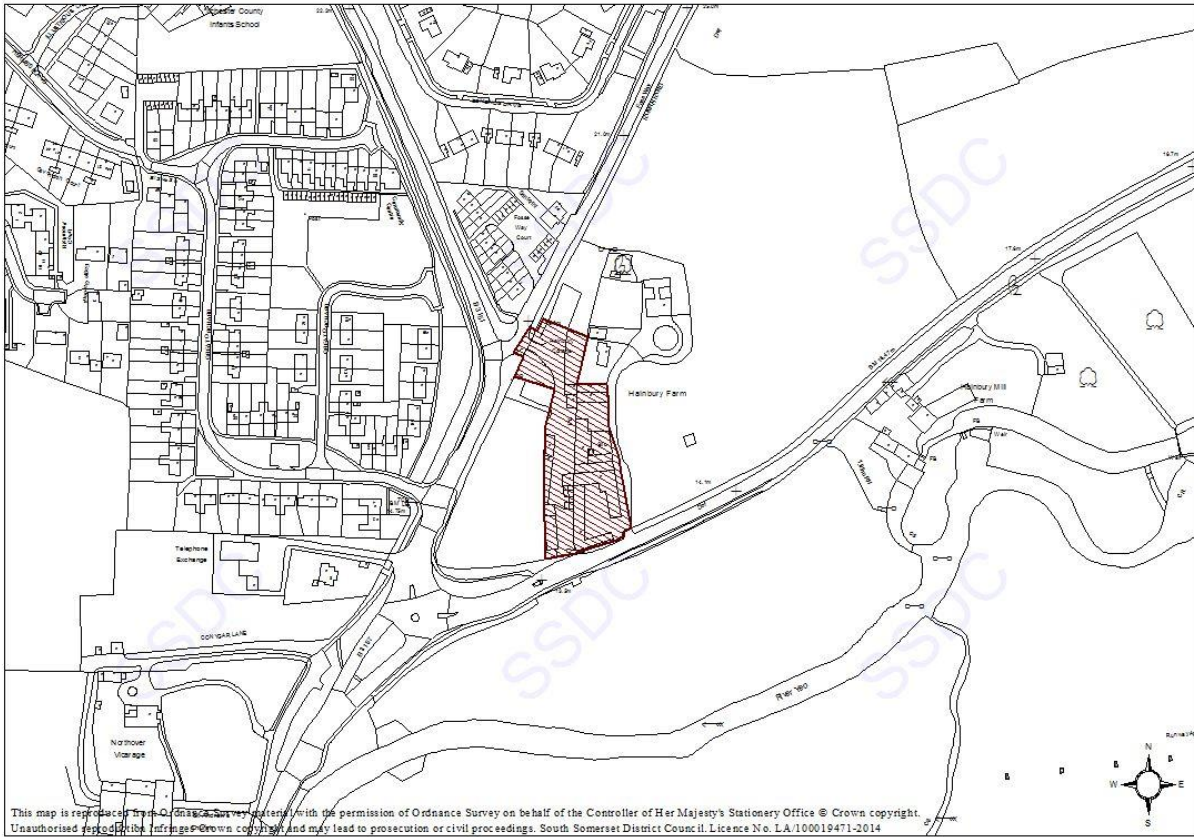
<b>Proposal :</b>	The carrying out of internal and external alterations to convert existing agricultural buildings to create 7 No. dwellings (GR 352549/123314)
<b>Site Address:</b>	Hainbury Farm Ilchester Yeovil
<b>Parish:</b>	Yeovilton
<b>IVELCHESTER Ward (SSDC Member)</b>	Cllr A Capozzoli
<b>Recommending Case Officer:</b>	Mrs Jennie Roberts Tel: (01935) 462441 Email: jennie.roberts@southsomerset.gov.uk
<b>Target date :</b>	28th April 2014
<b>Applicant :</b>	The Executors Of Mrs PCH Young (Deceased)
<b>Agent:</b>	DK Planning And Development Ltd Regal House 61 Rodney Road, Cheltenham GL50 1HX
<b>Application Type :</b>	Other LBC Alteration

### REASON FOR REFERRAL

This application has been brought before Area East Committee because the associated planning application (14/00925/FUL) has also been brought before Committee.

### SITE DESCRIPTION AND PROPOSAL





### **The site and surrounding area**

The site is located outside of any development area, off the B3151 Yeovilton Road on the north eastern side of Ilchester and forms part of Hainbury Farm. A second vehicular access is gained off the Old Fosse Way. The site comprises a group of linked and detached one and two storey stone barns. Some are arranged around an enclosed yard, whilst the others front onto a less enclosed hardstanding. Two of the buildings are grade II listed, whilst the others are protected due to their physical attachment or proximity to the listed buildings. The barns are on the council's 'Buildings at Risk register'. To the north of the site is Hainbury Cottage and Hainbury Farmhouse (grade II listed). The stone barns form part of the setting of this listed farmhouse.

The farm is a commercial dairy and arable holding, and comprises 183 acres of land, together with an additional 20 acre supplementary land parcel. The main group of farm buildings are now located at the Dairy Unit further up Old Fosse Way, and this is where the principal farming activities take place.

The stone barns at the application site have been subject to two arson attacks, the most recent being in September 2011. This substantially destroyed one of the barns, which has now been rebuilt. The buildings and yards have also been subject to vandalism.

In 2004, planning permission was granted for the conversion of the stone barns into commercial units (B1 use); however, this permission was not implemented.

### **The proposals**

This application proposes the conversion of the stone barns into 7no. residential units, comprising 1no three-bedroom dwelling and 6no. two-bedroom dwellings. The enclosed yard is to be retained as existing. Car ports are to be provided within existing barns and structures, and each dwelling will have a private garden space. A separate covered/secure cycle parking

and bin store is also to be provided. The proposed vehicular access for all of the units is to be off Old Fosse Way, and the existing access onto the Yeovilton Road will no longer provide vehicular access to the barns.

- A Heritage Appraisal and Impact Assessment has been submitted which assesses the proposals in relation to the historic environment.

## **RECENT HISTORY**

12/00519/LBC - Re-building of fire damaged barn - conditional consent - 09/02/2014

04/00253/LBC - The conversion of barn outbuildings into commercial units, light industrial and office use - conditional consent - 01/06/2004

99/01285/LBC - reinstatement of fire damaged barn - conditional consent - 07/12/1999

## **POLICY**

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

NPPF: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building; park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

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

Saved policies of the South Somerset Local Plan (adopted 2006)

EH3 - Alterations to listed buildings

EH5 - Setting of listed buildings

## **CONSULTATIONS**

**Parish Council** - Supports the application

**English Heritage** - The application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

**Conservation Officer** - No objections subject to conditions (see recommended conditions at the end of the report).

## **REPRESENTATIONS**

None received

## **CONSIDERATIONS**

## Listed Buildings

Paragraph 126 of the NPPF places importance on "sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation". The barns are on the Council's 'Buildings at Risk' register, and it is therefore considered important for them to be brought back into use, whilst ensuring that their conservation value is maintained. Following receipt of amended plans to address a couple of initial concerns about the details of the scheme, the conservation officer has commented that he is satisfied that the scheme responds sensitively to the character and significance of the buildings and their setting, and he therefore has no objection to the proposal. He recommends the use of various conditions (see end of report).

With the above in mind, it is considered that the proposed development will have an acceptable impact on the listed buildings and their setting.

## RECOMMENDATION

Grant consent with conditions

01. The proposal by reason of its size, scale, design, materials and position, and its limited/informed intervention into the historic fabric of these listed buildings, is considered to respect the historic and architectural interests of the buildings and is in accordance with the saved policies EH3 and EH5 of the South Somerset Local Plan (adopted 2006).

## SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below):

3312/SP06, date-stamped 03/03/2014;  
3312/ABE01, date-stamped 03/03/2014;  
3312/BAE01, date-stamped 03/03/2014;  
3312/BBE01, date-stamped 03/03/2014;  
3312/BCE01, date-stamped 03/03/2014;  
3312/BDE01, date-stamped 03/03/2014;  
3312/BEE01 A, date-stamped 13/05/2014;  
3312/BFE01, date-stamped 03/03/2014;  
3312/PO1 A, date-stamped 13/05/2014;  
3312/PO2 A, date-stamped 13/05/2014;  
3312/PO3, date-stamped 03/03/2014;  
3312/PO4 A, date-stamped 13/05/2014;  
3312/PO5 A, date-stamped 13/05/2014;  
3312/PO6, date-stamped 03/03/2014;

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

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

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

03. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. It shall also include details of surfacing and boundary treatments, including work to the gate piers.

Reason: In the interests of the setting of the listed buildings, in accordance with saved policy EH5 of the South Somerset Local Plan (adopted 2006).

04. No work shall be carried out unless a full building by building schedule has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include all building repairs including repointing, details of new floors, treatment and finishes to walls and ceilings, repairs and alterations to roof structure and the manner in which historic fabric and fittings will be retained (such as the stable partitions in Unit 5). Once agreed the work shall be carried out in strict accordance with this document, unless written consent is given by the LPA for any variation.

Reason: In the interests of the historic value and significance of the listed buildings, in accordance with saved policy EH3 of the South Somerset Local Plan (adopted 2006)

05. No work shall be carried out unless a full window and door schedule has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the repair of historic joinery, details of like for like replacements where appropriate, and full details of all new windows and doors, including rooflights. Details of finishes shall also be included. Once agreed the work shall be carried out in strict accordance with this schedule, unless written consent if given by the LPA for any variation.

Reason: In the interests of the historic value and significance of the listed buildings, in accordance with saved policy EH3 of the South Somerset Local Plan (adopted 2006).

06. No work shall be carried out on site unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.

Reason: In the interests of the historic value and significance of the listed buildings, in accordance with saved policy EH3 of the South Somerset Local Plan (adopted 2006).

07. No work shall be carried out on site unless full details the new natural stonework and brickwork walls, including the materials, coursing, bonding, mortar profile, colour, and texture along with a written detail of the mortar mix, have been be provided in writing; this shall be supported with a sample panel to be made available on site and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with



the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.

Reason: In the interests of the historic value and significance of the listed buildings, in accordance with saved policy EH3 of the South Somerset Local Plan (adopted 2006).

08. No work shall be carried out on site unless details of all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of the historic value and significance of the listed buildings, in accordance with saved policy EH3 of the South Somerset Local Plan (adopted 2006).

09. No work shall be carried out on site unless details of all new services to all bathrooms, kitchens etc, including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of the historic value and significance of the listed buildings, in accordance with saved policy EH3 of the South Somerset Local Plan (adopted 2006).

10. No work shall be carried out on site unless details of all metre boxes, TV / satellite antennae, signage, lighting and other external fixtures have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of the historic value and significance of the listed buildings, in accordance with saved policy EH3 of the South Somerset Local Plan (adopted 2006).

11. The wood burner flues hereby consented shall have a matt black finish, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the historic value and significance of the listed buildings, in accordance with saved policy EH3 of the South Somerset Local Plan (adopted 2006).

# Agenda Item 18

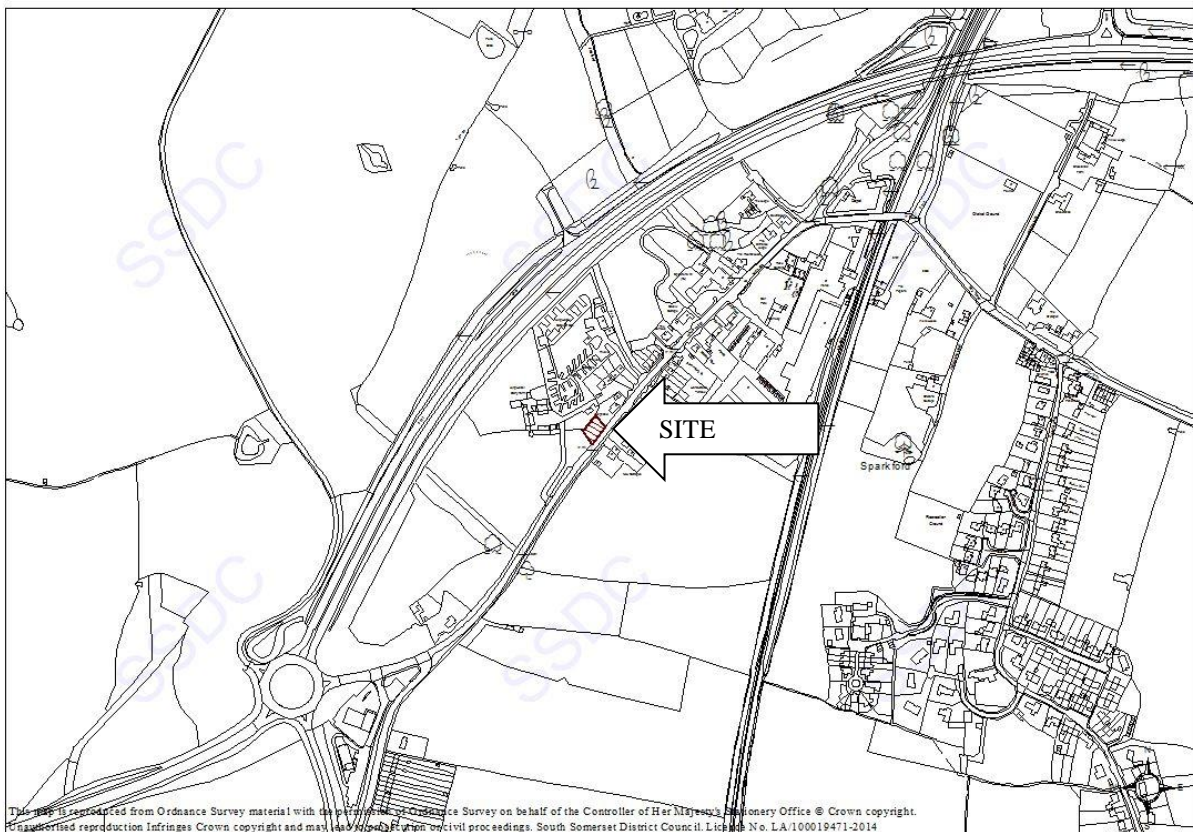
## Officer Report on Planning Application: 14/05009/REM

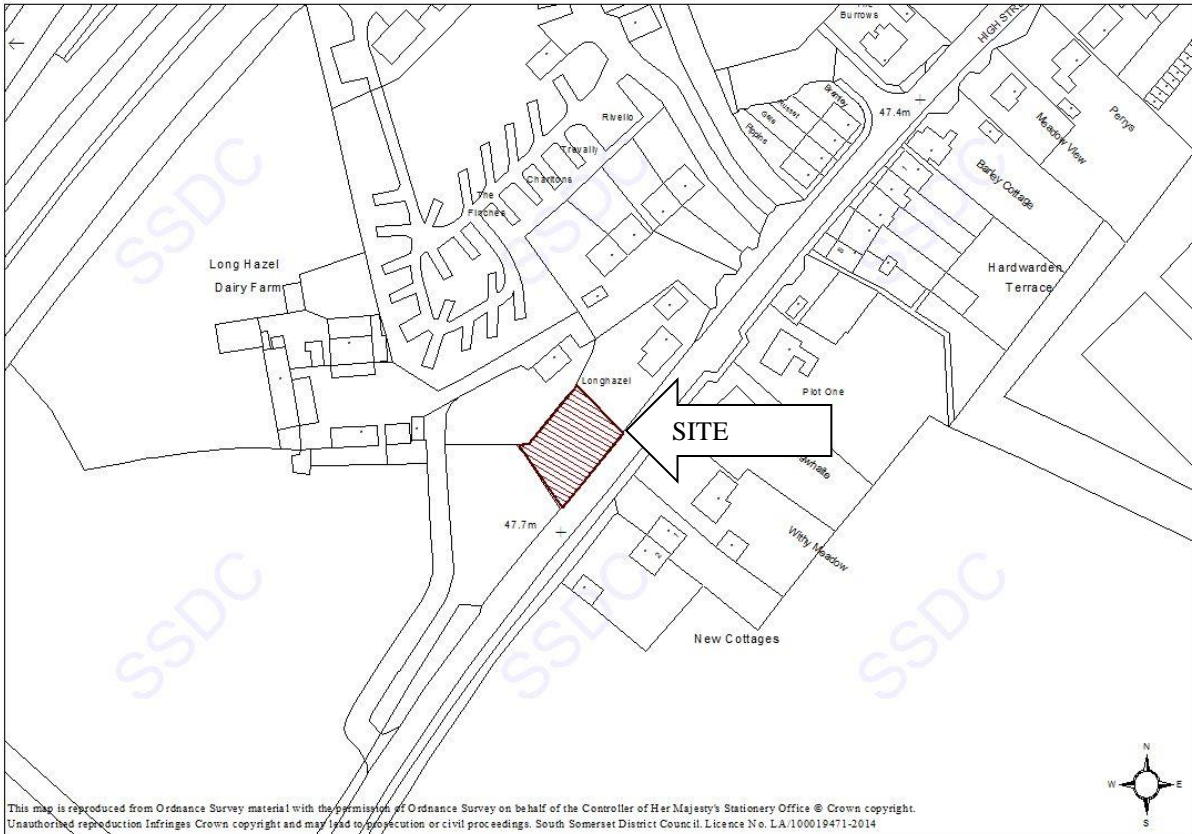
<b>Proposal :</b>	Erection of a dwellinghouse (Reserved matters of outline approval 14/02481/OUT) (GR:360239/126200)
<b>Site Address:</b>	Land adjoining Longhazel High Street Sparkford
<b>Parish:</b>	Sparkford
<b>CAMELOT Ward (SSDC Member)</b>	Cllr M. Lewis
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date :</b>	7th January 2015
<b>Applicant :</b>	Mr & Mrs Clive Wakefield
<b>Agent:</b>	Mrs Janet Montgomery Wessex House, High Street, Gillingham SP84AG
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to committee as the recommendation for approval does not accord with the Highway Authority Standing Advice as it relates to the proposed access onto a classified 'A' road.

### SITE DESCRIPTION AND PROPOSAL





This application seeks approval of the reserved matters for an outline permission for the erection of a detached dwelling and the formation of a new access. The site consists of an area of land in apparent garden use, adjacent to a two storey detached house, finished in natural stone, with white UPVC window frames and a clay tiled roof. The site is broadly level, laid to grass, and surrounded by mature vegetation and various styles of fencing. The site is located outside of, but immediately adjacent to, the Sparkford development area as defined by the local plan. The site is close to various residential properties and open countryside.

The proposal is for the erection of a detached two storey dwelling in the south-western corner of the plot, with the formation of a new access from High Street between the proposed dwelling and the existing dwelling known as Longhazel. The proposed dwelling will be finished in reconstituted stone with brick detailing under a reconstituted slate roof.

**HISTORY**

14/02481/OUT - Erect detached dwelling and form new access - Application permitted with conditions 28/08/2014

892678 - Outline: dwellinghouse and garage - Refused 15/11/1989

881075 - Outline: erection of a house - Refused 22/06/1988

**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.

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

The policies of most relevance to the proposal are:

**Saved policies of the South Somerset Local Plan (Adopted April 2006):**

ST2 - Villages  
ST3 - Development Area  
ST5 - General Principles of Development  
ST6 - The Quality of Development  
EU4 - Drainage

**National Planning Policy Framework**

Chapter 6 - Delivering a Wide Choice of High Quality Homes  
Chapter 7 - Requiring Good Design

**South Somerset Sustainable Community Strategy**

Goal 3 - Healthy Environments  
Goal 4 - Services and Facilities  
Goal 8 - High Quality Homes

**CONSULTATIONS**

**Sparkford Parish Council** - No comments received

**County Highway Authority** - Refers to standing advice, which requires visibility splays of 2.4 x 43 metres in each direction and an appropriate level of turning and visibility.

**REPRESENTATIONS**

None received.

**CONSIDERATIONS**

**History and Principle of Development**

The principle of development is established by outline permission 14/02481/OUT.

**Highways**

The highway authority was consulted as to the impact of the scheme on the local highway network. They referred to their standing advice. The scheme is considered to be in general accordance with the standing advice in terms of the parking and turning available on site. However, visibility to the south on land within the applicant's or highway authority control can only be achieved at 2.4 x 35 metres, when, according to the standing advice, it should be 2.4 x 43 metres. However, although these are technically what can be achieved on land owned by the applicant or the highway authority, the available visibility is significantly further in practice. As such, the eight metre technical shortfall is not considered to have a severe impact on highway safety and the proposal therefore accords with the provisions of the NPPF in this regard.

**Visual Amenity**

In regards to the outline permission the SSDC Landscape Architect was consulted as to the impact on the visual amenity of the area. The landscape architect noted that the site is contained within a residential context, and is currently used for residential purposes. As such he had no landscape issues to raise.

The detailed scheme is considered to show a satisfactory standard of design that is appropriate to this locality. The proposed materials, being reconstituted stone and reconstituted slate, are not considered to be ideal. However, the location is not considered to be particularly sensitive and, subject to conditions to control detailing, the proposal is considered to have no significant adverse impact on visual amenity in compliance with policies ST5 and ST6 of the South Somerset Local Plan. The proposed landscaping is considered to be adequate and can be secured through the imposition of an appropriate condition.

### **Residential Amenity**

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

### **Conclusion**

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

### **RECOMMENDATION**

Permission be granted for the following reason:

01. The proposal, by reason of its size, scale and materials, respects the character of the area, and causes no demonstrable harm to residential amenity or highway in accordance with the aims and objectives of Policies ST6 and ST5 of the South Somerset Local Plan (Adopted April 2006) and the aims and provisions of the NPPF.

### **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be carried out in accordance with the following approved plans: 14110-5C received 07 November 2014 and 14110-1C received 24 November 2014.

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

02. The landscape planting shown on the drawing 14110-5C hereby approved, shall be carried out in the first planting season following the commencement of the development hereby approved. For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of The Local Planning Authority 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: In the interests of visual amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

03. No work shall be carried out on site until particulars of the following have been submitted to and approved in writing by the Local Planning Authority:

- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
- b. a sample panel, to be prepared for inspection on site, to show the mortar mix and coursing of the external walls;
- c. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
- d. details of all hardstanding and boundaries
- e. details of the rainwater goods and eaves and fascia details and treatment.

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

04. Before the dwelling hereby permitted is first occupied, the proposed access over the first 5m of its length shall be properly consolidated and surfaced (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority, before works are carried out on the access.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

05. There shall be no obstruction to visibility greater than 900mm above adjoining road level in the areas marked as visibility splays on drawing 14110-5C received 07 November 2014. Such visibility shall be fully provided before the development hereby permitted is first brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

06. The area allocated for parking and turning on the submitted plan, drawing no. 14110-1C received 24 November 2014, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles used in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

07. Any entrance gates shall be hung to open inwards and set back a minimum distance of 5m from the highway at all times.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.