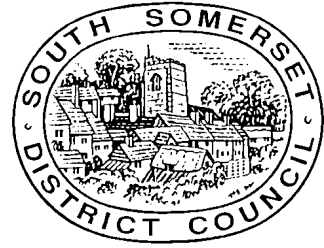


**South Somerset District Council**

*Notice of Meeting*



**Area West Committee**

*Making a difference where it counts*

**Wednesday 20th August 2014**

**5.30 pm**

**Henhayes Community Centre  
South Street Car Park  
Crewkerne  
TA18 8DA**

(disabled access is available at this meeting venue)



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The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than **6.30pm**.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Jo Morris 01935 462055**,  
website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

This Agenda was issued on Tuesday 12 August 2014.

A handwritten signature in black ink that reads 'Ian Clarke'.

**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 West Committee Membership

The following members are requested to attend the meeting:

**Chairman:** Angie Singleton  
**Vice-chairman:** Paul Maxwell

Mike Best  
Dave Bulmer  
John Dyke  
Carol Goodall  
Brennie Halse

Jenny Kenton  
Nigel Mermagen  
Sue Osborne  
Ric Pallister  
Ros Roderigo

Kim Turner  
Andrew Turpin  
Linda Vijeh  
Martin Wale

## 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

Consideration of planning applications will commence no earlier than 6.30pm, following a short break, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

## Highways

A representative from the Area Highways Office will attend the Committee quarterly in February, May, August and November. They will be available half an hour before the commencement of the meeting to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset Highways direct control centre on 0845 345 9155.

## Members Questions on reports prior to the meeting

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

# Information for the Public

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

Decisions made by Area Committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. Members of the public can view the council’s Executive Forward Plan, either online or at any SSDC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At Area Committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the Area Committee Chairman’s discretion, members of the public are permitted to speak for up to up to 3 minutes on agenda items; and
- see agenda reports.

Meetings of the Area West Committee are held monthly at 5.30 p.m. on the 3<sup>rd</sup> Wednesday of the month in venues throughout Area West (unless specified otherwise).

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

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

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

## Public Participation at Committees

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

## Public Question Time

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

## **Planning Applications**

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

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the Committee Chairman's discretion, members of the public are permitted to speak for up to 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 and/or Agent
- District Council Ward Member

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

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

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 West Committee

**Wednesday 20 August 2014**

## Agenda

### *Confidential item*

1. **Exclusion of press and public** (Pages 1 - 2)
2. **Securing Future Facilities for Chard (Confidential)** (Pages 3 - 8)

### *Preliminary Items*

3. **To approve as a correct record the minutes of the meeting held on 16 July 2014**
4. **Apologies for absence**
5. **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. Mike Best, Angie Singleton and Linda Vjeh

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.

## **6. Public Question Time**

This is a chance to ask questions, make comments and raise matters of concern.

Parish/Town Councils 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.

Anyone wishing to raise matters in relation to items on the agenda may do so at the time the item is considered.

## **7. Chairman's announcements**

### *Items for Discussion*

- 8. Area West Committee - Forward Plan** (Pages 9 - 12)
- 9. "The Hammerhead", a triangular area of land adjacent to the Medical Centre, Recreational Area and Canal Way, Ilminster - Assessment of nomination under Community Right to Bid (Item for information)** (Pages 13 - 17)
- 10. Community Right to Bid - Updates** (Page 18)
- 11. Feedback on Planning Applications Referred to the Regulation Committee** (Page 19)
- 12. Planning Appeals** (Pages 20 - 25)
- 13. Schedule of Planning Applications to be Determined by Committee** (Pages 26 - 27)
- 14. Planning application 13/04848/FUL - Land at Crosskeys, Ashill.** (Pages 28 - 54)
- 15. Planning application 14/01891/DPO - Bradfords Site, Station Road, Misterton.** (Pages 55 - 59)
- 16. Planning application 13/03278/FUL - Viney Bridge Mills, South Street, Crewkerne.** (Pages 60 - 79)
- 17. Planning application 14/02863/OUT - Holcombe House, Beadon Lane, Merriott.** (Pages 80 - 88)
- 18. Planning application 14/02626/FUL - Land north of Classet House, Frog Lane, Combe St Nicholas.** (Pages 89 - 95)
- 19. Planning application 14/02685/FUL - Former ladies public convenience, West**

**Street, Ilminster** (Pages 96 - 101)

- 20. Planning application 14/02439/FUL - Chard & Ilminster News. 3 & 3A Fore Street, Chard** (Pages 102 - 106)
- 21. Planning application 14/02440/LBC - Chard & Ilminster News, 3 & 3A Fore Street, Chard.** (Pages 107 - 110)
- 22. Date and venue for next meeting** (Page 111)

The next scheduled meeting of the Committee will be held on Wednesday 17<sup>th</sup> September 2014 at the Guildhall, Chard.

**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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## **Exclusion of Press and Public**

The Committee is asked to agree that the following item (agenda item 2) be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under paragraph 3: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)." It is considered that the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

## **Area West Committee - Forward Plan**

*Strategic Director:* Rina Singh (Place and Performance)  
*Assistant Director:* Helen Rutter / Kim Close (Communities)  
*Service Manager:* Andrew Gillespie, Area Development Manager (West)  
*Agenda Co-ordinator:* Jo Morris, Democratic Services Officer , Legal & Democratic Services  
*Contact Details:* jo.morris@southsomerset.gov.uk or 01935 462055

## **Purpose of the Report**

This report informs members of the proposed Area West Committee Forward Plan.

## **Recommendation**

Members are asked to:-

- (1) comment upon and note the proposed Area West Committee Forward Plan as attached.
- (2) identify priorities for further reports to be added to the Area West Committee Forward Plan.

## **Forward Plan**

The Forward Plan sets out items and issues to be discussed by the Area West Committee over the coming few months.

The Forward Plan will be reviewed and updated each month in consultation with the Chairman. It is included each month on the Area West Committee agenda and members may endorse or request amendments.

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.

Councillors, service managers, partners and members of the public may request that an item is placed within the forward plan for a future meeting by contacting the agenda co-ordinator.

**Background Papers:** None.

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Notes

- (1) Items marked in italics are not yet confirmed, due to the attendance of additional representatives.
- (2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Jo Morris, 01935 462055 or e-mail jo.morris@southsomerset.gov.uk
- (3) Standing items include:
  - (a) Feedback on Planning Applications referred to the Regulation Committee
  - (b) Chairman's announcements
  - (c) Public Question Time

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer(s) SSDC unless stated otherwise</b>
17 <sup>th</sup> September 2014	Shared Customer Service Desk in the Guildhall		Andrew Gillespie, Area Development Manager (Area West)
17 <sup>th</sup> September 2014	Securing Future Facilities for Chard	Confidential report to consider feasibility funding for a future facility for Chard.	Lynda Pincombe, Community Health & Leisure Manager
15 <sup>th</sup> October 2014	S106 Obligations	6 monthly Update Report	Neil Waddleton, S106 Monitoring Officer
15 <sup>th</sup> October 2014	Affordable Housing Development Programme	To update members on the current position with the Affordable Housing Development Programme.	Colin McDonald, Strategic Housing Manager
15 <sup>th</sup> October 2014	<i>Local Housing Needs in Area West</i>	<i>Service Update report</i>	<i>Kirsty Larkins, Housing and Welfare Manager</i>
15 <sup>th</sup> October 2014	Historic Buildings at Risk	Confidential report to update members on current Historic Buildings at Risk cases in Area West.	Greg Venn, Conservation Officer
15 <sup>th</sup> October 2014	<i>Meeting House Arts Centre, Ilminster</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. Sue Osborne</i>
15 <sup>th</sup> October 2014	<i>Crewkerne Leisure Management (Aqua Centre)</i>	<i>Reports from members on outside organisations</i>	<i>Cllr. Angie Singleton</i>

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer(s) SSDC unless stated otherwise</b>
19 <sup>th</sup> November 2014	Highways Maintenance Programme	To update members on the highways maintenance work carried out by the County Highway Authority.	Mike Fear, Assistant Highway Service Manager, Somerset County Council
19 <sup>th</sup> November 2014	<i>Crewkerne Heritage Centre</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. John Dyke</i>
19 <sup>th</sup> November 2014	<i>Chard and District Museum</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. Brennie Halse</i>
17 <sup>th</sup> December 2014	<i>Blackdown Hills Area of Outstanding Natural Beauty (AONB)</i>	<i>To update members on the work of the Blackdown Hills AONB since the last report to Area West Committee.</i>	<i>Zoe Harris, Neighbourhood Development Officer (Communities) Cllr. Ros Roderigo</i>
17 <sup>th</sup> December 2014	Area West Development Work Programme Overview	To present an overview of projects in the Area West Development Work Programme 2014/15	Andrew Gillespie, Area Development Manager (West)
17 <sup>th</sup> December 2014	LEADER Programme for Rural Economic Development	To report on the outcome of applications for funding.	Helen Rutter, Assistant Director (Communities)
21 <sup>st</sup> January 2015	Area West Community Safety Police Performance and Neighbourhood Policing	Report on the activities and achievements on neighbourhood policing and partnership working to reduce crime and the fear of crime.	Sgt. Rob Jameson
21 <sup>st</sup> January 2015	<i>Ilminster Forum</i>	<i>Reports from members on outside organisations</i>	<i>Zoe Harris, Neighbourhood Development Officer (Communities) Cllr. Carol Goodall</i>
21 <sup>st</sup> January 2015	<i>A Better Crewkerne and District (ABCD)</i>	<i>Reports from members on Outside Organisations</i>	<i>Zoe Harris, Neighbourhood Development Officer (Communities) Cllr. Mike Best</i>
18 <sup>th</sup> February 2015	<i>Ile Youth Centre Management Committee (Ilminster)</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. Kim Turner</i>
TBC	<i>Update on Assets in Area West</i>	<i>A representative from the Strategic Asset Steering Group (SASG) to give an update on the assets in Area West.</i>	<i>Vega Sturgess, Strategic Director (Operations &amp; Customer Focus) Donna Parham, Assistant Director (Finance &amp; Corporate Services)</i>

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
<i>TBC</i>	<i>Promoting Crewkerne and Ilminster Project</i>	<i>Update on progress</i>	<i>Zoe Harris, Neighbourhood Development Officer (Communities)</i>

## **“The Hammerhead”, a triangular area of land adjacent to the Medical Centre, Recreational Area and Canal Way, Ilminster – Assessment of nomination under Community Right to Bid (Item for information)**

*Strategic Director:* Rina Singh, Place & Performance  
*Assistant Director:* Helen Rutter/Kim Close, Communities  
*Service Manager:* Andrew Gillespie Area Development Manager (West)  
*Lead Officer:* As above  
*Contact Details:* [andrew.gillespie@southsomerset.gov.uk](mailto:andrew.gillespie@southsomerset.gov.uk) or (01460) 260426

### **Purpose of the Report**

This report is to inform councillors of the decision to place “The Hammerhead”, a triangular area of land adjacent to the Medical Centre, Recreational Area and Canal Way onto the SSDC Register of Assets of Community Value, following a nomination made by Ilminster Town Council.

### **Public Interest**

On 7<sup>th</sup> July 2014 SSDC received a nomination from Ilminster Council to include “The Hammerhead”, a triangular area of land adjacent to the Medical Centre, Recreational Area and Canal Way in the SSDC Register of Assets of Community Value and it is SSDC’s responsibility to consider whether this should be included on the Register. SSDC has eight weeks to consider a nomination.

### **Recommendation**

That Members note the report.

### **Background**

In August 2013 District Executive agreed a process for considering nominations received from communities to place assets of community value onto the SSDC Register of Assets of Community Value, based on criteria which are set out in the Localism Act.

The decision is delegated to the relevant Area Development Manager in consultation with the Ward Member and Area Chair. The result of a nomination is reported to the Area Committee for information only, with a quarterly report being presented to District Executive for information. (NB: decisions about any SSDC-owned properties are still presented to District Executive for decision)

### **The assessment**

The nomination was approved on 16<sup>th</sup> July 2014 by the Area Development Manager (West). The assessment is set out in Appendix 1. A map showing the nominated site is provided at Appendix 2.

### **Next Steps**

The Town Council, the property owner and the Land Registry will be notified and the asset will be placed on the SSDC Register of Assets of Community Value.



The owner can appeal against the decision; any appeals are considered by the Council's Monitoring Officer.

Once an asset has been listed, nothing further will happen until the owner decides to dispose of the asset (either through a freehold sale or the grant of a lease for at least 25 years). At this point the owner must notify SSDC of the intention to sell. A relevant community group is then given 6 weeks to express an interest in the asset and submit a written intention to bid for the property(s).

If any written intentions are received, the Council must pass on the request to the owner, at which point the full moratorium period of 6 months (from the date that SSDC is notified of the intention to sell) comes into force. If no written intention(s) to bid are received, the owner is free to sell the asset.

All accepted nominations will normally remain on the Register for 5 years.

### **Financial Implications**

None at this stage. Government has provided SSDC with an (un-ringfenced) sum of £7,902 for 2013/14 as a contribution towards the costs associated with the new duties under the Community Right to Bid. Sums in future years are still to be confirmed.

Property owners who believe they have incurred costs as a result of complying with these procedures can apply for compensation from the Council. SSDC is in the process of designing this compensation scheme. Government recognises this as a potential risk to local authorities and will provide a safety net whereby any verified claims of over £20,000 will be met by Government.

### **Council Plan Implications**

Evaluate the overall requirements of the Government's Localism legislation and work with communities to develop plans for their community

### **Carbon Emissions and Climate Change Implications**

None in relation to this decision.

### **Equality and Diversity Implications**

The Council's Equality Objectives and the General Equality Duty have been considered in the assessment of this nomination. There are no implications requiring action arising from this decision.

### **Background Papers**

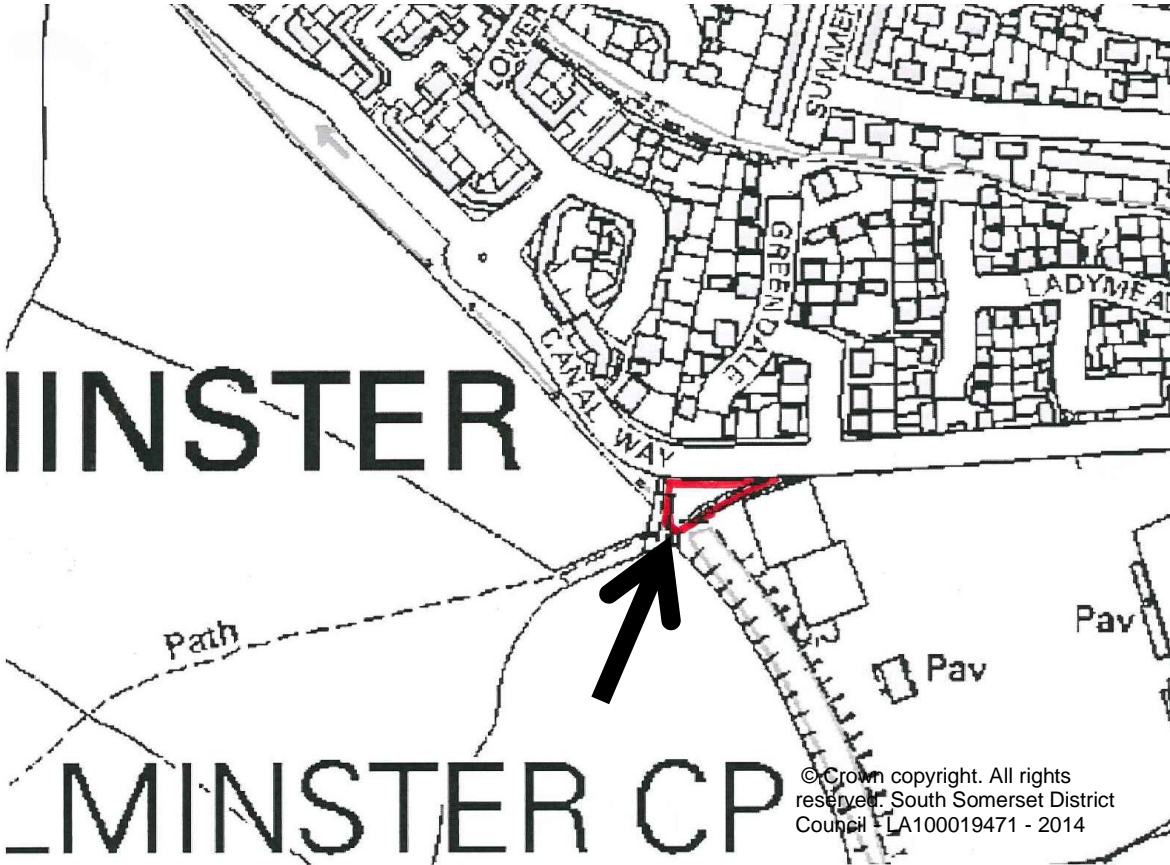
Community Right to Bid nomination process agreed at District Executive – August 2013

**Appendix 1 – Community Right to Bid Assessment – “The Hammerhead”, a triangular area of land adjacent to the Medical Centre, Recreational Area and Canal Way**

<b>Name of Property/Land</b>	“The Hammerhead”, a triangular area of land adjacent to the Medical Centre, Recreational Area and Canal Way, TA19 9FE		<b>Date of decision</b>	16 <sup>th</sup> July 2014
			<b>Area Development Manager</b>	Andrew Gillespie
	<b>Detail</b>	<b>Community Right to Bid Criteria</b>	<b>Fits Criteria Y/N</b>	
<b>Nominating Body</b>	Ilminster Town Council	Does the nominating body fit the definition of a ‘Community Interest Group?’	Yes. A town council is an expressly named eligible group.	
<b>Area of interest</b>	Ilminster and surrounding area	Does the nominating body have a ‘local connection’? i.e.: Are its activities wholly or partly concerned with the South Somerset area or with a neighbouring authority (which shares a boundary) and is any surplus it makes wholly or partly applied for the benefit of the South Somerset area or a neighbouring authority’s area?	Yes. Ilminster parish is within South Somerset.	
<b>Use in recent past</b>	“The Hammerhead”, a triangular area of land adjacent to the Medical Centre, Recreational Area and Canal Way	Does the current use of the property or its use in the ‘recent past’ (i.e. the past 5 years) further the social wellbeing and interests of the local community?	Yes. Its use in the recent past is to provide access to footpaths CH1 1/3 and CH11/4, as well as the recreation land known as Wharf Lane Recreation Ground and Britten’s Field which in turn gives access to Herne Hill, an area of beauty given to the town for the benefit of its residents. It is commonly used as a parking area for dog walkers. It fulfils the criteria of social value. The Town Council has the benefit of rights to pass over part of the land by virtue of a deed of grant; these rights were purchased in 1989 to provide a vehicular access to the recreation area for the purposes of ground maintenance.	
<b>Proposed Future Use</b>	The current usage would continue i.e. access to	Does the proposed continued use (or in the next 5 years) further the social wellbeing and interests of the local community?	Yes. It is envisaged that the current usage would continue i.e. access to recreation area	

	recreation area		
<b>Conclusion</b>	Ilminster Town Council is an eligible body to make this nomination, and the property history and proposed future use appear to fit the criteria established by the Localism Act and its associated guidance. Further advice was sought from Locality (the Government's appointed advisory body) which confirmed this assessment. The ward member and Area Chairman have been consulted and support this assessment.		
<b>Decision</b>	"The Hammerhead", a triangular area of land adjacent to the Medical Centre, Recreational Area and Canal Way is to be added to the SSDC Register of Assets of Community Value.		

**Appendix 2 – “The Hammerhead”, a triangular area of land adjacent to the Medical Centre, Recreational Area and Canal Way**



# Agenda Item 10

## **Community Right to Bid - Updates**

*Strategic Director:* Rina Singh, Place & Performance  
*Assistant Director:* Helen Rutter/Kim Close, Communities  
*Service Manager:* Andrew Gillespie Area Development Manager (West)  
*Lead Officer:* As above  
*Contact Details:* [andrew.gillespie@southsomerset.gov.uk](mailto:andrew.gillespie@southsomerset.gov.uk) or (01460) 260426

A verbal report will be given by the Area Development Manager.

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## **Feedback on Planning Applications Referred to the Regulation Committee**

There is no feedback to report on planning applications referred to the Regulation Committee.

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# Agenda Item 12

## Planning Appeals

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

## Purpose of the Report

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

## Recommendation

That the report be noted.

## Background

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

## Report Detail

### Appeals Received

13/03145/FUL – Land at Beetham, Higher Beetham, Whitestaunton, Chard TA20 3PY.  
The erection of an agricultural building (revised application)

### Appeals Allowed

13/04717/FUL – Merriott Social Club, 71 Lower Street, Merriott TA16 5NP.  
The provision of disabled access and emergency egress routes to Merriott Social Club, the erection of an extension for the provision of improved toilet facilities and associated change of use of land from agricultural use to sui generis (social club)

***Background Papers:*** None

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## Appeal Decision

Site visit made on 3 July 2014

by **G Powys Jones MSc FRTPI**

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

Decision date: 18 July 2014

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**Appeal Ref: APP/R3325/A/14/2214086**

**Merriott Social Club, 71 Lower Street, Merriott, Somerset, TA16 5NP**

- 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 BA Jacobs on behalf of the Merriott Social Club against the decision of South Somerset District Council.
  - The application Ref 13/04717/FUL, dated 19 November 2013, was refused by notice dated 4 February 2014.
  - The development proposed is the provision of disabled access and emergency egress routes to Merriott Social Club, the erection of an extension for the provision of improved toilet facilities and associated change of use of land from agricultural use to sui generis (social club).
- 

### Decision

1. The appeal is allowed and planning permission is granted for the provision of disabled access and emergency egress routes to Merriott Social Club, the erection of an extension for the provision of improved toilet facilities and associated change of use of land from agricultural use to sui generis (social club) at the Merriott Social Club, 71 Lower Street, Merriott, Somerset, TA16 5NP in accordance with the terms of the application Ref 13/04717/FUL, dated 19 November 2013, subject to the following condition:

*The land described by the Council as 'agricultural land' adjoining the social club shall be used solely for an emergency egress and for allotment use in conjunction with the social club, and for no other use unless previously agreed in writing by the local planning authority.*

### Preliminary & procedural matters

2. An application for costs was made by the appellant against the Council, and is the subject of a separate decision.
3. During the course of the appeal, the Council granted planning permission in respect of similar building proposals at the appeal property (Ref 14/00665). The details of the approved development sent to me following my site visit confirm the appellant's view that the main difference between the appeal proposal and the approved scheme relates to the exclusion of most of what is described as 'agricultural land' from the latter.
4. The planning permission is a material consideration attracting substantial weight, not least because it permits, virtually unchanged, the building development proposals subject of the appeal. Moreover, judging from the building works I saw, and as confirmed by the appellant at the visit, the



permission has been implemented. The Council's previously expressed concerns as to the impact of the building works have clearly been overcome, and I have no reason to differ from its judgment in this respect.

5. Accordingly, I am required, in effect, to assess the acceptability of the use of the '*agricultural land*' adjoining the social club, and I shall proceed on this basis.

### **The main issue**

6. In the circumstances, the main issue is the effect of the change of use of the '*agricultural land*' adjoining the social club on the living conditions of nearby residents with specific reference to privacy, noise and disturbance.

### **Reasons**

7. The appellant seeks a change of use of the land because the Council, in effect, contends that it is in agricultural use. The appellant disputes that this is the case, and says that it has long been used in association with the social club as an amenity area. I saw that the land was laid out as a well-maintained allotment, fenced off from the open field to the west, and I have no reason to doubt the appellant's contention as to its historical association with the club.
8. Although the land is elevated in relation to the level of the dwellings in Lower Street, the rear of those properties are relatively well screened from view. I do not consider that the continued use of the land for allotment use in association with the club, or as an emergency escape route, would cause problems of noise & disturbance or loss of privacy to neighbouring residents.
9. However, so as to avoid the introduction of other activities onto the land, for example, a beer garden or a late night open-space overflow facility, in association with the social club, a condition restricting the use of the land would be necessary, since other uses, such as those described, would almost inevitably cause problems of noise and disturbance to adjacent residents.
10. I conclude that subject to appropriate safeguards, the continued use of the land adjoining the social club is acceptable and would not therefore conflict with those aspects of policy ST6 of the South Somerset Local Plan designed to protect the amenities of occupiers of adjacent properties.

### **Conditions**

11. As already explained, I shall impose a condition, in the interests of safeguarding the amenities of neighbouring residents, to restrict the use of the land adjoining the social club.
12. I do not consider that the other conditions suggested by the Council are necessary, since conditions were imposed on the earlier permission relating to the building works, and that permission has been implemented. The imposition of further conditions could cause unnecessary confusion.

### **Other matters**

13. The comments made by local residents and property owners have been considered, but most of the main sources of concern have been overtaken by events in the form of the planning permission recently granted by the Council.

14. I have taken account of all other matters raised in the representations, including the views of the Parish Council, the references to the planning history and the *National Planning Policy Framework*, but none is of such strength or significance as to outweigh the considerations that led me to my conclusions.

*G Powys Jones*

INSPECTOR

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## Costs Decision

Site visit made on 3 July 2014

**by G Powys Jones MSc FRTPI**

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

**Decision date: 18 July 2014**

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### **Costs application in relation to Appeal Ref: APP/R3325/A/14/2214086 Merriott Social Club, 71 Lower Street, Merriott, Somerset, TA16 5NP**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr BA Jacobs on behalf of the Merriott Social Club for a full award of costs against Cornwall Council.
  - The appeal was made against the Council's decision to refuse planning permission for the provision of disabled access and emergency egress routes to Merriott Social Club, the erection of an extension for the provision of improved toilet facilities and associated change of use of land from agricultural use to sui generis (social club).
- 

### **Decision**

1. The application for an award of costs is allowed in the terms set out below.

### **Reasons**

2. The application is determined having regard to the advice of the *Planning Practice Guidance* (the Guidance). The Guidance advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Guidance provides that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications, or by unreasonably defending appeals. One example of unreasonable behaviour cited in the Guidance is not determining similar cases in a consistent manner.
4. In this respect, the Council granted planning permission during the course of the appeal for a virtually identical development as to the building works proposed. This strongly indicates inconsistency.
5. The use made of the adjoining land, in conjunction with the use of the social club could, as I have found, be governed by condition to avoid unneighbourliness. The condition imposed in the appeal followed the form suggested by the Council in its representations.
6. In granting permission for a similar development, and in refusing planning permission in relation to the use of land where a suitable condition would enable the development to go ahead, or continued as in this case, the Council put itself

at risk of an award of costs in terms of the Circular. Moreover, the Council failed to substantiate either of its reasons for refusal, and this amounts to unreasonableness.

7. Furthermore, the Council was made aware of the appellant's application for costs, but did not respond. As advised in the Guidance, the appellant's case is strengthened if the opposing party does not offer evidence to counter the case for costs.
8. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in the Guidance, has been demonstrated and that a full award of costs is justified.

### **Costs Order**

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

*G Powys Jones*

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 West Committee at this meeting.

### Recommendation

Members are asked to note the schedule of planning applications.

***Planning Applications will be considered no earlier than 6.30pm.***

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.20pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
14	NEROCHE	13/04848/FUL	Change of use of land to private gypsy caravan site.	Land at Crosskeys, Ashill.	Mrs & Mrs Brazil, Pucker & Ayres
15	CREWKERNE	14/01891/DPO	Application to remove affordable housing obligation.	Bradfords Site, Station Road, Misterton.	Betterment Properties (Weymouth) Ltd
16	CREWKERNE	13/03278/FUL	Alteration of existing buildings to create commercial units and 45 dwellings, and the erection of 13. new dwellings.	Viney Bridge Mills, South Street, Crewkerne.	Coxley Developments
17	EGGWOOD	14/02863/OUT	Erection of 1 detached dwelling with associated garage.	Holcombe House, Beadon Lane, Merriott.	Mr & Mrs D Stokes
18	BLACKDOWN	14/02626/FUL	Erection of 1 detached dwellinghouse.	Land north of Classet House, Frog Lane, Combe St Nicholas.	Mrs Julie Gray

Continued over the page.

19	ILMINSTER	14/02685/FUL	Alterations and change of use to office and shop.	Former ladies public convenience, West Street, Ilminster.	SSDC
20	CHARD COMBE	14/02439/FUL	Alterations, change of use and conversion of offices to form 2 residential units and retention of 1 first floor office	Chard & Ilminster News. 3 & 3A Fore Street, Chard.	Mr & Mrs A Kenton
21	CHARD COMBE	14/02440/LBC	Internal and external alterations to include replacement front entrance.	Chard & Ilminster News. 3 & 3A Fore Street, Chard.	Mr & Mrs A Kenton

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

### **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

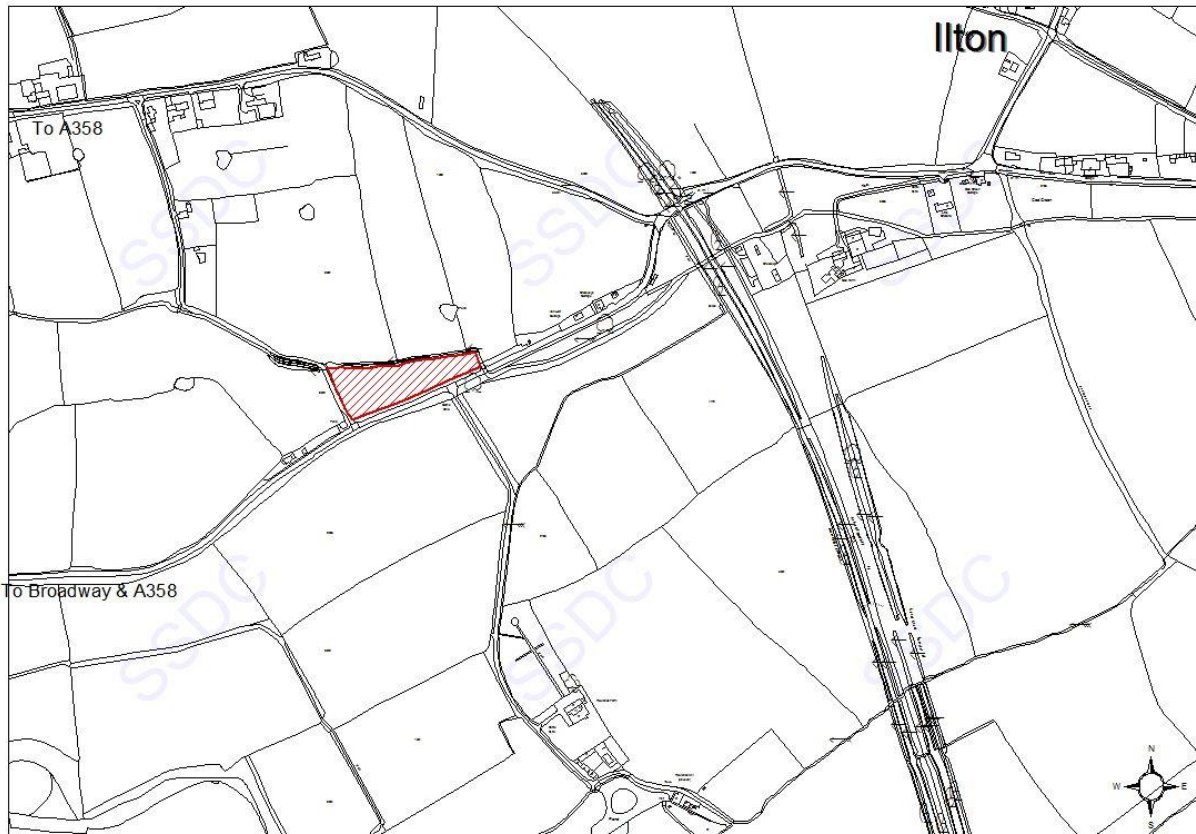
## Officer Report On Planning Application: 13/04848/FUL

<b>Proposal :</b>	Change of use of land to private gypsy caravan site consisting of 6 No. pitches, associated developments and creation of new access (Revised Application). (GR 334181/116766)
<b>Site Address:</b>	Land Os 1074, Crosskeys, Ashill.
<b>Parish:</b>	Ashill
<b>NEROCHE Ward (SSDC Member)</b>	Cllr L P Vjeh
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date :</b>	24th January 2014
<b>Applicant :</b>	Mssrs And Mrs Brazil, Pucker, Ayres And Pucker
<b>Agent: (no agent if blank)</b>	Dr Angus Murdoch, P.O. Box 71, Ilminster Somerset TA19 0WF
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASONS FOR REFERRAL TO COMMITTEE

This application has been referred to committee as agreed by the Ward Member and Chair in order for a full consideration of the planning issues.

### SITE DESCRIPTION AND PROPOSAL





The site is a triangular shaped field extending to 0.5 hectares, bounded on its southern side with Cad Road and on the western side with Butts Lane. The site extends approximately 170 metres from west to east, with a width of 70 metres and 15 metres at its far western and eastern ends respectively. Whilst the site lies in the parish of Ashill, it is a stones throw from the parish boundary of Ilton. The hamlet of Rapps is located approximately 300 metres to the north of the site. The village of Ilton is approximately 1km to the east, Ashill 2 km to the west, Broadway 2 km to the south west, Horton 2.5km and Ilminster 4km to the south.

Vehicular access is currently gained from Cad Road towards the eastern end of the site. The site is bounded by mature hedgerows and trees. A tributary of the Cad Brook flows along the northern boundary of the site and a ditch runs along the southern boundary. The site occupies a rural setting with the local development character defined by isolated dwellings along Cad Road and beyond. A dismantled railway line runs north to south to the east of the site.

The entrance to Rowlands Farm, a Grade 2\* listed farmhouse is located opposite the site, on the southern side of Cad Road. This entrance is defined by Grade 2 listed gate piers with attached cast iron railings. To the south of Rowlands Farm is Rowlands Mill, a further listed Grade 2\* building. A further Grade 2\* listed building is a Grotto at Jordan's located to the west. Rowlands Farm is located approximately 400 metres from the site whilst the Grotto is located approximately 600 metres from the application site.

This application seeks consent for the change of use of land to a private gypsy caravan site comprising 6 pitches and the creation of a new vehicular access. Each pitch would contain a static caravan, a mobile caravan and an amenity block - this would contain a day room, store and bathroom. Three of the pitches shall be located along the western boundary of the site with the other 3 located centrally within the site. A play area will be established at the far eastern end of the site. The amenity blocks will measure 11 metres x 3.6 metres with a height of 2.85 metres.



The existing vehicular access would be closed up with a new access formed 65 metres to the west. A new internal gravelled/shingle road would be created to serve the 6 pitches. Low level bollard lighting will be installed along the road. In addition, a pedestrian access will be provided onto Butts Lane from Plot 6 to enable emergency pedestrian access only.

The existing boundary hedgerows will be retained other than for a section to create the new access from Cad Road. The current access will be enclosed with planting of a new hedgerow. Information submitted on the layout plan indicates that the existing 2.5 metre boundary hedgerows will be retained and encouraged to increase in height to provide screening. Additional planting will be undertaken within the site.

In addition to the site, elevation and layout plans, the application was supported by a Flood Risk Assessment (FRA) and a Heritage Appraisal and Impact Assessment (HAIA).

Both of these assessments were requested and undertaken following comments and concerns raised in relation to the previous application. This related to flooding in the local area and impact of the proposal upon the setting of the listed buildings and structures within the vicinity of the application site.

In terms of the FRA, this report assessed the risk of flooding and any relevant mitigation measures. As the site is less than 1 hectare in area, it is not a usual requirement to provide a FRA. However, where there is local information and/or knowledge about localised flooding events, a FRA can be requested in order to assess the risk of flooding. In this case, a large number of local residents informed the case officer of the most recent flooding events in the immediate area but also of flooding events over the last decade. Along with advice from the Environment Agency and the Council's Engineer, it was clear that a FRA was required.

### **The FRA**

The submitted report outlines the development proposal, the vulnerability classification of the proposed use, relevant planning flood policies, the potential sources of flooding, assessment of the flood risk, influence of climate change, flood risk management measures, residual risks and conclusions.

The proposed caravan/residential use falls under the category 'Highly vulnerable'. Therefore, although the site falls within Flood Zone 1 ie a low risk of flooding, due to the information about localised flooding, particularly along Cad Road, the risk has to be carefully assessed. The key question is whether or not in regard to flooding issues, this is an acceptable site for residential use.

The FRA outlines the various potential sources of flooding. Flooding from land was considered but the report states that any overland flows to the site from the higher land to the north would be intercepted by the watercourse to the north of the site. In terms of flooding from groundwater, the Council's Strategic FRA states that there is no know flooding due to groundwater at the site. Those 2 potential sources are not considered any further. River/fluvial and sewer flooding are 2 sources that are assessed further in the report.

The report refers to information of local flooding events provided by local residents, for example the road at Ilton Cottage in November 2012. The evidence shows that local roads including Cad Road and some land in the area have flooded although not of the site itself. The report also does briefly mention the rainfall and flooding at the end of last year. It states that both years have seen exceptional rainfall, yet the site was not flooded.

Moreover, the report outlines that in flood conditions, flood water will spill at the shallowest part of the channel, in this case, the reports states that this is likely 300 metres up stream. It would

then follow the natural valley, which is the southern boundary of the site, and then approximately along Cad Road. The report concludes that given the site is elevated above Cad Road, the risk of flooding of the site from this flood flow path is unlikely.

With regard to the potential of flooding from sewers, the report outlines that Cad Road and Butts Lane are approximately 400mm and 500mm below ground levels on site respectively. Any flooding due to failure of any drainage system that may be present within these roads would be conveyed south along Butts Lane and along Cad Road.

In terms of the potential impact from Climate Change, the FRA acknowledges that based on the latest guidance, the site is likely to be subject to increases in rainfall intensity and peak river flow over the next 100 years but it is not anticipated that the impact of climate change would significantly increase the flood risk to the site.

Notwithstanding the above conclusions, and that flooding along Cad Road would not remain for any significant period, the FRA recommends that the applicant prepares a Flood Emergency Plan. This document would make future residents aware of flood risk and also to sign up to the EA's flood warning system. Residual risks can be controlled by setting the floor level of the caravans 600 to 700mm above ground level.

The FRA also advises about the use of sustainable drainage techniques to manage and control water run off. The areas of hardstanding and the internal site access road will use gravel over a hardcore base providing a permeable surface.

### **The Heritage Appraisal and Impact Assessment**

The HAIA sets out the history and description of the area and its heritage. It then goes into detail about the listed buildings and structures that are located in the vicinity of the site. These include Rowlands Farm, its associated listed entrance gate piers, Rowlands Mill, the grotto at Jacob's and the listed road bridge to the east of the site. These range in distance to the site from around 20 metres (stone gate piers) to 600 metres to the grotto.

The HAIA outlines that the proximity and setting of the site to Rowlands, its gate piers and the road bridge were issues raised during the earlier application. This report therefore assesses the importance of these structures and the possible impact of the proposed development upon these heritage assets. The history of each of the heritage assets is outlined along with an overview of the 2 separate estate ownerships relating to the application site (Egremont Estate) and Rowlands, Jordan's (Speke estate). The site formed part of a tenanted holding. The Rowlands estate and in particular the entrance was designed to provide a sense of arrival for the visitor or those passing.

The HAIA report advises that the proposed development would not have a physical impact on the identified heritage assets. The report acknowledges that the character of the field will be changed as a result of the development but that the caravans and structures will be low level and screened by landscaping.

In terms of the impact on the setting of the proposed development on these heritage assets, the report states that given the distance to the grotto at Jordan's, the fact that the site and grotto cannot be seen from each other nor from any known vista, the development would not have an impact on the setting or heritage significance of the grotto. In terms of the road bridge, the report states that the development does not alter the setting of the bridge or general character of the road.

In terms of the impact of the development to the entrance to Rowlands and its gate piers, the report does state that a new tarmacked driveway directly opposite this important entrance

would have a detrimental impact to the setting of the gateway and approach into Rowlands. The report advises that to mitigate this impact is to close the existing access and to create a new access further to the west. The current access would be enclosed with hedgerow planting. The creation of an unbroken hedge/verge opposite the entrance to Rowland's would enhance the immediate setting of the gate piers and arrival experience. The report concludes that the development would have minimal impact on the heritage assets and is in accord with the NPPF.

## **HISTORY**

13/01832/FUL - Change of use of land to private gypsy caravan site consisting of 6 pitches, associated developments and alterations to access.

The above application was withdrawn in order for a Flood Risk Assessment and Heritage Assessment to be undertaken.

91/01302/FUL - The erection of looseboxes (permission granted in 1991).

791963 - The erection of a dwelling and garage. Refused 1979.

91839 - Erection of 6 dwellings and formation of access. Refused 1972.

## **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,

### Relevant Development Plan Documents

South Somerset Local Plan (saved policies)

ST3 - Development Areas

ST5 - General principles of Development

ST6 - Quality of Development.

EC3 - Landscape Character

HG11 - Long term gypsy /traveller sites.

EH5 - Setting of Listed buildings

### National Planning Policy Framework

Core Planning Principles

Chapter 6 - Delivering A wide choice of high quality homes

Chapter 10 - Meeting the challenge of climate change, flooding and coastal change.

Chapter 12 - Conserving and enhancing the historic environment

### Policy-related Material Considerations

Planning Policy for Traveller Sites

## CONSULTATIONS

### **Ashill Parish Council:**

Planning application 13/01832/FUL was considered at a meeting of Ashill Parish Council (PC) on 7th January 2014. The meeting was attended by several members of the public. In summary, the PC is opposed to the application as notified by email on 7th January.

Based on discussion at the meeting, the PC's observations on the proposal are:

- a. The application form is not consistent with the evidence, especially regarding: drainage, landscaping and flooding. For example, the proposed new access would require the removal of hedges/trees but the application form states that there are no hedges/trees on the site nor adjacent to it. Despite the site not being included on the Environment Agency map as a 'flood zone' the fact is that Cad Road, in the vicinity of the site, has flooded a number of times in recent years to the extent that it has become impassable.
- b. Cad Road near the proposed location has flooded badly this year and in previous years, to the extent that it has become impassable. Photographic evidence of this has been sent to SSDC. The proposal is likely to make matters worse. Currently the site is an agricultural field and as such absorbs considerable amounts of rainfall. The proposal would cover much of the site with hard standing and accommodation thus preventing rainfall absorption resulting in more water run off into the watercourse bordering the site.
- c. The proposed waste disposal arrangements are inadequately specified. It is understood that the geology of the site makes it unsuitable for soakaways. Before deciding on this application, SSDC and the Environment Agency need to press the applicants to set out the arrangements they plan to make for sewage disposal.
- d. A survey commissioned by residents states that it is impossible to provide an access point which would satisfy visibility splay requirements. Before deciding on this application, SSDC should seek the views of the Highway Authority on this issue.
- e. The location fails to meet the requirements for a sustainable development. It is remote from all community facilities including bus services therefore residents would have to rely exclusively on private cars.
- f. Cad road is only about 5.5m wide, has a speed limit of 60mph and is a main route for vehicles accessing Ilton Business Park. Surveys conducted by residents have shown that it is already very busy with private and commercial vehicles travelling at speed. There is no footpath and no lighting so pedestrians trying to access the site would be forced to walk on the highway with obvious risks to safety.
- g. The same restrictions on running a business from the site must be applied to both the gypsy/traveller community and the settled community. Residents near to the site have been refused permission to operate a business from their property.
- h. Previous applications to build houses on the site have been turned down on the grounds that it was not suitable for development. There have been no material changes since those applications, therefore granting approval for the application would amount to discrimination against the settled community. Residents have been informed by a Government Department that gypsies/travellers are not exempt from planning legislation.

The application form states that SSDC sent an email to the applicants stating that they supported the application. It is understood that members of the public have requested a copy of this email but SSDC has refused to release it. It is further understood that the matter has been referred to the Information Commissioner. SSDC is strongly urged to publish the email on its website so that it can be viewed together with all other correspondence.

## **Adjacent Parish**

### **Ilton PC:**

The proposed development is in the Parish of Ashill, which borders the Parish of Ilton. There is a physical barrier of the very busy A358 between the proposed development and the village of Ashill. There is no such barrier between the proposed development and the village of Ilton and therefore geographically and accessibly it is closer to the village of Ilton than the village of Ashill. Accordingly Ilton Parish Council wish to ensure that their observations, comments and objections are given equal weight to those of Ashill Parish Council.

Councillors commented that there appears to be very little difference between this application and the previous one, number 13/01832/FUL, apart from the creation of the new access and the inclusion of a flood and risk survey. Councillors feel that the new access does not change the comments made on the previous application.

Accordingly Ilton Parish Council would like to submit the following objections to the application number 13/04848/FUL:

#### 1. SSDC's Policy SS2

##### (i) Community Support

The proposed development contravenes SSDC's SS2 planning policy in which there is a presumption against development in rural areas unless the community support it on the basis that it is delivering a benefit (such as employment opportunities, community facilities or services, or housing). There is overwhelming opposition to this proposal from the local community. 39 members of the public present at an Ilton Parish Council Meeting voted unanimously to oppose the application for a private gypsy caravan site at this location.

##### (ii) Provision of housing to meet identified local need

SS2 states that "some new housing should be provided to meet identified local need in other villages". The applicants for this development are not local people and therefore the development will not meet an identified local need.

##### (iii) Location of housing in rural areas

SS2 states that housing in rural areas should not be located in places distant from local services. The proposed development is located close to the A358, a very busy road which has no safe crossing points for pedestrians making access to Ashill Village difficult and dangerous. Access to Ilton village is along another busy road, Cad Road, which carries a 60 mph speed limit, heavy industrial traffic and has no pedestrian footway along its length.

##### (iv) Sustainability

This development is not sustainable because it is highly car dependent. There is no easily accessible public transport and no local shop (the Post Office and shop in Ilton closed in 2010 and there is little likelihood now of a new shop being opened).

#### 2. Road Safety

Access into Ilton village is along Cad Road which carries a national speed limit of 60 mph. It is generally a very busy road, particularly during mornings and early evenings. There are no pedestrian footways. Cad Road serves local communities in the area as well as two business

parks in Ilton - Ilton Business Park and Conquest Business Park. Ilton Business Park has recently expanded resulting in an increase in heavy industrial traffic. Conquest Business Park is also expanding. Traffic numbers were counted before these latest expansions. Cad Road also carries heavy traffic into and out of Merryfield Airfield including two extra-large fire engines up to four times a day. Without a pedestrian footway Cad Road is not safe for pedestrians. Further development in this area will increase both vehicle and pedestrian traffic and increase the risk of an accident.

It should be noted that recent SID results from Ilton show that motorists are regularly speeding as they turn into the village. These results show that in a 30 mph area a significant number of motorists are travelling between 40 and 50 mph and some at more than 50 mph. Thus it is reasonable to assume that the road adjacent to the proposed development, which has a 60 mph limit, carries a high number of vehicles travelling at that speed and possibly more.

### 3. Equality of treatment

Proposals to develop neighbouring sites to provide dwellings for the settled community were refused in 1972, 1979 and 1990, partly because they were considered to be too isolated to be sustainable. Since then, bus services have declined and the post office and shop in the closest village of Ilton have closed with no prospect of a replacement or alternative services. Residents have no option but to take the view that granting approval for this proposal discriminates against the settled community.

### 4. Flood Risk

This site is subject to flooding. Photographs of the flooded area have previously been submitted by Ashill Parish Council. Ilton Parish Council is aware that the area has flooded in past, particularly last winter.

### 5. Pollution of watercourses

Residents of property close to the site have been required to install bio-digesters to ensure that local watercourses are not polluted. This application seeks to dispose of sewage via a septic tank. The amenity blocks for plots 1 and 3 border the watercourse to the northern boundary of the site. If the potential for pollution of the watercourse has been identified, it is not acceptable that a new development should go ahead with a septic tank so close to a watercourse.

### 6. Development of greenfield sites

Allowing this development will weaken the case for refusing further applications to develop greenfield sites in the area.

### 7. Impact on tourism

The proposed site will have a negative impact of businesses serving the needs of holidaymakers and could result in job losses. This conflicts with SCC's policy of encouraging tourism as a means to bring unemployment down.

### 8. Impact on heritage

Rowlands Mill is the oldest mill left in Somerset and a listed building and is located opposite the proposed site. The old railway bridge along Cad Road is also listed. It is considered that the proposed development would have a negative impact on the heritage sites.

### 9. Need

SSDC has already exceeded its target for traveller / gypsy sites as set out in the local plan. There is therefore no need for further sites. There is already a gypsy site nearby and if further capacity is required then the first option should be to bring the Fivehead site back into use.

### 10. Out of character

This proposed development is out of character with the area. The application states that the site will be hidden from view by the trees and bushes. Although the site is densely wooded now, this will not be the case in the autumn, winter and early spring when coverage will be sparse and the site will be clearly visible.

**Seavington PC:**

Object to the planning application. Outline 5 reasons:

1. Historic problem of flooding very close to the site, with an obvious high water table this will lead to severe sewage issues with the use of septic tanks. This would lead to very unpleasant flooding for everyone next to and downstream of the site.
  2. There are a number of other sites in the area that are utilized so therefore there is no need to further sites.
  3. There have been a number of previous applications on this site and nearby that have been refused, there is no need to turn agricultural land into a brown field site.
  4. The site is on a busy 'B' road with a 60 mph speed limit, with heavy HGV traffic going to the business park, and limited sight lines, vehicle and pedestrian entry and exit will be extremely dangerous to the residents and passing traffic.
  5. The site will have an adverse effect on the number of grade 2 listed buildings in the area.
- For these reasons, we wish to support Ilton PC and object to the application.

**Highway Authority: (Original comments):**

It is noted that the Local Highway Authority provided comments on the previous planning application 13/01832/FUL. The decision notification indicates that the application was withdrawn on the 17th September 2013.

The revised planning application seeks the change of use of agricultural land to a private gypsy caravan site consisting of six pitches, formation of new vehicular access and associated developments. My comments are made from onsite observations and the information submitted supporting the planning application.

Location - Land OS 1074, Crosskeys, Ashill

The site is located off of Cross Keys a designated classified unnumbered highway to which the National Speed Limit applies past the site frontage.

Manual for Streets indicates within section 2.2 Streets and roads (p15) paragraph 2.2.1 the following definitions between a street and road:

"A clear distinction can be drawn between streets and roads. Roads are essentially highways whose main function is accommodating the movement of motor traffic. Streets are typically lined with buildings and public places, and while movement is still a key function, there are several, of which the place function is the most important."

Based on my site observations it was noted that this is a location where there is no provision of pedestrian footway or street lighting nor is it considered to be a 'built-up area', it is therefore the view of the Local Highway Authority that this is a location where design guidance taken from Design Manual for Roads and Bridges (DMRB) should be applied.

Furthermore, having checked accident data, I can confirm that there are no known recorded accidents in proximity to the site.

**Access**

The development seeks to provide a new vehicular access onto Cross Keys. Drawing No. 01219/1B, indicates that the access is to be approximately 10.0m in width with a 6.0m apron of hard standing, which is considered acceptable. Suitable drainage provision will be required to

prevent any discharge of surface water onto the adopted highway.

The formation of a new vehicular access would require contact to be made with the South Somerset District Area Highway Office to obtain a Section 184 licence. Additionally, the existing access would be required to be stopped up and its use permanently ceased.

#### Vehicular Visibility

As indicated above this is a location where it is considered appropriate to apply design guidance from Design Manual for Roads and Bridges (DMRB).

The site access has been relocated approximately 65m to the south west frontage. Cross Keys a designated classified unnumbered highway is subject to the National Speed Limit and therefore would require a minimum 'X' distance of 2.4m and a 'Y' distance (SSD - Sight Stopping Distance) commensurate with the allocated speed limit, which in this instance would be 215m.

The supporting information does not include neither speed survey data nor any drawings detailing vehicular visibility from the proposed access. As a result I would request that vehicular visibility splay coordinate drawings are submitted to be assessed. A suitable scaled drawing (1:200) should indicate the maximum achievable level of visibility from the proposed access, to which it will be considered by the Local Highway Authority.

The development is likely to generate vehicle movements, above that of the existing use of the land (agricultural), to which the proposal is likely to be comparable to that of a residential dwelling development. However, I do not consider that the development will result in any significant impact in terms of the volume of traffic to the surrounding highway network.

However, NPPF (National Planning Policy Framework) (March 2012) states the following within paragraph 32 (p10):

"safe and suitable access to the site can be achieved for all people."

"development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

It is the view of the Local Highway Authority that any new access created will be required to provide the appropriate level of vehicular visibility. Without any justification or evidence to support a reduction the view of the Local Highway Authority is that access to serve development is considered severe, regardless of scale.

#### Parking Provision

Drawing No. 01219/1B, does not indicate the level of parking provision per plot. However, taking a pragmatic approach and referring to the Somerset County Council - Parking Strategy (amended September 2013), to which Ashill has been identified as a Zone C region for parking provision. That three vehicle spaces per plot would be acceptable.

It is considered that Drawing No. 01219/1B can accommodate this level of provision per plot and vehicle turning.

In conclusion the Local Highway Authority requires that drawings are to be submitted to detail the levels of visibility provided at the proposed access. Once further information has been submitted the Local Highway Authority will comment further on the scheme. I look forward to receiving this information.



If however this is not forthcoming, it may be necessary to recommend the refusal of this application for the following reason:-

The proposal is contrary to Policy ST5 of the South Somerset Local Plan (Adopted April 2006) and Paragraph 32 and 35 of the National Planning Policy Framework (March 2012) since the proposed access to the development site does not incorporate the necessary visibility splays which are essential in the interests of highway safety.

Highway Authority (Revised comments following submission of amended plans and additional highway information).

#### Access Arrangements -

Drawing No. 01219/6A rev 4 indicates the point of access, which details that the access is to be approximately 10.0m in width with a 6.0m apron of hard standing, which is considered acceptable. Suitable drainage provision will be required to prevent any discharge of surface water onto the adopted highway.

The formation of a new vehicular access would require contact to be made with the South Somerset District Area Highway Office to obtain a Section 184 licence. Additionally, the existing access would be required to be stopped up and its use permanently ceased.

#### Vehicular Visibility

The Local Highway Authority's main concerns were that of vehicular visibility for vehicles emerging onto Cross Keys. Vehicular visibility in an east bound direction (visibility to the right when emerging from the proposed access) is considered acceptable. However, concerns were raised relating to visibility for west bound traffic (visibility to the left when emerging from the proposed access).

It is considered that the bridge to the west of the application site, T5370/30 acts as a natural traffic calming feature due to its restricted width, which is considered to reduce vehicle speeds. Onsite observations would suggest that vehicle speeds are estimated to be approximately 40mph at this point.

Drawing No. 01219/6A rev 4, indicates that a visibility splay of 2.4m x 120m to the bridge (T5370/30) can be achieved, which is commensurate with Design Manual for Roads and Bridges (DMRB) guidance based on vehicle speeds of 42mph. It is therefore considered that the level of visibility for west bound traffic (visibility to the left when emerging from the proposed access) is acceptable.

Whilst there is no physical obstruction to prevent an overtaking manoeuvre for vehicles travelling east bound, it is considered that due to the vertical alignment of the carriageway and the width of the bridge. This results result in a natural constraint which reduces vehicle speeds and the likelihood of overtaking manoeuvres.

Additionally, whilst the development is likely to generate vehicle movements over and above that of the existing use that of the land (agricultural). The proposal is likely to be comparable to that of a residential development (dwellings).

Therefore, in reviewing TRICS (Trip Rate Computer Systems) data a national industry standard method the proposed development would therefore generate four vehicle movements within the peak hour. In conclusion the trip generation as previously stated is considered a robust figure and the vehicle trips generated by the development would not result in there being a severe traffic impact to the surrounding highway network.

### Parking/Turning Provision

With regards to vehicle parking Drawing No. 01219/1B, does not indicate the level of parking provision per plot. However, taking a pragmatic approach and referring to the Somerset County Council - Parking Strategy (amended September 2013), to which Ashill has been identified as a Zone C region for parking provision, three vehicle spaces per plot would be acceptable and that vehicle turning can still be accommodated.

As a result there is no objection to the proposed development. However, in the event of permission being granted, I would recommend that the following conditions are imposed. 5 conditions are recommended in relation to consolidation of the access, surface water disposal, visibility splay, parking spaces and closing up of the existing access within 1 month of the use first being brought into use.

### **Landscape Officer (Original comments):**

As before, there are landscape-related issues with this proposal. We have previously spoken of this field as a potential gypsy/traveller site, and with certain provisos, I considered it to have some potential as a single site - in some respects, it has parallels with the Hare Lane site, Broadway (app no; 10/02754) in that it lays in open countryside, yet is located alongside a road that is characterised by intermittent building presence, to thus provide a settlement pattern that might accommodate a discreet gypsy/traveller site. However, the development of this site for 6 plots appears an intensive footprint, and a development of this scale would make this site the largest development node along this local road between Cad Green and Bow Bridge, which is contrary to local character, as is the scale of development in this general rural context, where development form is limited to singular dwelling sites and farmsteads. Consequently I am still unable to offer support to the scale of development, even though I agree that the site has potential as a gypsy and traveller site.

I had previously expressed some concern over the potential impact of the presence and activity involved with this site's access upon the listed entrance gateway serving Rowlands Mill. However, I had suggested that there could be a potential way forward if the entrance were to be moved to the west, and the existing entrance planted-up; a clear specification on the character and appearance of a new access (which should be low-key and rural in character); and a protection plan agreed for the bounding vegetation. All of these points are accommodated within this revised proposal, as is the retention of the east end of the site as grassland, and I see this as an improvement on the initial proposal. As a consequence the landscape view is finely balanced, and I would advise that if there is a strong planning case for development of this scale, then the landscape impact is not so great as to offer over-riding grounds for objection.

A landscape proposal is incorporated into the site plan. This is fine as an indicative, but if you are minded to approve this application, then we shall require a more detailed proposal be submitted as a condition of planning.

### **Conservation Manager:**

I continue to have reservations about this site because of its proximity to the listed gated entrance to Rowlands Farm and the potential change that would result in the character of the area, the setting of the gates, through activity, noise etc.

The proposal to move the entrance westwards has reduced the impact on the setting of the gates somewhat but I am not convinced that there is enough distance between them to remove the impact sufficiently. This together with the rather slight screening along the roadside boundary and the size of the site will not preserve the tranquil rural setting well enough. That said there is a pattern of sporadic development along Cad Road and a limited quantity of low scale, small-extent development would not be completely out of character provided the setting

of the gateway can be preserved.

I have read the Statement of Objection prepared on behalf of Mr and Mrs Speke and as stated above, agree there is an issue over the setting of the listed gateway but not with the suggestion that the whole of Rowlands Farm and Jordans is a single historic landscape entity. If it was I agree that the significance of the individual elements would be greater. The historic landscape character mapping in the HER shows clearly the extent of the Jordans park distinctly separate to the land around Rowlands which is described as 'recently enclosed land' of C18 -C20; it is an area of rectilinear fields, yes, probably enclosed in C18, as opposed to historic parkland and I do not think it can be considered as part of the Jordans Park although it is clearly part of the wider Jordans estate. This is therefore an issue about the setting of the grade 2 listed Rowlands gateway rather than the sum of the other assets.

**English Heritage:**

Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommend: The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

**Somerset Gardens Trust:**

Object to the application. Raise concerns about the impact on the setting of the important entrance to the Rowlands/Jordans Estate, including the gate piers at the entrance to Rowlands Farm. The development would change the character of the site and detract from the character and setting of the adjacent listed features of the Jordans/Rowlands Estate. It is therefore contrary to both local and national policies in respect of protecting heritage assets.

**Campaign to Protect Rural England**

The application is much the same as the earlier one for the same site, 13/01832/FUL, which was withdrawn; except that the site entrance would be moved westwards, so as not to be opposite the gateway to Rowlands, and the applicants have submitted reports concerning the likelihood of flooding and the effect of the proposed development on landscape and heritage. CPRE objects to this application for reasons given below.

There is no evidence presented of the need for six traveller pitches in this particular location, bearing in mind that there is already a District Council managed traveller site at Ilton and planning permission for another site at Fivehead. There is confusion about the risk of flooding on and around the site, with local residents giving cogent evidence that flooding is a frequent occurrence and the applicants' agent providing a professional opinion that the risk of serious flooding is minimal or of no consequence. Six pitches imply six households which would indicate over 40 extra vehicle movements daily onto Cad Road and the only comment from County Highways is "To be considered further". The Environment Agency has pointed out that disposal of sewage by use of septic tanks is not acceptable in the area of the site and yet that is what is proposed by the applicant.

The Landscape Architect commented on the previous application that "... the development of this site for 6 plots appears too intensive a footprint..." and still states, after acknowledging that changing the position of the site entrance improves matters, that "...6 plots appears an intensive footprint..." though also stating that he "...would advise that if there is a strong planning case for development on this scale, then the landscape impact is not so great as to offer over-riding grounds for objection." Where is that strong planning case? Presumably the Landscape Architect would still want to see "a reduction in plot numbers", as for the previous application.

There appears still to be some confusion about who owns the site, who would live there and

why there should be a need for them to live in such a place. It has been clearly established that construction of any permanent dwelling would normally not be permitted in the area of the site. It is recognised that sites for travellers/gypsies are exceptional and should be reasonably close to facilities such as shops and schools, which this site is not. It may be deduced that the applicant expects any occupiers of the site to be totally if not entirely dependent on motor transport for all their needs because parking for 12 cars is specified. Any comparison with the Broadway traveller/gypsy site, which gained permission on appeal, seems invalid because that concerned a one pitch "owner occupier" site whereas this application is for six pitches.

**Arborist:**

Having previously walked this site, I am well aware that the hedgerow trees are located to the North of a deep watercourse, making the root systems significantly less vulnerable than otherwise would be the case. There is some potential for the pruning back of limbs overhanging the site, which would have little significance. The Northerly orientation & separate ownership of the adjoining land/trees makes it less likely for there to be future pressure for felling by future occupants.

The hedgerows are shown as retained and the creation of the new access would be acceptable, on the basis that the existing entrance was carefully 'gapped-up'.

I have no objections to the proposal.

**Environment Agency:**

We have no objection to the proposed development subject to the following informatives being included in any planning permission granted. We have the following additional comments to make on the information submitted.

**Private Foul Drainage**

The applicant proposes use of non-mains drainage facilities. We note that the documents submitted indicate that use of septic tanks is proposed. However, these may not be suitable due to local ground conditions during adverse weather affecting the infiltration. There were issues with existing properties septic tanks last year that would confirm this point. Therefore, we would recommend that the development is served by sewage treatment plants.

**INFORMATIVE**

If non-mains foul drainage is the only feasible option an Environmental Permit may be required. This must be obtained from the Environment Agency before any discharge occurs and before any development commences. This process can take up to four months to complete and it cannot be guaranteed that a Permit will be granted. The applicant should contact the Environment Agency.

**Flood Risk**

As this site is shown to be in flood zone 1 (low risk), and there is no mapped flood zone associated with this site as the catchment is less than 3km, due to the local sources of flooding your Technical Services department should lead on the review of the Flood Risk Assessment. This is especially important, as this form of development is considered highly vulnerable under the National Planning Policy Framework Technical Guidance. Therefore, as the drainage authority you must ensure that this matter has been suitably addressed.

We do note that there have been reports of flooding in the vicinity of the site. As the flooding is likely to be from ordinary watercourse, groundwater or surface water sources you must consult with your Technical Services department. As the drainage authority you must ensure that this matter has been suitably addressed.

Your Council's Emergency Planners should be also be consulted in relation to flood emergency response and evacuation arrangements for the site as there are reports of the access to the development being adversely impacted on by flooding.

We recommend that the applicant prepares a Flood Warning and Evacuation Plan for future occupants. The Local Planning Authority may wish to secure this through an appropriate condition. We can confirm that the site does not lie within a Flood Warning area. The Environment Agency does 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. Planning Policy Statement 25 and the associated Practice guide places responsibilities on LPA.s to consult their Emergency Planners with regard to specific emergency planning issues relating to new development.

**Wessex Water:**

Wessex Water advise that the site lies within a non sewered area of Wessex Water. They advise how to apply to Wessex Water in terms of new water supply connections.

**National Grid:**

No objection to the above proposal.

**Ecology:**

No objection to the application.

**Environmental Health Officer:**

No objection to the application.

**Ministry of Defence:**

No safeguarding objections to the application.

**REPRESENTATIONS**

116 letters/emails were received objecting to the original application. A summary of the comments is given below:

Highways

- Cad Road is dangerous and an increase in traffic would create additional safety concerns
- No passing places
- No pavements and therefore dangerous for pedestrians.
- Poor visibility entering and exiting site
- Many more vehicles are using Cad Road due to enlarged business parks at Ilton

Sustainability

- Lack of local facilities which would mean driving to schools, shops etc
- Lack of public transport
- The site is not in a sustainable location
- No pavements or street lighting will mean car trips
- Residential applications have been refused due to highways and sustainability reasons

Flooding/Drainage

- Cad Road regularly floods
- Road becomes impassable other than for 4x4 vehicles
- Residents would be at risk of flooding
- Site does not readily drain due to clay soil

- Septic tanks not suitable and could contaminate the local watercourse
- Local residents had to install water treatment plants
- Cad Road has been closed due to floods

#### Heritage Assets

- The site is opposite a grade 2\* listed building and listed gated entrance - the development would be harmful to its setting.
- Disagree with conclusions of Heritage Report
- Site would not revert back to current situation
- Considerable sums spent saving Rowlands

#### Landscape/visual impact

- development would be out of character with the area
- loss of trees and hedgerows
- Caravans not in keeping with the area

#### Need for gypsy sites

- Existing gypsy sites should be used
- Council has met its target for providing gypsy sites.
- Spaces available on existing council gypsy sites

#### Other issues

- The site may be used for business use
- Close to an existing gypsy site at Ilton - don't require another site.
- Site should remain in agricultural use
- Would harm local tourism to the area.
- All applicants should be treated the same - consistency of planning applications/decisions
- Very similar to the previous application
- Drop in property values
- Applications refused in the 1970's for housing
- Pre-app advice not publicly available
- Support Ilton PC's comments
- Respect wishes of gypsies/traveller but local interests should also be respected
- Will conditions be enforced?
- Impact on hamlet of Rapps

14 letters/emails were received in respect of the additional highway information and amended highway visibility plans. Comments received that it did not address their concerns and reiterated previous concerns about the site. Moreover, do not share the view of the Highway Officer and, in particular, view about speed of traffic along this section of Cad Road.

11 letters/emails have been received in respect of the amended layout to provide a pedestrian access onto Butts Lane. Comments state that this would mean exiting onto a road that floods and reiteration of previous comments.

## **CONSIDERATIONS**

The main considerations with regard to this application are legal issues relevant to determination of the planning application, suitable alternative sites, the impact of the proposed development on the countryside setting, impact upon local heritage assets, flooding and drainage issues, highways issues, impact on residential amenity, and accessibility to services and facilities.

Legal issues relevant to the determination of the planning application

The following advice has previously been provided by the Council's legal team in respect of gypsy/and traveller applications.

All applications must be made in accordance with the development plan unless material considerations indicate otherwise. An assessment therefore has to be made as to whether the application site meets the criteria as outlined in HG11 and guidance in Planning Policy for Traveller Sites and specific policies in the NPPF.

This application is for the provision of a private site for use by gypsies / travellers. Subject to the proposed development meeting the criteria of SSDC Local Plan Policy HG11, there is a legal presumption in favour of the decision on the application being made in the applicant's favour if it accords with the latter planning policy, unless other identified material planning considerations (including other Local Plan policies) say to the contrary.

Policy HG11 only applies to sites for 'gypsies and travellers' as defined within government guidance - 'Planning Policy for Traveller Sites'.

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such'.

Thus the status of the occupiers of the site is a condition precedent for use of the site pursuant to a grant of permission under Policy HG11. This means that if this application is granted, SSDC will need to ensure that the occupation of the site is only by gypsies / travellers as defined, and no other persons. The Committee is advised that the way to do this is by a robust occupancy condition as set out in the suggested list of conditions within this report.

## **Human Rights**

In deciding this application, the Committee must consider whether any planning harm caused by the development in question is outweighed by the interference with the applicant(s) human rights and the human rights of other occupiers of the site. Additionally, the Committee must consider the human rights of others (such as local residents) who may be affected by the development and any grant of planning permission.

The Committee's assessment of the human rights issues will need to be based on this legal advice and the evidence presented to the Council in connection with the planning application.

As the Committee will be aware, the Human Rights Act 1998 (HRA) enacted the European Convention on Human Rights into UK domestic law. The Convention imposes duties on public authorities, including local planning authorities, and Section 6 (1) HRA makes it unlawful for an authority to act in a way incompatible with Convention rights, unless specifically mandated to do so by legislation that does not allow the authority to act differently. The most relevant Convention rights with this type of application are Articles 8 and 14, namely, (Article 8) the right to respect for private and family life, home and correspondence and (Article 14) the right to freedom from discrimination on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status. Article 1 of Protocol 1 to the Convention (protection of property) is also relevant, as is Article 2 of Protocol 1 (the right to education). Both Article 8 and Article 1 of Protocol 1 allow proportional interference by the State with the rights expressed for purposes of environmental protection (which includes planning controls) or the control of property in the

general interest.

For the purpose of considering Article 8 rights, any decision-maker (such as the Committee) has a duty to carry out an overt and structured assessment of the proportionality of the interference with human rights resulting from the action it proposes by asking itself a series of connected but discrete questions. To this end, the Committee must identify the (perhaps competing) interests that will be interfered with, carry out a balancing exercise of such interests to ensure the proportionality of the interference, decide the matter before it in the light of that balancing exercise and give reasons for its decision, with those reasons being minuted.

In deciding this application, and for the purposes of the required human rights assessment, the Committee should have regard to the following (particularly if minded to go against the officer's recommendation and refuse permission):

- (a) Does the proposed measure constituting the interference with human rights (a decision to refuse planning permission, contrary to officer advice) serve a legitimate aim of upholding planning policy; that is, is the objective sufficiently important to justify limiting a fundamental right under human rights legislation?
- (b) Is the measure proposed (a refusal of permission) rationally connected to that aim of upholding planning policy; that is, can it in fact serve to further that aim?
- (c) Is it the least restrictive way of achieving the aim; that is, are the means used (a refusal of permission) no more than its necessary to accomplish the objective?
- (d) Is it proportionate in the longstop sense that, viewed overall, the measure does not place too great a burden on the individual for the good of the community?

Some important factual matters that are relevant to the Committee's consideration of the human rights issues pertaining to this application include:

1. The seriousness of the impact of the Committee's decision on the applicant(s) and other occupiers basic rights including their security of accommodation, family life, health, children's education and ability to maintain their traditional travelling way of life. Whilst Article 8 does not create a positive obligation on the authority to provide any individual with a home, it is relevant as regards family life and the gypsy way of life. Gypsy status is viewed as a special aspect of private life, and the applicants' private life is lived from their caravan.
2. The availability of an alternative site, including its suitability for the individuals particular needs, the financial circumstances of those affected, and the efforts made to find an alternative site.
3. Whether there has been a full and fair opportunity for the applicant(s) and other occupiers of the site to make their case for respecting their Article 8(1) rights, including those arising from their gypsy status, before the relevant administrative authorities, including a planning inspector;
4. The strength of reasons justifying an interference with human rights;
5. The views and rights of others such as third party objectors and any other persons who may be affected by the development.
6. What planning conditions can be imposed?
7. What provision for housing homeless persons can be made if this application is refused?
8. Whether a decision to grant permission could arguably amount to a precedent for the district and whether it is desirable or undesirable in planning terms.

The above does not purport to be an exhaustive list. It will also be relevant to some of the material planning considerations to be considered in connection with this application, such as the availability of alternative sites.



## **Race Relations Act 1976 ('RRA')**

Members need to have regard to the legal obligation imposed on SSDC under the RRA when exercising its planning functions. Such considerations are also relevant to ensuring that there is no breach of Article 14 referred to above.

The RRA provides so far as material:

"71(1) Every body or other person specified in Schedule 1A or of a description falling within that Schedule shall, in carrying out its functions, have due regard to the need-

(a) to eliminate unlawful racial discrimination; and

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

72. When policies are changed or new ones introduced, authorities should assess and consult on their likely impact, and where an adverse impact is identified which cannot be justified, changes should be made. It is particularly important that authorities consider all the racial groups served by the authority in order to assess the impact of their policies on those groups. Romany Gypsies and Irish Travellers have been recognised by the courts as being distinct ethnic groups covered by the RRA 1976. Under the general duty mentioned above, there is a requirement that local authorities seek to promote good race relations between Gypsies and Travellers and the settled community. This is important in the context of gypsy and traveller site planning."

## **PLANNING CONSIDERATIONS**

### **Alternative Sites**

There are 2 existing public gypsy and traveller sites in the district - Ilton and Tintinhull. At the current time, there are no spare pitches available on either of these sites. In addition, there are no allocated gypsy or traveller caravan sites in the district. It is therefore clear that there are no available public alternative sites for the applicant to occupy.

### **Need for the Development:**

The Council's most recent published Gypsy and Traveller Accommodation Assessment (July 2013) stated that for the South Somerset district, a total of 10 permanent pitches are required between 2010-2015, a further 8 from 2016-2020 and an additional 9 pitches between 2021-2025. Since 2010, a total of 14 pitches have been approved. Therefore, as per the point made by a number of local residents, without allocating any sites for gypsy and traveller use, the Council has met its target for the period between 2010-2015.

However, notwithstanding this position, the Planning Policy for Traveller Sites requires that the Council is able to demonstrate a deliverable 5 year supply of gypsy /traveller sites. On this point, the Council is not currently in a position to be able to demonstrate a 5 year supply. If the need for the next 5 years is assessed, based upon the GTAA report, the Council target will be for 4 pitches. However, these figures, as with all housing numbers, are targets and not maximum figures. As a recent appeal Inspector concluded in assessing an appeal for 2 gypsy pitches at Haselbury Plucknett, the fact that 2 gypsy pitches were being sought, demonstrated that a need existed for those pitches. Therefore, additional pitches are required in the district, albeit only a relatively small number.

If members do not agree that a permanent permission be granted in this case, in circumstances where the Council is not able to demonstrate an up-to-date 5 year supply of deliverable sites, this position should be a significant material consideration in any planning decision considering gypsy sites for the grant of temporary planning permission.

Some residents have commented on the availability of a site in Fivehead. This was granted for 4 pitches and it is understood that this private site is currently vacant. However, this approval is included within the 14 approved pitches. However, the Council has a duty to consider the merits of this current application site. Moreover, as outlined above, there is a need for further pitches.

Comments have also been made that there is availability at the existing Council run site at Ilton. It is understood from speaking to the housing department that there are currently no available spaces. Pitches do become available from time to time but these are usually filled quickly from those on the waiting list. Moreover, there is no guarantee of being housed as an assessment of need is undertaken and those deemed to have greater needs will be given priority.

### **Countryside Location**

Both saved Policy HG11 and government policy make it clear that gypsy and traveller caravan sites located in rural locations are acceptable in principle. Therefore, whilst there are other policies that seek to protect against development in the countryside, an application for a private site should not be refused just because it is located in the countryside. However, the impact of the development on its setting and wider landscape impact, impact on heritage assets, sustainability considerations, highway issues, flooding and impact on residential amenity still have to be carefully assessed.

### **Highway issues**

One of the biggest concerns raised has been in relation to highway safety issues and the increase in traffic using Cad Road, generated not only from the proposed development but as a result of other permissions granted, in particular, the growth of businesses in Ilton parks and a distribution warehouse in Ilton.

The Highway Authority originally recommended refusal of the application due to the substandard level of visibility available at the site entrance. Revised plans and additional supporting information were submitted which have been assessed by the Highway Authority. The key issue as outlined above by the Highway Authority was the visibility to the west i.e. towards the road bridge. The Highway Authority have advised that a splay of 2.4m x 120m to the bridge can be achieved - this is commensurate with Design Manual for Roads and Bridges based on vehicle speeds of 42mph. The Highway Authority's advice is that the bridge acts as a traffic calming measure and that on site observations indicate speeds of around 40 mph. Accordingly, the visibility to the west is considered to be acceptable.

With regard to the level of traffic generated by the proposal, the Highway Authority accept that the development would create more traffic than an agricultural use and is comparable to a residential development. Based on the TRICS data, this would generate 4 movements in the peak hour. On this basis, the Highway Authority conclude that the number of vehicle trips generated by this development is acceptable and would not result in a severe impact warranting refusal.

The Highway officer was specifically asked by the case officer about the increase in traffic along Cad Road, in particular traffic generated from the business park, and whether the traffic generated from this development would be acceptable. The advice given was that the local highway network would be able to satisfactorily accommodate the level of traffic from this development. Given the overall traffic resulting from developments in particular at the business park, and existing road traffic using the road, the level of movement generated by this development would only be a very small percentage of overall traffic. There is no evidence to suggest that this would result in a severe highway impact, sufficient enough to warrant a refusal on highway grounds.

In terms of parking, the Highway Authority has requested a condition to seek a plan showing 3 parking spaces per pitch. It is considered that there is sufficient parking provision within each plot to provide 3 spaces. A condition will be attached to any consent to require submission of a revised layout plan.

### **Sustainability**

A number of comments received about the application is that the site is not located in a sustainable location. The nearest settlements at Ilton, Ashill, Broadway and Horton have a lack of facilities. This would therefore very likely result in travel to Ilminster (4 km distance) and possibly beyond to access education, health, shops and other services. In addition, given the lack of street lighting, pavements and poor public transport provision, this development is likely to generate car use. It is accepted that in planning terms this would usually warrant refusal on sustainability grounds. Indeed, local residents have commented that this has been the basis for refusing locally submitted applications.

However, based on the experience of dealing with a number of gypsy site applications and in particular planning appeals, whilst the focus is on achieving sustainable forms of development, it is clear that car use is expected and that, in the context of gypsy sites, a distance of 4km or more is not an unreasonable distance from services and facilities. On this basis, and in this case, it is not considered that this is an unreasonable distance to travel in a rural area to access, education, health and other services and facilities. Indeed, Planning Inspectors have previously concluded that distances of up to 10km are not great in a rural location. It is not considered that this site is in such an unsustainable location to warrant refusal.

### **Flooding**

Concerns were raised during consideration of the previous application in respect of flooding in the local area. Whilst the site is in Flood Zone 1, due to local information and knowledge regarding flooding in the area, a FRA was sought. The application was withdrawn in order for the FRA along with a Heritage Assessment to be submitted.

This new application was accompanied by a Flood Risk Assessment. The key points and conclusions from the FRA have been outlined earlier in this report. The FRA clearly accepts that whilst flooding has occurred in the vicinity of the site, namely Cad Road, the site itself does not flood. Importantly, whilst residential use is considered to be a 'highly vulnerable' use, given that the site is within Flood Zone 1, the site is unlikely to be at risk of flooding, the use of permeable surfacing would be implemented along with the preparation of a Flood Emergency Plan, it is considered that the development would not increase the risk of flooding elsewhere and unlikely to flood on site. On the basis of the above, and importantly in the absence of an objection from the Environment Agency or the Council's engineer, it is not considered reasonable to refuse the application on flooding grounds.

### **Drainage**

The applicant has indicated in the submitted forms that septic tanks will be used to deal with foul sewage. However, both the Environment Agency and local residents have stated that due to the local ground conditions, septic tanks are not suitable in this location. Moreover, local residents have upgraded their systems to sewage treatment plants. The use of private sewage treatment plants is recommended by the Environment Agency in this case. The applicant has stated verbally that they would install such systems. A condition shall be installed on any consent to impose the use of private sewage treatment plants and not the use of septic tanks.

### **Landscape**

The adverse impact of the proposed development on the local landscape has been raised by many local residents and Parish Councils. The advice of the Council's Landscape Officer have

been outlined earlier in this report. Accepting that the site could accommodate a single pitch gypsy site, and that the road is characterised by isolated development, the proposal for 6 pitches is considered too intensive and out of character with singular dwellings and farmsteads. Thus, the landscape officer does not support the scale of development.

Previously, the landscape officer had raised concern about the impact of the site's access in regard to the listed gateway serving the entrance to Rowlands House and Mill. Advice was given to move this entrance further to the west and the current access enclosed with planting. Moreover, to retain the east end of the site as grassland. These issues have been addressed in the revised application and the landscape officer views this as an improvement on the earlier scheme. Accordingly, the landscape view is finely balanced. The landscape officer's advice is that if there is an overriding planning need for the development, then the landscape impact is not so great as to offer over-riding grounds for objection. Given that there is a planning need for sites, it is considered that subject to a condition seeking details of the landscape scheme, the landscape grounds are not sufficiently adverse to warrant refusal of the proposal.

### **Conservation - Impact upon the setting of heritage assets.**

The impact of the proposed development on local heritage assets was one of the main issues raised during the previous application. As a result, a Heritage Assessment and Impact Assessment was undertaken of the proposed development. Notwithstanding this report, there remains considerable local concern about the impact of the development on heritage assets, in particular, upon the setting of the entrance to Rowlands and its listed gated piers.

The Conservation Manager has assessed this revised proposal along with additional comments submitted by Michael Heaton Heritage Consultants on behalf of the owners of Rowlands about the impact of the proposal on Rowlands. Whilst acknowledging that the movement of the access westwards has reduced the impact on the setting of the gates, he retains reservations about the proximity of the site to the gated entrance. Mention is made of the 'slight screening alongside the road boundary'. Whilst the thickness/depth of screening required could be a lengthy debate, it is considered that there is a mature hedgerow along the roadside boundary and that this would be supported by additional planting through a detailed planting scheme as requested by the landscape officer. Given the finely balanced view of the landscape officer, the lack of an objection from English Heritage, the existence of sporadic development along Cad Road, and the ability through condition to seek additional planting, it is considered that the setting of the entrance to Rowlands will be preserved.

In response to the report submitted by Michael Heaton Heritage Consultants, the Conservation Manager agrees in relation to the setting of the listed gateway. However, as outlined above he does not agree with the suggestion that the whole of Rowlands and Jordans is a single landscape entity. This case is an issue about the setting of the listed gateway, rather than the sum of the other assets.

### **Residential amenity**

In terms of impact on residential amenity, the site is located approximately 130 metres from the nearest residential property. In addition, no business activity is proposed on site. Therefore, it is not considered that the proposed use would cause any harmful impact to the residential amenity of local residents.

Policy contained in 'Planning Policy for Traveller Sites' states that sites located in rural areas should respect the scale of, and not dominate the nearest settled community. Whilst it is accepted that the scale of this development is larger than the usual sites for 1 or 2 pitches, it is not considered that, given the sites visual containment, there is sufficient evidence to indicate that the nearest settled communities at Rapps and further afield at Ilton would be adversely dominated by this proposal. Moreover, if this application were to be approved, then a set of

conditions would be imposed that seek to strictly control the use of the site including the number of caravans and to prohibit business use. If there was any breach of one or more of those conditions, then the LPA may use enforcement powers to regularise the situation.

## **CONCLUSION**

It is accepted that the Council does not have any allocated sites where the applicants and their respective families could reside nor does the Council have a 5 year supply of deliverable sites. Moreover, the two Council run sites are fully occupied. Therefore, careful consideration has to be given to applications for private sites. The need for the site has to be weighed up against the various concerns and objections raised in respect of highway, flooding, sustainability, impact on heritage assets and landscape issues. Whilst it is considered that the above issues have been satisfactorily addressed, in the absence of a deliverable 5 year supply of sites, if members are not supportive of either a permanent or personal permission, significant consideration should be given to a temporary permission.

## **SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING**

Not relevant to this application.

## **RECOMMENDATION**

Grant Consent

01. Notwithstanding the concerns raised in respect of highways, flooding and drainage, impact on heritage assets, and sustainability, the proposal would provide a satisfactory means of access, would preserve the setting of the listed gate piers and entrance to Rowlands, would preserve the setting of the listed road bridge, is located within a reasonable distance to services and facilities, can be satisfactorily drained and would help meet the Council's need for gypsy/traveller sites. The proposal is therefore in accord with Chapters 4,6,10 and 12 of the NPPF, Planning Policy for Traveller Sites and saved policies ST5, ST6, EH5, and HG11 of the South Somerset Local Plan.

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

01. The site shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites.

Reason: To ensure that the site is only occupied by gypsy and travellers.

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

Reason: To protect the amenities of the area to accord with saved Policy ST6 of the South Somerset Local Plan.

03. No commercial activities shall take place on the land, including the storage of materials, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: To protect the amenities of the area to accord with saved Policy ST6 of the South Somerset Local Plan.

04. No buildings or structures shall be constructed on the site other than those allowed by this permission.

Reason: To protect the amenities of the area to accord with saved policy ST6 of the South Somerset Local Plan and policies in the NPPF.

05. No development shall take place until a revised plan showing parking and turning areas; drainage details to include the private water treatment plant, proposed external lighting within the site; details of any access gates to Cad Road and pedestrian gates to Butts Lane; tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities, this shall include details of the planting to enclose the existing vehicular access; have been submitted for the written approval of the local planning authority. Once agreed these details shall not be changed without the written consent of the Local Planning Authority.

Reason: To protect the amenities of the area to accord with saved policy ST6 of the South Somerset Local Plan and the NPPF.

06. There shall be no external lighting on the site other than as approved under condition (5) above.

Reason: To protect the visual amenity of the area to accord with saved Policy ST6 of the South Somerset Local Plan and policies in the NPPF.

07. The parking and turning areas as provided pursuant to condition (5) above shall be kept available for such uses at all times for the duration of the development.

Reason: In the interests of highway safety to accord with saved Policy ST5 of the South Somerset Local Plan.

08. Prior to the occupation of the development hereby permitted the proposed access over at least the first 5.0 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety to accord with saved Policy ST5 of the South Somerset Local Plan.

09. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of a line drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 215 metres to the west of the access and 120 metres to the east of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with saved Policy ST5 of the South Somerset Local Plan.

10. The existing access shall be abandoned and its use permanently abandoned within one month of the new access hereby permitted being first brought into use.

Reason: In the interests of highway safety to accord with saved Policy ST5 of the South Somerset Local Plan.

11. The application hereby approved shall be carried out in accordance with the following submitted plans:

Drawing numbers: 01219/1A REV8, 01219/3 REV 2, 01219/4 REV and 01219/6AREV4.

Reason: For the purposes of clarity and in the interests of proper planning.

12. Septic tanks shall not be used to deal with foul sewage within this development. Foul sewage shall be dealt with by private sewage treatment plants, commensurate with condition 5.

Reason: To ensure the satisfactory disposal of sewage.

#### **Informatives:**

01. The applicant's attention is drawn to the following information from the Environment Agency.

We have no objection to the proposed development subject to the following informatives being included in any planning permission granted. We have the following additional comments to make on the information submitted.

#### **Private Foul Drainage**

The applicant proposes use of non-mains drainage facilities. We note that the documents submitted indicate that use of septic tanks is proposed. However, these may not be suitable due to local ground conditions during adverse weather affecting the infiltration. There were issues with existing properties septic tanks last year that would confirm this point. Therefore, we would recommend that the development is served by sewage treatment plants.

#### **INFORMATIVE**

If non-mains foul drainage is the only feasible option an Environmental Permit may be required. This must be obtained from the Environment Agency before any discharge occurs and before any development commences. This process can take up to four months to complete and it cannot be guaranteed that a Permit will be granted. The applicant should contact the Environment Agency on 03708 506506 for further details on Environmental Permits or visit <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>.

#### **NOTE TO APPLICANT**

We are currently reviewing the registration of small sewage discharges. The review is ongoing where we will not pursue registration for a small sewage discharge in England where the:

- discharge is to ground and is of 2 cubic metres per day or less via a septic tank and infiltration system (soakaway) and is outside a Source Protection Zone 1. This is approximately equivalent to 9 people occupying a single property;
- discharge is to surface water and is of 5 cubic metres per day or less via a package sewage treatment plant. This is approximately equivalent to 30 people occupying a single property (for example, a small school, residential home and so on);
- sewage is only domestic;
- sewage system is maintained in accordance with the manufacturer's instructions and you keep a record of all maintenance. In the case of septic tanks this includes regular

- emptying; and;
- does not cause pollution of surface water or groundwater.

Please note that if you do wish to register your discharge this facility is still available via our website.

#### Pollution Prevention During Construction INFORMATIVE

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

#### Flood Risk

As this site is shown to be in flood zone 1 (low risk), and there is no mapped flood zone associated with this site as the catchment is less than 3km<sup>2</sup>, due to the local sources of flooding your Technical Services department should lead on the review of the Flood Risk Assessment. This is especially important, as this form of development is considered highly vulnerable under the National Planning Policy Framework Technical Guidance. Therefore, as the drainage authority you must ensure that this matter has been suitably addressed.

We do note that there have been reports of flooding in the vicinity of the site. As the flooding is likely to be from ordinary watercourse, groundwater or surface water sources you must consult with your Technical Services department. As the drainage authority you must ensure that this matter has been suitably addressed.

Your Council's Emergency Planners should be also be consulted in relation to flood emergency response and evacuation arrangements for the site as there are reports of the access to the development being adversely impacted on by flooding.

We recommend that the applicant prepares a Flood Warning and Evacuation Plan for future occupants. The Local Planning Authority may wish to secure this through an appropriate condition. We can confirm that the site does not lie within a Flood Warning area. The Environment Agency does 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. Planning Policy Statement 25 and the associated Practice guide places responsibilities on LPA.s to consult their Emergency Planners with regard to specific emergency planning issues relating to new development.

#### NOTES TO APPLICANT

##### Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant requires more specific guidance it is available on our website [www.environment-agency.gov.uk/subjects/waste/](http://www.environment-agency.gov.uk/subjects/waste/).



In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs.co.uk>

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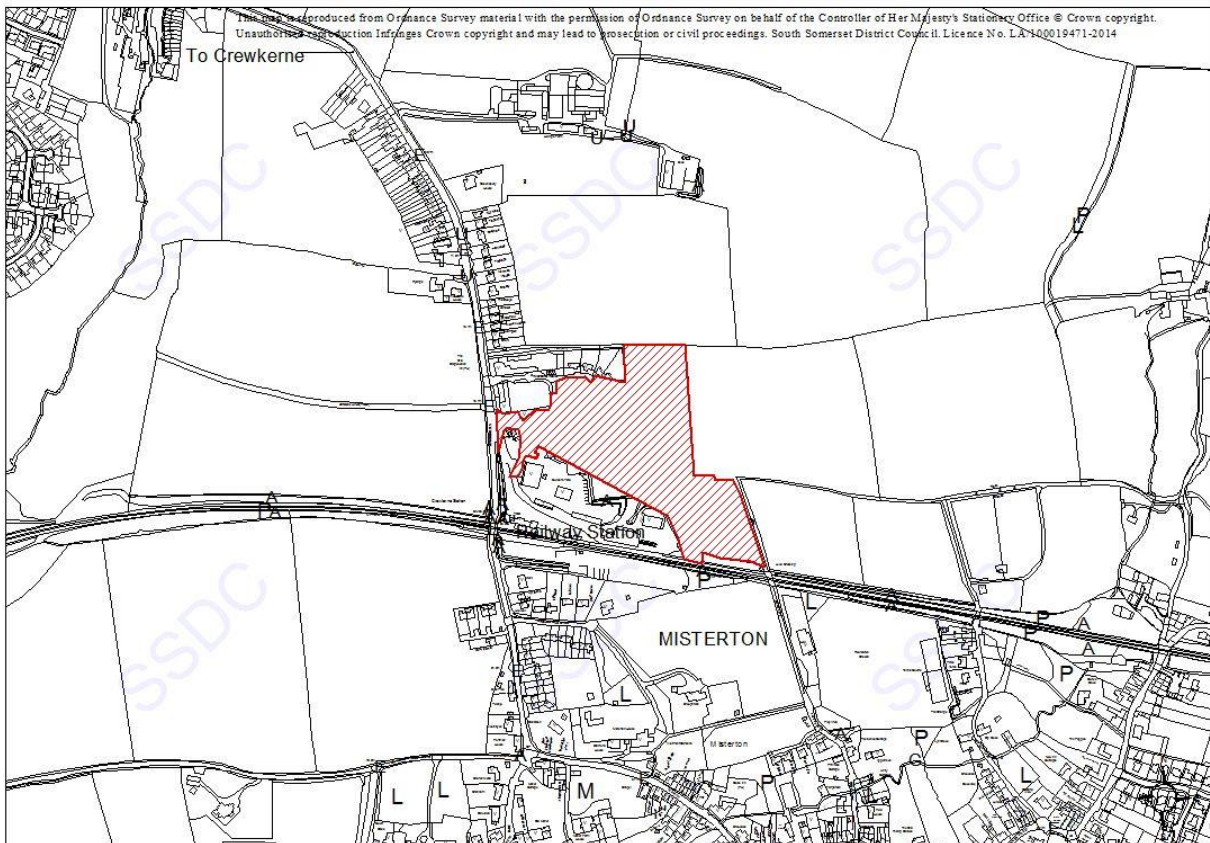
## Officer Report On Planning Application: 14/01891/DPO

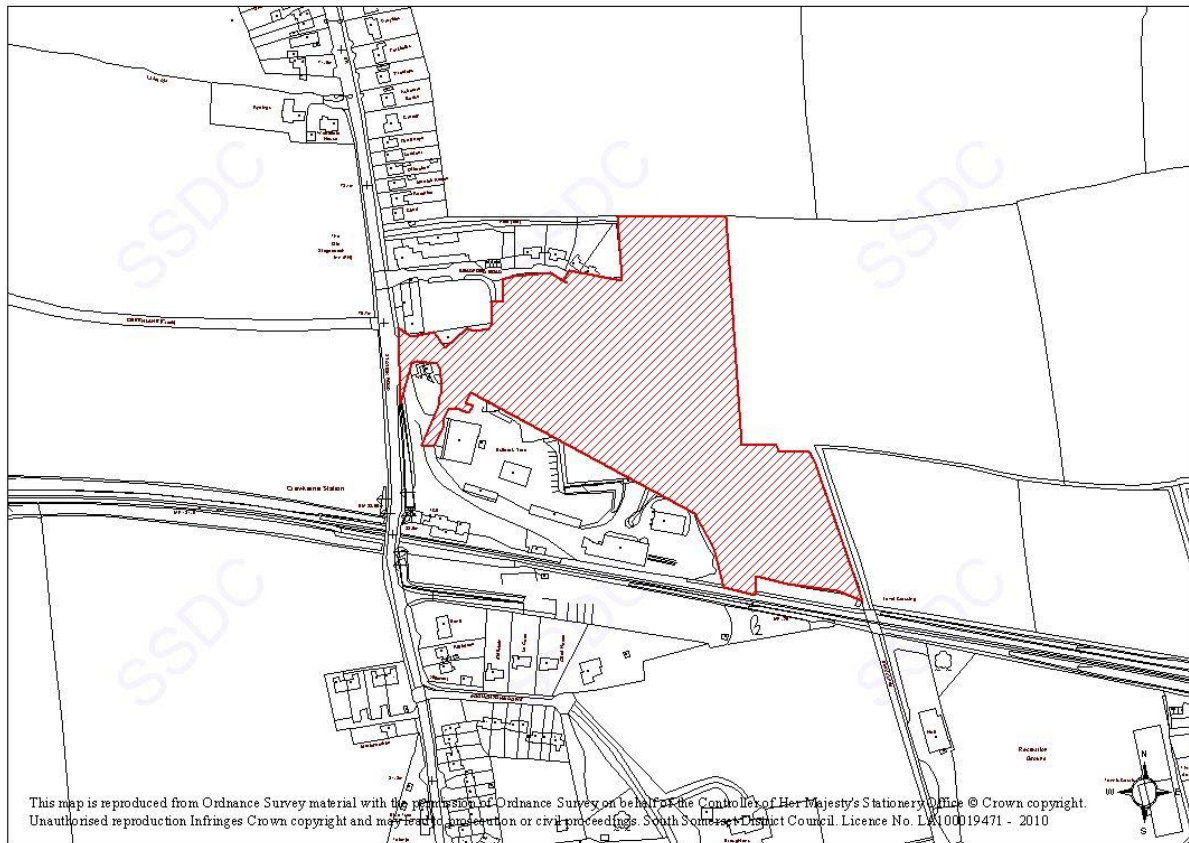
<b>Proposal :</b>	Application to remove affordable housing obligation from Section 106 Agreement in relation to planning permission 10/03721/FUL (as amended) (GR 345407/108646)
<b>Site Address:</b>	Bradfords Site, Station Road, Misterton.
<b>Parish:</b>	Misterton
<b>CREWKERNE TOWN Ward (SSDC Members)</b>	Cllr J Dyke, Cllr M Best and Cllr A M Singleton
<b>Recommending Case Officer:</b>	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
<b>Target date :</b>	9th June 2014
<b>Applicant :</b>	Betterment Properties (Weymouth) Ltd
<b>Agent: (no agent if blank)</b>	Chesterton Humberts, Motivo House, Bluebell Road, Yeovil, Somerset BA20 2FG
<b>Application Type :</b>	Non PS1 and PS2 return applications

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to Committee as the proposal seeks to reduce planning obligations which were considered by members when approving the original application (10/03721/FUL).

### SITE DESCRIPTION AND PROPOSAL





This 3.17 hectare site, which has approvals for the erection of 101 dwellings, is located on the east side of Station Road, to the rear of the builders merchants and to the north of Crewkerne Railway station and is wholly in the parish of Misterton. It comprises a former agricultural feed mill site and former agricultural land, now partially developed. The site is within development limits, apart from the south-eastern part which falls outside the boundary. Where the site adjoins countryside it is bounded by hedgerows.

This is an application to omit the 10 affordable houses agreed as part the section 106 obligation agreed with the original grant of permission. The other obligations would stand.

The application is supported by a viability appraisal which has been considered by the District Valuer. A copy of their report which is confidential has been circulated to members under separate cover.

## RELEVANT HISTORY

- |               |   |
|---------------|---|
| 12/01420/S73A | Application approved for the variation of condition 16 of the original permission to allow the occupation of no more than 25 dwellings prior to full completion of the approved new access.             |
| 12/00582/FUL  | Planning permission granted for erection of additional dwelling next to plot 67.  |
| 11/01730/S73  | Application approved to vary condition 16 of 10/03721/FUL to vary the trigger point for the delivery of the new access from 'prior to commencement of the development hereby approved' to 'prior to the |

occupation of any of the dwellings hereby approved'. Varied condition 16 stated:-

*No dwelling hereby approved shall be occupied until such time as the right turn lane facility off the A356 together with the Estate Road, as approved by application 08/02511/FUL and subject to a separate Section 278 agreement, as shown generally in accordance with drawing No. 3714/06, shall have been fully implemented in accordance with the approved design and specification to the satisfaction of the Local Planning Authority.*

*Reason: In the interests of highways safety in accordance with saved policies ST5 and TP4 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (April 2000).*

11/00868/S73 Application approved to vary condition 2 of 09/03721/FUL to allow the use of alternative house types on plots 1, 40, 42 and 43 (08/08/11).

10/03721/FUL Planning permission granted for erection of 100 houses subject to a unilateral agreement to secure appropriate planning obligations (01/02/11). The obligations were reduced following an appraisal of the viability of the scheme and covered:-

1. the provision of 10 affordable units for rent
2. improvements to the footpath crossing over the railway line
3. the provision of a pedestrian crossing in Misterton, near the school.
4. The provision of a MUGA within the existing Misterton Parish recreation ground and maintenance
5. Travel Planning measures, including bus stop enhancement/provision (on both sides of the road) and footpaths through the site, to the rail crossing and from the rail crossing to the recreation ground.
6. contributions towards sports and leisure facilities in Misterton/Crewkerne
7. the future management of the on site public open space including hedges

The approved scheme has been implemented and provision has been made for all the other obligations. All conditions have been discharged with the exception of the agreement of the verification reports in relation to the approved contaminated land remediation measures. This is being covered on a plot by plot basis as they are completed and tested.

## **POLICY**

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 2006.

The policies of most relevance to the proposal are:

Policy ST5 - General Principles of Development  
ST10 – Planning obligations  
HG7 – Affordable Housing

National Planning Policy Framework

Section 106 affordable housing requirements: Review and appeal (DCLG Guidance April 2013)

## CONSULTATIONS

**Misterton Parish Council** – do not support the removal of the affordable housing as this is needed in the village.

**Strategic Housing Manager** - A proportion of the affordable housing on this site had been set aside to meet the very local need which was identified in the Misterton parish Local Housing Needs Survey (published June 2004) [given that an appropriate site within the development boundary prevents an exception site from being considered under the sequential test]. If the Affordable Housing provision is stripped from this site, it remains the case that we have not addressed those identified needs.

## CONSIDERATIONS

The sole issue is whether or not the provision of 10 affordable houses as part of this development would make the scheme unviable.

The application is made under the new section 106BA of the Town and Country Planning Act 1990. This was inserted by the 'Growth and Infrastructure Act 2013' to introduce a new application procedure to review affordable housing obligations on the grounds of viability. There is an associated appeal procedure under a new section 106BC.

The appropriate viability test is whether the evidence indicates that the current cost of building out and a selling the entire site (at today's prices, in the current market), is sufficient to enable a willing developer to make a competitive return.

Government advice suggests that local planning authorities may wish to consider making time-limited modifications whereby, if the development is not completed within a specified time (generally 3 years), the original affordable housing obligation will apply to those parts of the scheme which have not been commenced. Developers would therefore be incentivised to build out as much of their scheme as possible within 3 years. There is provision for a further S106BA application to modify the obligation.

The applicant's viability appraisal concludes that:-

*"The requirements for affordable housing should be removed in order to offer the best opportunity for the developer to deliver housing within the three year period which the Growth and Infrastructure Act will allow."*

The DV has carried out an appraisal and concludes that given the value of the land, the infrastructure and abnormal costs (with regard to utilities and land decontamination), £404,000 other planning obligations, the build and development costs and a reasonable level

of developer profit (17.5% for the private sales; 6% on the affordable units). It is concluded that:-

*“there may be grounds for a variance in the percentage of Affordable Housing agreed based on the evidence we have seen and that a zero rate may be appropriate. To confirm our opinion we completed an appraisal undertaken on a completely open market basis with no affordable housing provision but with the maintaining of the £404,000 S106 sums, and this resulted in a residual land value of £139,000 per acre which may still be below what we would accept as an acceptable benchmark land value for the site.”*

It is noted that the applicants paid considerably more than the benchmark land value attributed to the site by the DV and that their agent has adopted a slightly lower level of profit than the DV.

On the basis of the above, it is considered that it would be unreasonable to insist on the provision of affordable housing in the current market. Whilst the concerns of Misterton PC and the Strategic Housing Manager are noted the need for affordable housing is not a material consideration in this instance.

However, in line with government advice, it is considered justifiable to limit this variation to 3 years (from the date of Committee's decision). This would enable the Council to reassess the situation in relation to any part to the site that remains un-built.

## **RECOMMENDATION**

Agree to vary the Section 106 agreement to suspend the requirement for affordable housing as part of this development for a period of 3 years from the date of the Committee's decision.

### **Justification**

It has been satisfactorily demonstrated that the requirement for 10 affordable houses as part of this development would unreasonably affect the viability of the approved scheme in the current market.

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# Agenda Item 16

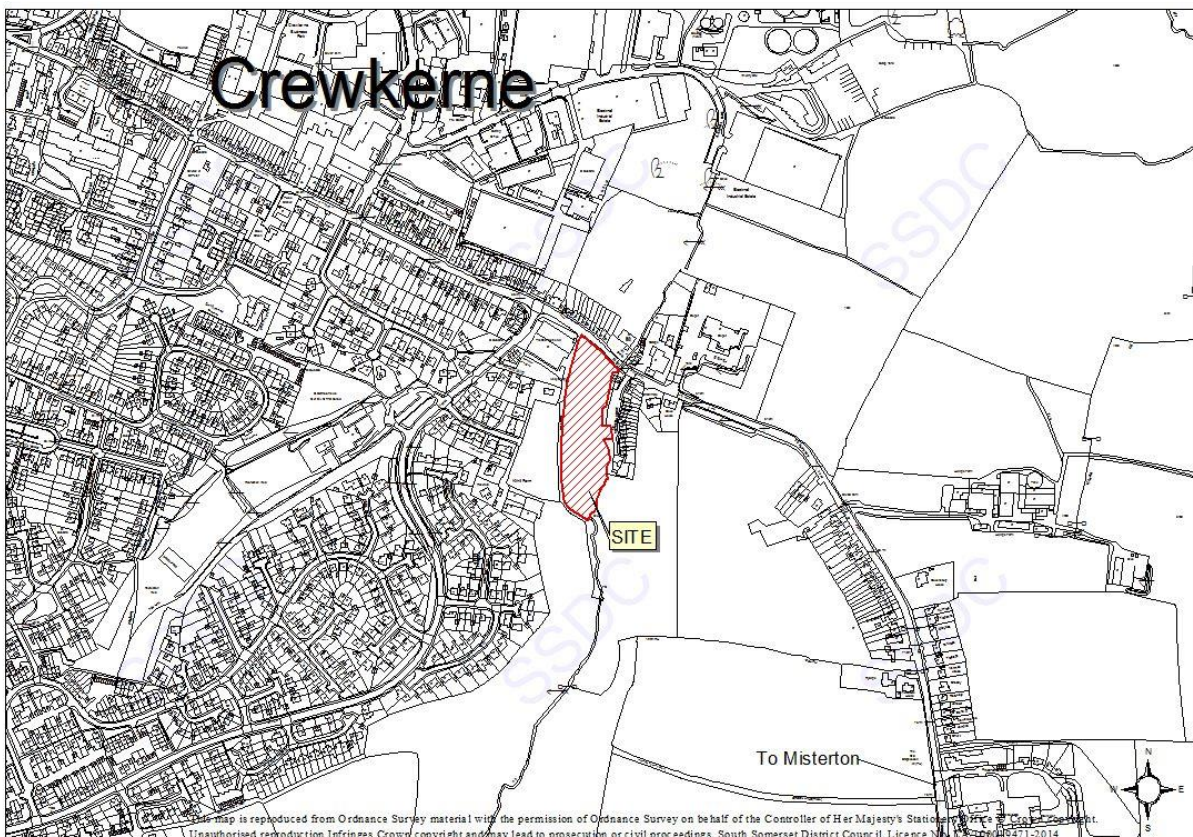
## Officer Report On Planning Application: 13/03278/FUL

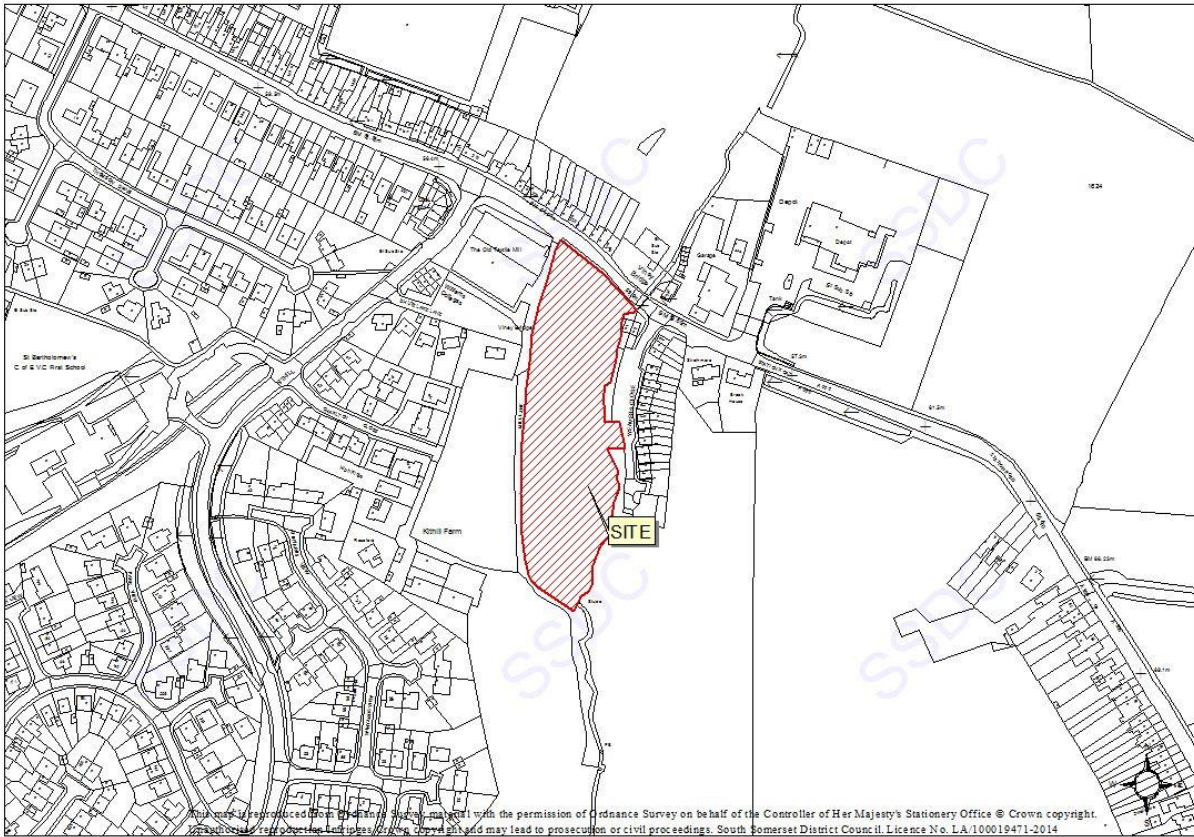
<b>Proposal :</b>	The carrying out of partial demolition, conversion and alteration of existing buildings to create commercial units and 45 No. dwellings and the erection of 13 No. new dwellings. (GR 344863/109186)
<b>Site Address:</b>	Viney Bridge Mills, South Street, Crewkerne.
<b>Parish:</b>	Crewkerne
<b>CREWKERNE TOWN Ward (SSDC Members)</b>	Cllr J Dyke, Cllr M Best, Cllr A M Singleton.
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date :</b>	16th January 2014
<b>Applicant :</b>	Coxley Developments
<b>Agent: (no agent if blank)</b>	Pointcloud Consult, Unit 10, Rookery Farm, Roemead Road, Binegar, Somerset BA3 4UL
<b>Application Type :</b>	Major Dwlgs 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to Committee with the agreement of the Ward members and Chair in order for the planning issues, in particular the highway issues, to be fully considered.

### SITE DESCRIPTION AND PROPOSAL





Viney Bridge Mills is located towards the south eastern edge of Crewkerne, on the southern side of South Street (A356). A number of historic and Grade 2 listed buildings comprise Viney Bridge Mills, which was established in 1767 producing textiles until its closure in 2005. There are a range of one, two and three storey buildings on site with the larger buildings located to the northern and older part of the site, and single storey more modern buildings to the southern end. Much of the site has largely remained vacant since 2005, other than occupation of a dwelling on site by a caretaker and limited letting for storage.

There are a number of listed buildings on site. These comprise the Terrace Cottage that faces South Street. Behind this building and running centrally from north to south are the Yarn Store, Weaving Shed, Engine House and Joiners and Carpenter's Workshop and Boiler House. Facing those buildings running on the eastern side of the site are the Principal Office, Spinning Mill and Original Office, Engine and Boiler House, Bucking House and attached dwellings, the Foreman's Cottage, Chlorine Gas house and finally the separate Tow, Bleach and Dyeing House. The more modern unlisted buildings are located at the rear (southern) end of the site.

Vehicular access to the site is currently gained at its northern end off South Street and from Shute Lake Lane to the west.

The site is set amongst a mix of residential and commercial premises along with agricultural fields. To the east is Weavers Close, a residential development comprising 19 dwellings. A stream also runs parallel with the site along the western boundary between the site and Weavers Close. To the immediate south are open fields and to the west a mix of commercial and residential properties. Further residential properties are located on the northern side of South Street.

The application seeks consent to repair and convert the range of historic and listed buildings largely for residential use, along with some commercial use. The modern buildings towards the



rear of the site will be demolished and replaced with new dwellings. In total, the scheme will provide 58 residential units, with 13 new build and 45 converted units. A range of 1, 2 and 3 bed properties will be created with a mix of 24 houses and 34 flats. In addition, 242sqm of commercial space will be provided.

The layout of the scheme will be largely influenced by the existing historic pattern of development on site, which comprises a strong linear north to south pattern. The new build housing at the rear of the site will largely follow this historic pattern.

The new build element at the rear of the site will comprise 3 separate terraced blocks and 2 pairs of semi-detached houses.

A new vehicular access is proposed off Weavers Close via a new bridge over the stream. The current access from Shute Lake Lane will also be used to serve the development. Formal pedestrian links will be via the current vehicular access off South Street - this access will be given pedestrian priority with the installation of bollards at the entrance to limit access to emergency vehicles and, when required, for delivery/removal vehicles only. Improved pedestrian access will also be provided to the public footpath section of Shute Lake Lane. As part of the overall repair and renovation works, and subject to gaining any necessary approvals, it is proposed to replace the surface to Shute Lake Lane.

## **HISTORY**

There have been a number of applications in respect of the commercial use of the site. The most relevant applications in respect of the current proposal is outlined below.

892807 - Demolition of industrial building, the erection of 24 apartments and conversion of mill buildings into 13 cottages and 32 apartments and provision of car parking facilities. Approved 1992.

892931 Demolition of industrial building, the erection of 24 apartments and conversion of mill buildings into 13 cottages and 32 apartments and provision of car parking facilities. Approved 1992. (Listed Building Consent).

## **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,

Relevant Development Plan Documents

South Somerset Local Plan (adopted April 2006) (Saved Policies)

ST3 - Development Areas.

ST5 - General Principles of Development

ST6 - The Quality of Development

ST10 - Planning Obligations.

EC8 - Protected Species

EH1 - Conservation Areas

EH2 - Demolition of Buildings in Conservation Areas.

EH3 - Change of use of Listed Buildings and Alterations to Listed Buildings.

EH4 - Demolition of Listed Buildings  
EH5 - Development Proposals affecting the setting of Listed Buildings.  
HG6 - Affordable Housing  
CR2 - Provision of Outdoor playing space and amenity space in new development.

NPPF:

Core Planning Principles  
Chapter 6 - Delivering a wide choice of high quality homes.  
Chapter 7 - Requiring good design  
Chapter 12 - Conserving and enhancing the historic environment.

## **CONSULTATIONS**

### **Crewkerne Town Council:**

Recommend Approval subject to: 1 clarification on the long term maintenance of the river bank in regard to concerns about flooding, and 2 there being adequate provision for parking for the commercial properties (or additional residential properties).

### **Crewkerne Town Council: Amended plans:**

Reinforced their support for the scheme but further expressed their concerns with regard to the first 2 points outlined above and a third point that access to the site via Weavers Close should be resolved to the satisfaction of Highways.

### **Highway Authority:**

Original Response:

The Highway Authority is in agreement that the existing access on to South Street is unsuitable for the proposed use. The visibility and geometry are poor and domestic traffic would not be able to gain safe access from this point. The lack of room to pass within the access would mean the potential for vehicles waiting on the highway which would cause an obstruction and could cause a hazard. While the applicant proposes to close off the end with removable bollards, it is only acceptable that this access is used by pedestrians and emergency vehicles. The use by removal and maintenance vehicles is not acceptable.

The car parking for the site is slightly below what the standards would dictate. Crewkerne is in Zone B and the standards would require 79 spaces. The applicant has offered 73 spaces and offered no justification for the reduction. Certainly in terms of car ownership levels in Crewkerne there is nothing to suggest that inhabitants are likely to own fewer cars than the Strategy requires. There is mention of the visual impact of car parking but failure to provide sufficient can result in cars parked poorly having a much greater impact on the appearance of the site.

Access is proposed from Kithill via Shute Lake Lane which is not adopted highway. It will not be possible to make this road adoptable since the gradient is too great and a lot of work would be required to bring this access up to an adoptable standard. It would be better to deny vehicular access by this route and allow only pedestrian movements on to Mill Lane, the public right away. The pedestrian access to Mill Lane at the north end of the site is thus acceptable.

It will be important to discover what rights the site owners have over Shute Lake Lane prior to the granting of any planning permission. It could also mean that the estate road cannot be adopted because there is no means of connection to the public highway. If the necessary rights do exist, Shute Lake Lane will have to be brought up to a suitable standard if the road is to be adopted.

Access from Weaver Close is also a problem. The red line doesn't extend to the public highway and this means that the development would not be connected in that direction either. It is important that the rights over this land are also established to see if a connection can be made. Our records show that, when the road was adopted, provision was included to create an access into this site. There is now no evidence of this link on the ground and local residents now park in this area. Forming this access may create problems with parking for access to the site.

The access from Weaver Close will be the only adoptable access to the site and will involve the construction of a bridge over the stream which has a history of flooding. The construction of the bridge to an appropriate standard will be crucial and no work should commence on site until Agreement In Principle (AIP) has been obtained. Should the bridge fail, residents will be without a means of vehicular access to their dwellings.

The Weaver Close access shows incorrectly drawn visibility splays which pass over third party land. The Highway Authority would seek to adopt the visibility splays with the road and the land over which the visibility passes must be within the control of the applicant for this purpose. Even if the road remains private, the status of these areas must be established to the protection of road safety for future residents.

A factor affecting the construction of the estate roads is the possible ground contamination that is mentioned in the supporting documents. The removal of this contamination and the resultant remedial works will have a bearing on how the estate road is constructed. In the absence of a ground investigation report, it is important that the necessary information is provided to the Highway Authority prior to any commencement on site. There is a risk for future residents that the estate road will fail as a result of this issue and those residents could insist that the road is adopted in that event.

The plans appear to show areas for adoption as being permeable paving. This type of surface is not suitable for adoption and this surface should be revised. The likelihood of uncontrolled water in the underpinnings of the road means that the road could fail. The Highway Authority seeks to protect future residents from this risk and will not adopt a highway in this material.

There are areas of shared surface proposed within the site and these should be in a different colour to alert drivers and other road users of the change in circumstance. The change of colour can only be achieved in a satisfactory manner by the use of block pavoids. A barrier feature such as flush kerbs should also be employed to denote the boundary.

Any turning heads within the site should be suitable for an 11.7 metre, 4 axle refuse vehicle. This is the standard refuse vehicle for Somerset. Some of the turning heads appear to be sub-standard and swept path analysis will be needed to test all proposed bends and turning heads.

Although a large proportion of the site is for conversion of existing buildings, the inclusion of new builds will mean that charge under the Advanced Payments Code (APC) will be applicable. This is how the Highway Authority insures itself against a request by future residents that the road be adopted. The charge can only be lifted by: entering into a Section 38 agreement to have the road adopted; or building the road to an acceptable standard and forming a management company to manage the future maintenance of the road. Both methods involve the paying of a supervision fee to the Highway Authority for the audit of the construction drawings and the supervision of the works on site. By this method the Highway Authority can ensure that the road is unlikely to fail in the foreseeable future.

In the absence of any way to secure the visibility, the Highway Authority has no option but to

recommend refusal for the following reason:-

The proposal is contrary to Policy TP5 of the South Somerset District Local Plan (adopted Apr 06) since the site has insufficient frontage to Weaver Close to enable an access to be satisfactorily laid out incorporating the necessary visibility splays which are essential in the interests of highway safety.

Officer comment:

Following submission of the Highway Authority comments, the agent agreed that the South Street access is totally unacceptable as a form of access and forms the basis of the design of the scheme. However, consider use by a banksman, removal and maintenance vehicles is acceptable. The access would be controlled by the management company and not allowed unless a specific need arose. Moreover, this access has historically provided much of the site access.

In terms of parking, the number of spaces being provided is 73 compared with the optimum number of 79 as per the adopted parking standards. All units have at least one space with larger units having 2 spaces. The applicant has stated that the scheme has been carefully designed to ensure that it not only respects the listed buildings but to ensure that the scheme is financially viable. As outlined in this report, the scheme has been assessed independently by the District Valuer and concludes that the scheme is only just viable. The viability of the scheme is dependent upon unit numbers. Moreover, the agent states that site is well located to the town centre and local services and facilities, therefore, a sustainable site.

In terms of the use of Shute Lake Lane, the agent has stated that this access is necessary to ameliorate impacts on Weavers Close. The site has historic rights over Shute Lake lane and the access will remain a private road as it currently stands. The road could be upgraded in agreement with other users of the lane. In terms of the Weaver Close access, the agent advises that this may not be adopted as the applicant prefers a private road with a management agreement run and operated by the property owners. A Flood Risk Assessment has been submitted to address any potential flooding risk. In addition, the bridge over the stream will be constructed to meet the appropriate standard and in consultation with a structural engineer.

In terms of Highway Authority concern about permeable paving, the agent states that if the road is adopted a permeable surface will not be used. In terms of providing sufficient turning heads within the site, the agent states that there are sufficient large turning heads to enable a refuse vehicle to access the site and turn to be either adjacent or within 25 metres of any refuse point. Site constraints prevent closer access by refuse vehicles.

In terms of concerns about access onto Weavers Close, the agent states that this is a short cul-de-sac with limited traffic movements that are slow meaning traffic collisions are unlikely.

In respect of the river bank, the agent has stated that his client has control over the river bank which includes access and right of visibility.

Further to the original exchange of correspondence between the agent and Highway Authority, further information was submitted by the agent in respect of the concern with regard to the splay and visibility onto Weaver's Close. The agent confirmed that his client owns the strip of land on which the access onto Weavers Close is located and has a legal right to view over for the visibility splays. A revised site ownership plan has been submitted and the Highway Authority's comments are awaited. An oral update will be given at committee.

**Conservation Officer (summary):**

The Conservation officer forwarded a very detailed response to the original application proposals. He advised that a number of the buildings are listed on the site and others by association. Moreover, these buildings are on the Council's 'at risk' register due to their condition. The Conservation officer has outlined the statutory requirement imposed on Local Authorities in terms of listed buildings is to 'have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. In addition, proposals that may affect a heritage asset must be justified.

In terms of considering a scheme for demolition, conversion and rebuild, there is a two stage approach. The first is to evaluate what is there, looking at individual elements and to consider the historic significance of the whole. Retention of as much of the fabric is an important factor that helps confirm whether the scheme is an acceptable form of conversion. The second stage is to assess, once any demolition is justified, if the replacement building works are appropriate to the building and its setting. This would be informed through a Heritage Statement.

The Conservation Officer's original advice raised concern that the Heritage Statement fails to consider the individual buildings and their internal fabric to a level of detail that would be expected. This information needs to be provided along with a statement of significance in relation to the whole of the historic structure. The Conservation Officer then gave an overview of each of the buildings in turn and outlines areas of concern. These include the loss of part of a listed building to provide vehicular access, further justification for subdivision of buildings, loss of fabric, removal and introduction of new staircases and ceilings; and the need to agree phasing of the development to ensure that the scenario is avoided whereby only the new buildings are provided extracting the value from the site with no works to the listed buildings. There were no real concerns in respect of the new build other than to ensure that the materials and any means of enclosing the front garden areas is appropriate.

Following the receipt of those comments, a number of site and office meetings were held with the relevant officers and applicant, agent and historic consultant. This resulted in further justification being submitted to support the proposals particularly in relation to the subdivision of the listed buildings, removal of stairs, loss of part of a listed building, layouts and additional information in respect of fabric.

The applicant also agreed that phasing is required and suggested 3 phases of development - this would involve a mix of conversion and new build in each phase.

The Conservation Officer has assessed the amendments to the proposals and confirmed that the applicant has addressed the issues satisfactorily. A list of conditions has also been forwarded which will be attached to any consent.

**Landscape Officer:**

I note that the prime objective of the proposal is the conservation and re-use of the traditional mill buildings, and this is supported by additional new build within the site, the footprint of which will in most be placed over the current spread of 20th century buildings, that are to be demolished.

From a landscape perspective, the site is characterised by rectilinear blocks of built form, with a tightly defined setting. The new build proposal lays within that setting, and appears to be of a scale and form that complements the existing mill complex, consequently I have no landscape issue to raise with the extent of the general building proposal, nor its potential impact upon its surrounds. Parking and circulation areas do not appear overly dominant, and the parking areas are in most part visually contained, so again there is no problematic issue with that element of the layout. Being building conservation lead, I will leave Greg and Adron to comment on the suitability of the materials chosen for the new build; surfacing, and bounding elements.

I note that a tree report is submitted, which states the contextual merits of the bounding vegetation, part of which is external to the site. Whilst this might lay outside the site, the need for root protection is noted, to ensure this external vegetation - particularly the tree species - is conserved, and I welcome that consideration, similarly the intent to manage the site's internal west boundary vegetation. No landscape scheme is yet submitted, though I note an indication of new and retained planting on the site proposal plans, and the statement within the tree report that the landscape plan will indicate routine management. I agree that a clear management proposal relating to the existing vegetation will be necessary, and that this should be combined with a planting proposal for the site, which utilises native species where relating to the existing boundary and stream corridors, yet can incorporate non-native specimens within the site and domestic areas.

Should you be minded to approve this application, then please condition the need for a landscape and vegetation management plan to be submitted for approval before any on-site works commence. If consent is gained, then it would be worthwhile my having a dialogue with the agent/applicant, to discuss suitable species, and placement, for whilst I appreciate that the proposed tree planting indicated on the site layout plan is in most part illustrative, it is a tree layout that can be enhanced to the benefit of the site design.

**County Education:**

The County Education Officer has been consulted but no response has been received. An email has been sent to clarify the County's position on this matter. An oral update will be given regarding any comments received.

**Environment Agency (Summary):**

The EA originally advised that the Flood Risk Assessment (FRA) submitted as part of the application is being assessed by their consultants. They are not able to offer a 'no objection' to the scheme until they are satisfied that the FRA is fit for purpose. A full response will be given once this process has been completed.

The case officer has been informed that there has been a number of discussions between the EA and the applicant's consultant. The case officer has sought an updated position with regard to the flood modelling works. It is expected that a satisfactory outcome will be reached. An oral update will be given to members.

**Ecologist:**

Original response (Nov 2013):

The Council's Ecologist noted the findings of the Protected Species Survey submitted with the application which made it clear that there is potential for legally protected species (particularly bats) to be detrimentally affected by the proposals. However, the Ecologist required further survey work in order for a more detailed assessment of the use by protected species, potential impacts and mitigation measures. This information must be submitted prior to the determination of the application. The Ecologist outlined the further work required in respect of bats, badgers, reptiles and amphibians.

Following the above advice, the applicant had to wait until May/June in order to undertake further site survey works. Updated surveys were undertaken in June 2014 and a Protected Species Report submitted. A further survey is to be undertaken in July to satisfy any future Natural England licence application.

The Ecologist now advises that sufficient information has been provided to inform the planning application. The surveys recorded slow worms on site and a condition is recommended in respect of mitigation measures to avoid or minimise harm. A badger sett is recorded on site

although not considered to be a main breeding sett. A condition is recommended to retain and protect the sett. A small number of bats were recorded and a condition will be imposed in respect of bat mitigation. The Ecologist also advises that as there would be loss of bat roosts, an assessment has to be made against the 3 Habitats Regulation tests. Permission should only be granted if all 3 tests are satisfied. The tests are as follows:

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

Officer comment:

Following the submission of the update surveys and imposition of appropriate conditions, it is considered that all 3 tests can be satisfied. There is a clear social and economic benefit of the scheme, there is no satisfactory alternative and as per the advice of the Ecologist, favourable conservation status is likely to be maintained due to the presence of only low numbers of non-breeding bats and the securing of appropriate mitigation by condition.

**Somerset Wildlife Trust: (summary)**

Supports the original comments of the Council's Ecologist in respect of the need for further survey work to be undertaken. They support the provision of bat and bird boxes. They have advised that any external lighting should be carefully controlled to minimise light pollution.

**Natural England: (Summary)**

No objection. Advised that the development is not likely to result in significant impacts on statutory designated sites, landscapes or species. Moreover, standing advice applies on protected species. Also state that the development may provide opportunities for biodiversity enhancements such as bird and bat boxes.

**Community, Health and Leisure:**

A total level of £175,850.24 has been sought for local and strategic facilities.

The details and amount for each facility is as follows:

Local Facilities:

Equipped Play Space (contribution towards enhancing the existing equipped play area at Happy Valley, Crewkerne) - £12,903.27

Youth Facilities - (enhancing the existing youth facilities provision at Happy Valley) - £2,533.61

Playing Pitches (contribution towards enhancing the provision of playing pitches in Crewkerne) - £17,277.05

Changing Rooms (contribution towards enhancing the provision of changing rooms in Crewkerne) - £35,077.79

Community Halls Urban (contribution towards enhancing existing community hall in Crewkerne) - £22,635.81

Commuted sums for the above facilities totals £23,539.79.

**Strategic Facilities:**

Theatre and Art Centres (Octagon Theatre) - £13,629.89

Artificial Grass Pitches (contribution towards the provision of a new 3G AGP in Crewkerne) - £3,500.78

Swimming Pools (District Wide) (contribution towards the provision of a new centrally based district wide competition swimming pool) - £16,101.13

Indoor Tennis Centres (contribution towards the provision of a new centrally based district wide indoor tennis centre) - £10,319.88

Sports Halls (Community) (contribution towards the enhancement of sports hall provision in Crewkerne (SH7) or towards a centrally based 8 court district wide competition sports hall) - £16,590.14

**Housing Development Officer:**

Strategic Housing have requested 35% of the development to be affordable housing as stated in the Saved SSLP (2006) Policy HG7.

The Strategic Housing Market Assessment, 2009 (SHMA) says two thirds of this 35% should be (67%) social rented and one third (33%) other intermediate solutions including shared ownership.

We would expect 20 affordable dwellings on this site - 13 - social rent and 7 other intermediate solutions. There needs to be some dialogue as to the required affordable housing property mix based on the current need for Chard. I would expect the affordable units to be pepper potted throughout the site. I would suggest that the units are developed to blend in with the proposed house styles and would prefer the 1 beds to either be houses or to have the appearance of houses.

**Wessex Water:**

Confirmed that the local water supply network has adequate capacity to serve the proposed development. Points of connection onto the system will need to be agreed with Wessex Water and advised a condition to ensure a suitable surface and foul water strategy is implemented.

**County Archaeologist:**

Viney Bridge Mills is a virtually complete Victorian mill complex intrinsically associated with the Crewkerne textile industry and the industrialisation of the South West. Many of the buildings are of architectural and historical significance, with several retaining a number of important architectural features, elements of which will be lost or fragmented as a result of the proposed development.

In order to fully understand the relationship between the various buildings and ensure that the heritage significance of the complex is fully understood, I recommend that the applicant be required to carry out a programme of archaeological investigations, to include detailed building recording and intrusive investigations, and produce a report on the results in accordance with the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted.

**Somerset Industrial Archaeological Society (summary)**

Supportive of the application but would wish to see a condition that requires detailed building recording of all of the buildings on site along with archaeological investigation. The proposals provide a sympathetic conversion of an important set of industrial buildings.



**Police Architectural Liaison Officer:**

I am really concerned with the rear access to parking and living accommodation accessed from Shute lake lane! This area has little in the way of any lighting allowing easy escape routes back into the Kit Hill area or south along Mill Lane. The access to the properties at this point are of a narrow corridor type with numerous stairs and corners offering hiding places. Considering that the majority of Domestic Dwelling burglaries are committed through the rear of properties this design allows for this type of crime to flourish. I would object to this part of the development design.

**Environmental Health:**

The historical reports made fascinating reading. The application rightly suspects pollution may be present from the various former uses. Any residential use is classed as sensitive. The various uses that are of particular uses include dye and bleach areas, gas retort (where the oil store is located), power generation and engineering /maintenance including the smithy. The North Light factory has an asbestos roof, and there is scope for asbestos products in various parts of the building from any retrofitting of plant over the years.

Conditions are recommended to deal with site investigation, any relevant remediation, and a scheme to report any signs of pollution during construction. In addition, a condition to appropriately deal with asbestos.

**County Rights of Way:**

No objection to the application. Advised about the health and safety of users of the footpath that abuts the site during construction works.

**REPRESENTATIONS**

4 letters/emails have been received raising the following objections:

- Highway safety and increase in traffic along South Street
- Number of accidents along South Street
- Safety concerns regarding new access from Weavers Close
- Increase in use of Weavers Close junction with South Street
- Will need to be at least 100 car parking spaces
- Concern about more parking along South Street
- Cars will be parked on the pavements causing pedestrian safety issues.
- 2m high boundary fencing adjacent to our bank - need access for maintenance.
- This part of South Street have been flooded and impassable in recent years.
- Any restrictions on the commercial units.
- Social housing requirements
- Privacy for Weavers Close residents, particularly No's 1+2 given close proximity to buildings.

The owner of the adjacent Old Textile Mill has written in to support the scheme. Acknowledge the access problems and ask that the construction of the bridge to be a required condition prior to the commencement of the development. This would ensure that development traffic does not conflict with existing traffic/parking at the adjacent business.

**Amended plans:**

2 letters/emails have been received in response to the amended plans retaining concern about the access into Weavers Close and will use of Shute Lake Lane make it a through road. Will the management company maintain the river bank as residents have been undertaking this task?

Additional impact on Weavers Close with the increase in traffic.  
Safety and access issues during construction.

A signed petition has also been received from 12 residents of Weavers Close asking for consideration to be given to the privacy of residents, concern that the entrance into the site from Weavers Close is not safe, conflict with reversing out of the allocated parking spaces and road users within Weavers Close, concern about the use of the boiler room/chimney area being used as a recreational area, clarification sought on possible commercial uses within the site and raise viability issues.

## **CONSIDERATIONS**

This important former mill site dates back over 200 years and played an important part in the town's industrial past. The importance of the older buildings, located to the northern end of the site, are recognised nationally with their listed status. It is therefore important that the currently redundant historic buildings are brought back into a positive use, preserving their character, to ensure that they continue to make a valuable contribution to the town. The historic buildings are also on the Council's 'at risk' register due to their condition and therefore, it is becoming increasingly important to find an appropriate re-use for the buildings.

### **Highways**

Vehicular access to the site will be provided via a new access from Weavers Close to the east of the site and from Shute Lake Lane, which is an existing access, to the west of the site. The Weavers Close access will require the construction of a bridge across the stream that runs along the eastern side of the site. If the road is adopted, the details of the construction of the bridge will need to be agreed with the Highway Authority. If required, an Agreement in Principle will be obtained from the Highway Authority.

The Highway Authority have objected to the scheme due to their concern about securing relevant frontage onto Weaver Close in order to achieve the necessary visibility splays. The applicant has confirmed the areas of ownership at the proposed access point into the site from Weavers Close. This includes land up to the road in Weavers Close but excluding the car parking spaces. Given that there are no parking spaces to the south of the proposed access, the applicant would have full control over the land required to provide the necessary visibility splay. In previously discussing this aspect with the Highway Authority, no objection is raised.

In terms of the visibility looking to the north, the revised plans shows that a vehicle emerging from the site would have a visibility splay of 70 metres - this visibility would be outside of the existing residents parking spaces. In addition, the proposal also includes giving priority to those vehicles into and out of the site from Weavers Close. This has been proposed to reduce waiting time for cars emerging from the site to reduce the impact of car headlights shining in the direction of houses in Weavers Close. A plan was submitted by the applicant to show that due to the slope of the road over the bridge, car headlights would be shining down into the road rather than direct into windows. The revised plans have been sent to the Highway Authority and formal comments are awaited. An oral update will be given to members at committee.

No objection is raised by the Highway Authority to the use of the existing access from Weavers Close onto South Street.

In terms of parking, the scheme will provide 73 spaces, 6 spaces less than the optimum figure recommended in the adopted car parking standards. Whilst the number of spaces is under the number sought by the Highway Authority, given the restricted nature of the site, the viability of the overall scheme and its reasonable access to services and facilities in the town, it is not

considered that the relative small under provision of parking spaces warrants refusal of the scheme.

The Highway Authority raised a concern about the size of some of the turning heads within the site in order to accommodate refuse vehicles. Whilst it is accepted that some of those turning heads fall short of the highway requirements, the agent has stated that such vehicles can access the site and at worst would be within 25 metres of a refuse point. Given the restricted nature of the site and that a significant part of the scheme cannot be altered due to the existing arrangement of listed buildings, it has to be accepted that a scheme such as this is not going to be able to meet all of the technical standards. Some compromise is required in order for the scheme to be delivered. It is not considered that this issue is so adverse or severe to warrant refusal.

In terms of retaining some form of limited access direct from the existing access point onto South Street, whilst it offers poor visibility, it has been the historical access into the site. It is not considered that occasional use when required would result in severe highway impact. Therefore, it is not proposed to require the access to be permanently closed to vehicular traffic rather controlled vehicular use via bollards.

### **Conservation**

This is an important historical site within Crewkerne containing a range of listed buildings that housed and supported the towns industrial past. The listed buildings are on the Council's 'at risk' register due to their poor condition and it is therefore important that appropriate new uses are found for the buildings.

The reuse of listed buildings often presents challenges, particularly when a different use is proposed from that purpose for which the building was originally built. The conversion of these buildings has produced some challenges but as a result of a number of discussions between the Council and applicant, it is considered that a satisfactory conversion scheme has now been submitted that would preserve the character and appearance of the buildings. In addition, the new build element will complement the listed buildings by the use of appropriate layout, design and materials. More detailed assessment is given in the accompanying listed building application.

### **Residential Amenity**

It is considered that the scheme has been designed to ensure that no adverse harm to neighbouring amenity would occur. The closest residential properties to the proposed development are No's 1+ 2 Weavers Close located on the western side of the road. These 2 existing properties would mostly be affected by direct overlooking into their private rear gardens. It is therefore proposed that the lower sections of the 3 closest first floor windows in the 'Spinning Mill' building will be obscured glazed to address the direct overlooking issue. None of the other Weaver Close properties will have any direct overlooking into rear gardens as they front the application site. A distance of at least 20 metres exists from the rear wall of the buildings in the appeal site to the fronts of No's 3-19 Weavers Close. This is considered to be an acceptable distance. Accordingly, it is not considered that the scheme would cause any adverse impact in respect of harmful overlooking.

In terms of noise and general disturbance, a condition shall be imposed on any consent to seek a construction management plan in order to keep to a minimum disturbance to residents during construction. In terms of the impact of additional residential traffic, the scheme would clearly result in an increase use made of Weavers Close. It isn't however the only form of vehicular access to the site and therefore this will reduce the level of traffic using Weavers Close. Whilst residents would clearly notice an increase in the level of traffic, many properties face direct onto busier roads without causing harm to residential amenity. Accordingly, it is not considered

that this increase would cause significant harm in terms of traffic noise to warrant refusal.

### **Flooding**

The application was supported by a Flood Risk Assessment which has been assessed by the Environment Agency (EA). Whilst the site is located in Flood Zone 1, which means that the site is suitable for residential use, the EA advised that further modelling work is required before they are able to reach their conclusion and recommendation. The EA have requested that the Flood Risk Consultant reruns the model with the 1 in 140 year rainfall event that caused flooding in 2008. It is understood that a storm caused flooding in the vicinity of the application site in 2008 although not of the site itself.

The FRA proposes several mitigation measures including recommended floor levels and that the new bridge to cross Viney Stream does not impeded the flow capacity of the stream. The case officer has been advised that the latest model has been sent to the EA consultants for their assessment and their recommendation should be received shortly. No recommendation has been received before writing this report and therefore an oral update will be given to members.

### **Ecology**

The Council's Ecologist originally raised an objection due to the lack of an up to-date and robust ecological survey. Further survey work was undertaken in June 2014 which confirmed the existence on the site of a number of protected species, including bats, badgers and reptiles. Whilst further survey work is required in order to satisfy the requirements to obtain a licence from Natural England, the ecologist was satisfied that sufficient information has now been submitted to enable an assessment to be made of the development proposal and its impact on ecology. The ecologist does not raise any objection subject to the imposition of conditions in relation to mitigation and protection of habitat. As outlined previously in this report, it is considered that the 3 Habitats Regulations are satisfactorily met. The appropriate licenses will also need to be obtained from natural England.

### **Viability**

During pre-application discussions, the applicant sought to establish the level of planning obligations that would be sought by the Council. The agent was advising that the scheme would be very tight financially and that it would not be able to provide any significant level of planning obligations. Prior to the submission of the planning application, the applicant commissioned a viability report and this was assessed by the District Valuer.

The District Valuer agreed with the developer's viability assessment stating that 'there is very little or no scope for on-site affordable housing to be viably provided'. However, the District Valuer has concluded that there is scope for a modest S106 financial contribution in the region of £100,000'. The applicant has submitted a draft legal agreement to provide this sum. Subject to approval of the application, the case officer will discuss with members and Heads of Service how the available money would be spent.

### **Homes and Community Agency**

The applicant has been in detailed discussion with the Homes and Community Agency with regard to securing funding for this project. The applicant is confident that funding will be secured having successfully obtained funding for a similar renovation and conversion scheme at Oakhill Brewery, Somerset. Due to imminent funding deadlines, the applicant is seeking a decision from the Council prior to the submission of a grant application to the HCA.

## **SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING**

The District Valuer assessed the viability of the scheme and concluded that the scheme would only be able to provide £100,000 towards obligations. This report has outlined the amount of obligations sought by Education, Sport and Leisure and Housing. Subject to approval of the scheme, the case officer in agreement with members and Heads of Service, will determine how to spend the £100,000.

The application be approved subject to the prior completion of a Section 106 Planning obligation (in a form acceptable to the Council's solicitor before the decision notice granting planning permission is issued, to secure the £100,000 as outlined above.

## **RECOMMENDATION**

Grant Permission.

01. The proposed development by reason of its design, layout and appropriate reuse of listed buildings will preserve the character and appearance of the listed and historic buildings on site and the Conservation Area, would not adversely harm the amenity of adjoining residents and will secure the long term use of important redundant listed and historic buildings. Suitable mitigation will be provided for ecological interests, employment space will be provided and suitable provision shall be made for vehicle parking. The scheme is therefore in accord with saved policies ST3, ST6, ST6, ST10, EC8, EH1, EH2, EH3, EH4, and EH5 of the South Somerset Local Plan and the Core planning Principles and Chapters 6,7 and 12 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. No development shall take place until a scheme for the phasing of development on the site has been submitted to and agreed in writing by the Local Planning Authority. Once agreed, the phasing shall not be changed without the written consent of the Local Planning Authority.

Reason: To ensure that the listed buildings are repaired and converted as part of the construction of the new build dwellings.

03. No development shall take place until the applicant, or their agents or successors in title, has implemented a programme of recording of any historic buildings to be demolished in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for a copy of all recording to be deposited with the Somerset Record Office within 12 months of the demolition of the last building.

Reason: To ensure that adequate recording of buildings to be demolished has taken place.

04. There shall be no internal works to building 1, the Bucking House, until further plans and justification are submitted and approved by the Local Planning Authority.

Reason: To protect the character and appearance of the building to accord with saved Policy EH3 of the South Somerset Local Plan.

05. No work shall be carried out to each building, as numbered in the Heritage statement, and in relation to the new build, 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 special architectural and historic interests of the listed buildings to accord with saved policy EH3 of the South Somerset Local Plan and policy in the NPPF.

06. No work shall be carried out to each building, as numbered in the Heritage statement, and in relation to the new build unless full details of the boundary walls, including the materials, coursing, bonding and coping; mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing and supported with a sample panel to be provided at a time to be agreed in writing. Note: on sloping sites, the top of the wall should run with the slope of the land and not be stepped.

Reason: In the interests of the special architectural and historic interests of the listed buildings to accord with saved policy EH3 of the South Somerset Local Plan and policy in the NPPF.

07. No work shall be carried out to each building, including the bridge, as numbered in the Heritage statement, and in relation to the new build, until details of the new natural stonework/brickwork 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 and supported with a sample panel to be provided at a time to be agreed. in writing.

Reason: in the interests of the special architectural and historic interests of the listed building

08. No work shall be carried out to each building, as numbered in the Heritage statement, and in relation to the new build 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. 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.

Reason: To safeguard the character of the listed building in accordance with policy EH3 of the South Somerset Local Plan (Adopted April 2006).

09. 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: 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.

10. The area(s) of rebuilding shall be restricted to that defined on the approved plan(s) and shall not be enlarged without the prior express grant of planning permission. In the event that completion strictly in accordance with such approved plans shall become impracticable for whatever reason, work shall thereupon cease and only be re-commenced if and when consent has been obtained in regard to an amended scheme of works which renders completion of the scheme practicable.

Reason: To protect the character and appearance of the Listed buildings to accord with saved policy EH3 of the South Somerset Local Plan and the policy of the NPPF.

11. No work shall be carried out to each building, as numbered in the Heritage statement, and in relation to the new build, unless details of the roof lights have been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing, the roof lights shall be top hung and flush with the roof covering. 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 special architectural and historic interests of the listed building to accord with saved policy EH3 of the South Somerset Local Plan.

12. All electrical, gas 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 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.

Reason: In order to ensure that the development accords with the character of the area in accordance with saved Policy ST6 (EH1/EH5) of the South Somerset Local Plan as adopted 2006.

13. The development hereby permitted shall not be commenced until a scheme for the maintenance of the communal open space shown on the submitted plan has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented fully on the completion of that proportion of the total development specified in the scheme and the open space area shall thereafter be retained and maintained in complete accordance with the scheme.

Reason: To protect the setting of the listed buildings and Conservation Area to accord with saved policies EH1 and EH5 of the South Somerset Local Plan.

14. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include protection of features to be retained (such as the retting pond); proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; refuse or other storage units, signs, street lighting etc, proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

Reason: To protect the setting of the listed buildings and Conservation Area to accord with saved policy EH1 and EH5 of the South Somerset Local Plan.

15. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a mitigation plan or method statement detailing measures to avoid harm to reptiles, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended), and for the conservation of a 'priority species' in accordance with NPPF.

16. The development hereby permitted shall not be commenced until there has been submitted to, and approved in writing by the Local Planning Authority, a badger mitigation plan detailing measures for minimising disturbance and harm to badgers and enabling badgers continued access within their territory as appropriate for their welfare, and details of barrier fencing to minimise conflict between badgers and householders. The works shall be implemented in accordance with the approved details and timing of the plan, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and Protection of Badgers Act 1992.

17. The development hereby permitted shall not be commenced (including any demolition or site clearance) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a bat mitigation plan and method statement. The works shall be implemented in accordance with the approved details and timing of the mitigation plan and method statement, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF, and of legally protected species 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.

18. 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 involving detailed building recording and intrusive archaeological investigations in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the local planning authority.

Reason; To ensure that any archaeology found on site is properly recorded to accord with the NPPF.

19. No development shall take place a site investigation report carried out by a competent person to include a desk study, site walkover, and the production of a 'conceptual site model' (CSM) has been submitted to the Local Planning Authority. The CSM will need to consider risks to human health and the environment.

Reason: In the interests of environmental health to accord with the NPPF.



20. An intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites Code of Practice shall be submitted to the Local Planning Authority. The report should refine and revise the CSM created in condition 1 (above) and include a detailed quantitative human health and environmental risk assessment. The report should state whether the site is 'fit for purpose' or whether remediation will be required. If the report suggests remediation is required, a remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved must be submitted. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated as being remediated and fit for purpose.

Reason: In the interests of environmental health to accord with the NPPF.

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

Reason: In the interests of environmental health to accord with the NPPF.

22. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or even actual remains from the past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority. The LPA will then consider if the findings have any impact upon the development and development must be halted on that part of the site and if the Local Planning Authority considers it necessary then an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the submitted details.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Local Planning Policy.

23. The development hereby permitted shall not begin until a scheme to deal with the management and/or safe disposal of asbestos and asbestos containing materials has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of, where necessary, an asbestos identification survey by a qualified contractor, measures to be adopted to protect human health and the preferred asbestos disposal route, unless the Local Planning Authority dispenses with any such requirement specifically in writing.

Reason: To protect the health of site workers and future occupiers of the site, in accordance with Local Planning Policy.

24. No development shall commence on site until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority. Such a plan shall include details of construction work hours, construction delivery hours, the routing of construction vehicles to and from the site, the location of the constructor's compound both for the parking of construction and contractor's vehicles and storage of materials,

and the methods/practices for minimising the level of dirt and mud being brought onto the public highway and a scheme to ensure the local roads are cleaned on a regular basis.

Reason: To protect the amenity of local residents during construction and to ensure the local highway network is maintained in safe and clean condition.

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

Drawing numbers:2012/COXLEY/02/01B, 01.1C, 01.2C, 02C, 02A, 10C, 11C, 12A,17A,19 B, 20C, 21A, 22C, 24A, 25B, CON13A, CON14 .

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

26. 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 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.

Reason: In the interests of the amenity of the area to accord with saved Policy ST5 of the South Somerset Local Plan.

27. 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: To ensure that the scheme is properly drained to accord with the NPPF.

**Informatives:**

01. 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 will often also be suitable for submission to the Council when applying for discharge of the relevant condition.

# Agenda Item 17

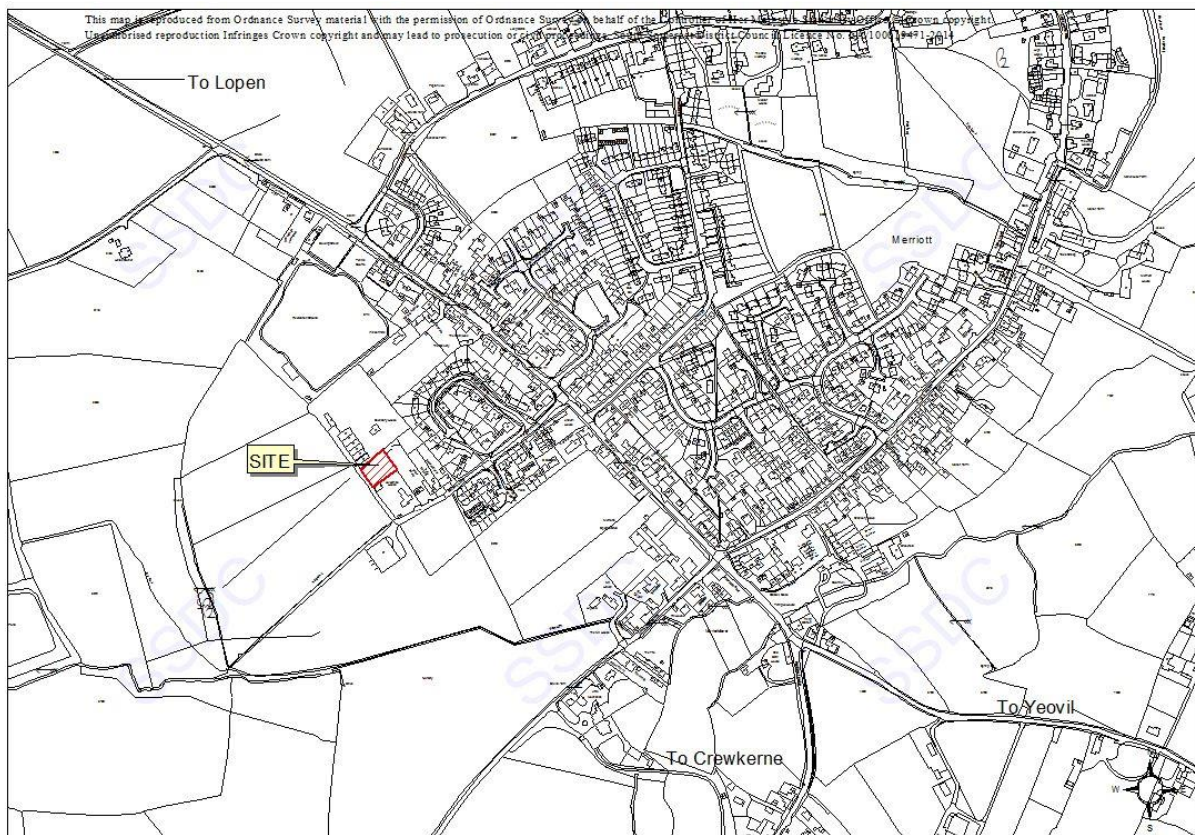
## Officer Report On Planning Application: 14/02863/OUT

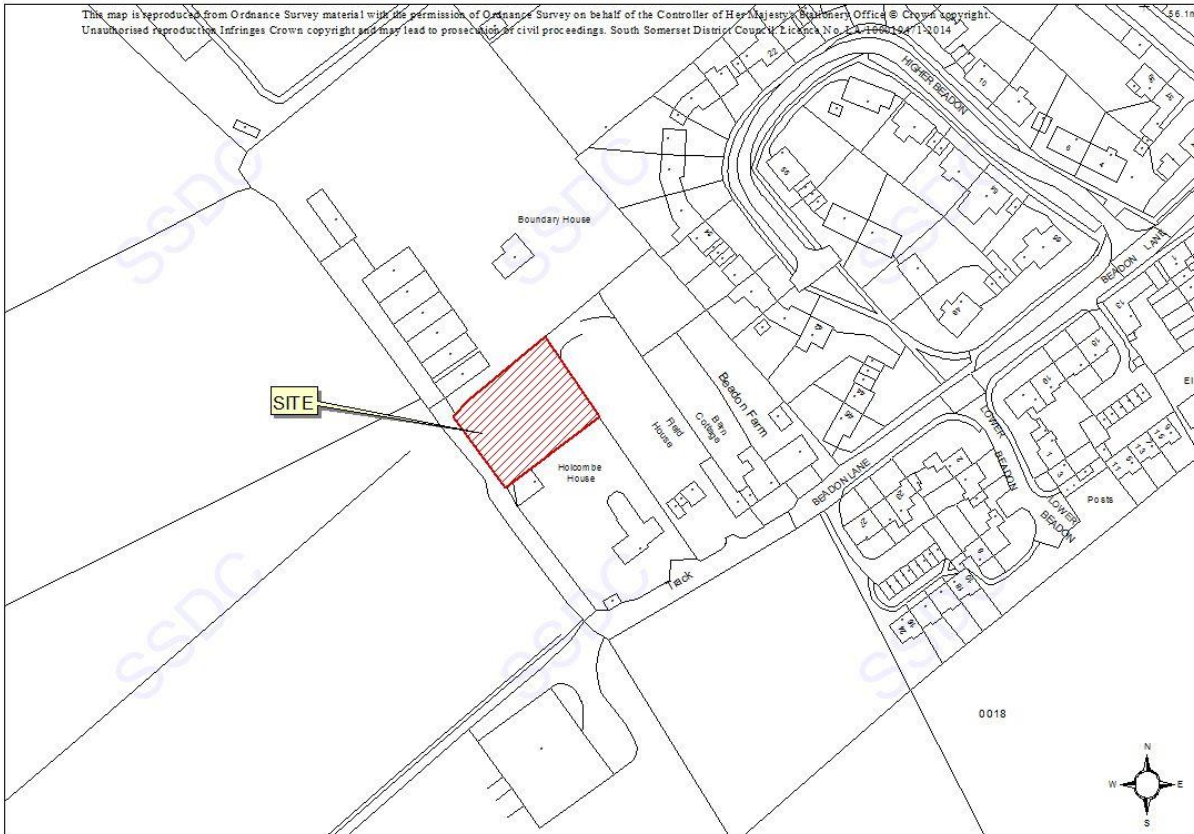
<b>Proposal :</b>	The erection of 1 No. detached dwelling with associated garage (GR 343883/112240)
<b>Site Address:</b>	Holcombe House, Beadon Lane, Merriott.
<b>Parish:</b>	Merriott
<b>EGGWOOD Ward (SSDC Member)</b>	Cllr P Maxwell
<b>Recommending Case Officer:</b>	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
<b>Target date :</b>	14th August 2014
<b>Applicant :</b>	Mr & Mrs D Stokes
<b>Agent: (no agent if blank)</b>	Paul Dance, Foxgloves, 11 North Street, Stoke Sub Hamdon, Somerset TA14 6QR
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application for a dwelling is outside settlement limits and is referred to Committee as a departure from the saved policies of the local plan.

### SITE DESCRIPTION AND PROPOSAL





The application site is located within the northern end of the garden of 'Holcombe House'. The site is accessed from the south via an unmade track which is a continuation of Beadon Lane, located further to the east of the site. The vehicular access is also a Public Right of Way (Footpath CH19/10).

The subject site measures approximately 26 metres in width by 35 metres in depth. Ground levels fall slightly within the site towards Holcombe House. There are detached dwellings to the north and east of the site, known as 'Boundary House' and 'Field House'. Boundary House would share the vehicular access with the proposed dwelling.

This application considers the principle of development, with all matters reserved. Access, appearance, landscaping, layout and scale are to be considered under a subsequent application for Reserved Matters.

## HISTORY

There is no planning history for the site that is relevant to this proposal.

## 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 National Planning Policy Framework (NPPF) is a material consideration.

The policies of most relevance to the proposal are:

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

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EC3 - Landscape Character

EU3 - Non mains sewerage

EU 4 - Drainage, water supply and sewerage

National Planning Policy Framework

Chapter 4 - Promoting sustainable transport

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring good design

Chapter 11 - Conserving and enhancing the natural environment

Merriott Village Plan (2014)

The Merriott Village Plan is a material consideration.

## **CONSULTATIONS**

### **Merriott Parish Council:**

Recommend refusal on inaccuracy of plans. There are unaddressed issues regarding the access over a neighbour's property. There are queries on the boundary, land registry and fencing although it has been stated no landscaping will be needed. The site is outside of the development core area stated within the village plan and is not suitable for infill.

### **County Highway Authority:-**

Standing Advice applies.

### **County Rights of Way Department:-**

First response:

No objection given it's just the one dwelling. Standard wording regarding vehicular use of a public footpath, lawful authority and other generic text will be required.

Second response:

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map which runs along the access to the proposed development at the present time. I have attached a plan for your information.

Any proposed works must not encroach on to the width of the footpath.

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for

the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so.

In addition, if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from SCC Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483069.

## **REPRESENTATIONS**

Three letters of objection have been received making the following comments:

- The application does not fall within the development area as defined by the Merriott Village Plan. The application does not meet any of the criteria for housing development set out in the Village Plan.
- The development would not be 'infilling' as stated within the application.
- The comment 'There is much more development surrounding the site & edge of village development altering the character of the area' is misleading.
- Approval would set a precedent for future applications.
- The application states that landscaping would not be necessary, this would not be the case given that the driveway cuts through existing fencing and hedging.
- Access to the site would have to be via land within the ownership of Boundary House.
- The application would have a detrimental impact on neighbour impact.
- Gardens are no longer classified as brownfield land.
- The benefits of green spaces within villages is well documented.
- An additional dwelling would increase wear and tear on the un-adopted access track.
- There is no mains sewerage system.
- It would not be acceptable to justify the development by allowing the hedge between the site and Boundary House to grow higher to screen the development. This would result in loss of light to the garden of Boundary House.

## **CONSIDERATIONS**

### **Principle of Development**

#### **Principle:**

The development boundary for Merriott intersects the garden of Holcombe House. The application site is located to the northern side of the development boundary and is outside but immediately adjacent to the development area.



Having regard to the location of the site outside development limits, Saved Policy ST-3 would apply to the proposal and strictly controls development in such a location. However, paragraph 215 of the NPPF states that:

"due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

It should be acknowledged that the 2006 plan is now out of date and only those policies that are compliant with the aims of sustainable development as set out within the NPPF have been saved, furthermore where a saved policy isn't fully compliant with the NPPF it has diminished weight.

Whilst the emerging local plan has yet to be adopted, Policy SS2 has not been queried by the local plan inspector or challenged in the course of the local plan suspension and was not debated at the recent re-opening of the local plan inquiry. Accordingly, for the purpose of this application, it is considered that the general thrust of Policy SS2 and the NPPF's support for sustainable development should be balanced against the historic interpretation of Policy ST3 which weighs heavily against unwarranted development outside settlement boundaries.

Given these circumstances, the proposal to construct a single dwelling should be considered on its own merits. Paragraph 7 of the NPPF states that there are three dimensions of sustainable development, economic, social and environmental. Each dimension of sustainable development should not be considered in isolation and they are mutually dependant. Furthermore, Paragraph 6 of the NPPF states that paragraphs 18 to 219 of The NPPF should be taken as a whole and constitute the Government's view of what sustainable development means in practice for the planning system. In reaching a view as to whether the site is suitable for the development proposed a range of considerations are relevant.

From a sustainability perspective, the site is within a reasonable walking distance of services within the village such as a convenience store, first school and recreation facilities. As such the settlement is considered to be an appropriate location for residential development in principle.

The subject site is well contained visually within the built form and physical boundary of the settlement. As such, the proposal would not appear visually detached from the settlement and would accord with the characteristics of the locality.

In addition to the above, the proposal would provide some, but limited contribution to housing supply, and local services. Against the current policy framework outlined above, these factors weigh in favour of the proposal.

### **Visual Amenity**

Having regard to the close relationship of the site with the existing built form to the east of the site, proposal is considered to be acceptable in principle. An indicative layout has been submitted illustrating a detached dwelling and double garage. Subject to the inclusion of the planning conditions as set out within this report, the size of the plot is sufficient to ensure that an appropriate scheme can be achieved at Reserved Matters.

### **Residential Amenity**

The application is for outline planning consent and as such regard cannot be given to the detailed design and siting of the dwelling when assessing the impact on neighbour amenity. However, the plot is of sufficient width and depth to ensure appropriate space between the proposed dwelling and the shared boundaries with Boundary House, Field House and Holcombe House. In addition, consideration can be given to window placement during consideration of Reserved Matters. As such, the proposal is considered to be acceptable in

relation to residential amenity.

### **Highways**

Although means of access is reserved for subsequent approval, regard should be given to whether a safe and convenient access could be provided to the site and whether this is achievable at Reserved Matters.

The indicative plans indicate that the vehicular access would be via an existing vehicular access that currently provides access to Boundary House to the north of the site. This is likely to be the only viable point of access to the site. This access joins the existing unmade track and public right of way located approximately 46 metres to the south of the site.

In relation to visibility, the access onto unmade track would be acceptable due to the low level of vehicular use. In terms of the wider highway network, vehicles relating to the development would exit Beadon Lane onto Broadway which is an unnumbered classified highway. Visibility from Beadon lane onto Broadway is approximately 15 metres to the south of the access. This would be significantly below the 43 metre standard recommended within the Somerset County Council Highway Standing Advice document. However, considering that the proposal is for a single dwelling, the well established nature of this junction and the more pro development approach taken by the NPPF, it is considered unreasonable to withhold planning permission on this basis.

Subject to conditions to secure an appropriate level of parking, in all other respects the proposal complies acceptably with the relevant standards and therefore the proposed dwelling is acceptable in relation to highway safety matters

### **Public Right of Way**

The footpath currently provides access to three dwellings and as such it is already used by vehicles for these occupiers. The County Council Rights of Way Department have been consulted on the application and have raised no objections to the proposal.

It is not clear from the application details whether the applicant currently has vehicular access rights over the relevant section of the public right of way and it should be noted that there are no automatic vehicular rights of access over public rights of way. It should be further noted that the grant of planning permission does not automatically grant the developer the right to obstruct a public right of way or grant vehicular access rights. Having regard to the above, whilst the impact of a development on a public right of way is a material consideration, there are other statutory procedures in place for access rights and/or diversion works (if necessary) in the event of planning permission being granted.

In this instance, the development would not involve building work on or near the right of way. In addition, the right of way currently provides vehicular access to three dwellings. It is further noted that the track is of sufficient width and there is good forward visibility for vehicles and pedestrians. As such, it is considered that the public right of way provides an appropriate means of access to the site and the development would not result in harm to the safety or enjoyment of users of the right of way. It is recommended that an appropriate informative is included within the decision notice to inform the developer of the additional requirements in relation to access rights.

### **Other matters:**

Concern has been raised over the lack of mains foul drainage from the site. The applicant has confirmed by email that the site is not on mains drainage and that a septic tank would be constructed. Discussions with the Council's Building Control Department have confirmed that the site is sufficient in size to accommodate the septic tank and accord with the relevant building regulations requirements.



Objections have been received on the basis that the proposal is contrary to the Merriott Village Plan (2014). The Village plan requires that development proposals are located within the core of the village, do not spread into surrounding countryside, has a balanced mix of properties, supports local businesses and is associated with necessary additional infrastructure. However, whilst the Village Plan is a material consideration, it is not part of the adopted development plan. Primarily applications must be assessed against the updated guidance within the NPPF and for the reasons outlined in the report, the proposal is considered to be acceptable in this regard.

## **CONCLUSION**

Notwithstanding the location of the site outside defined development limits, by virtue of its close physical relationship to existing built form and easy walking distance to nearby services it is considered to meet the aims of sustainable development as set out within the NPPF. For the reasons set out above, the development raises no substantive landscape, visual or residential amenity concerns and is not considered to result in significant harm to highway safety, in accordance with Policies ST5, ST6 and EC3 of the South Somerset Local Plan, and is therefore recommended for approval.

## **RECOMMENDATION**

Approve the application subject to the following:

As the consultation period for publicity in relation to the adjacent public right of way does not expire until the 28th of August 2014, it is recommended that the Planning Manager be granted delegated powers to approve this application unless substantive additional representations to refuse the application are received.

01. Notwithstanding the location of the site outside defined development limits, by virtue of its close physical relationship to existing built form and easy walking distance to nearby services it is considered to meet the aims of sustainable development as set out within the NPPF. For the reasons set out above, the development raises no substantive landscape, visual or residential amenity concerns and is not considered to be prejudicial to highway safety, in accordance with Policies ST5, ST6 and EC3 of the South Somerset Local Plan, and the aims and objectives of the NPPF.

## **SUBJECT TO THE FOLLOWING:**

01. Approval of the details of the access, layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Unnumbered site location plan date stamped 7th July 2014.

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

03. Notwithstanding that the 'reserved matters' which include the layout, the development hereby approved shall be limited to one dwelling.

Reason: In the interests of the visual amenity and landscape character of the area, in accordance with Policy ST5 of the South Somerset Local Plan.

04. No works shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;
- a) particulars of the materials (including the provision of samples where appropriate) to be used for all external walls, roofs and chimneys;
  - b) particulars of all boundary treatments and hard surfacing materials. Such details shall include the use of porous materials to the parking and turning areas;

Reason: In the interest of visual amenity to accord with Policy ST6 of the South Somerset Local Plan.

05. Concurrently with the submission of the reserved matters, details of a proposed soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

- (i) The approved landscaping/planting scheme shall be carried out and completed within the first available planting season from the date of commencement of the development.
- (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Saved Policy ST5 of the South Somerset Local Plan adopted April 2006.

06. Concurrently with the submission of the "reserved matters" for the construction of the proposed dwelling, details of the off- street parking and turning facilities shall be submitted to and approved by the Local Planning Authority. The dwelling hereby permitted shall not be occupied until the vehicular parking facilities have been provided and made available for use in accordance with the approved details. These facilities shall be maintained available for those purposes thereafter

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

07. No work shall commence on the development site a drainage scheme for the site including an appropriate right of discharge of surface water, details of gullies, connections, soakaways, means of attenuation on site and drainage measures to prevent the discharge of water onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in

accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: The local planning authority wish to ensure that satisfactory drainage is provided to serve the proposed development so as to avoid environmental, amenity or public health problems in compliance with Saved Policies ST5, EU3 and EU4 of the South Somerset Local Plan adopted April 2006.

**Informatives:**

01. The applicant is advised that the grant of planning permission does not give vehicular access rights over the public right of way for construction or occupation of the dwelling. The applicant is further advised that access rights must be resolved through the relevant statutory process prior to construction of the dwelling hereby approved.
  
  02. If the work involved in carrying out this proposed development would
    - make a PROW less convenient for continued public use (or)
    - create a hazard to users of a PROWthen a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483069.
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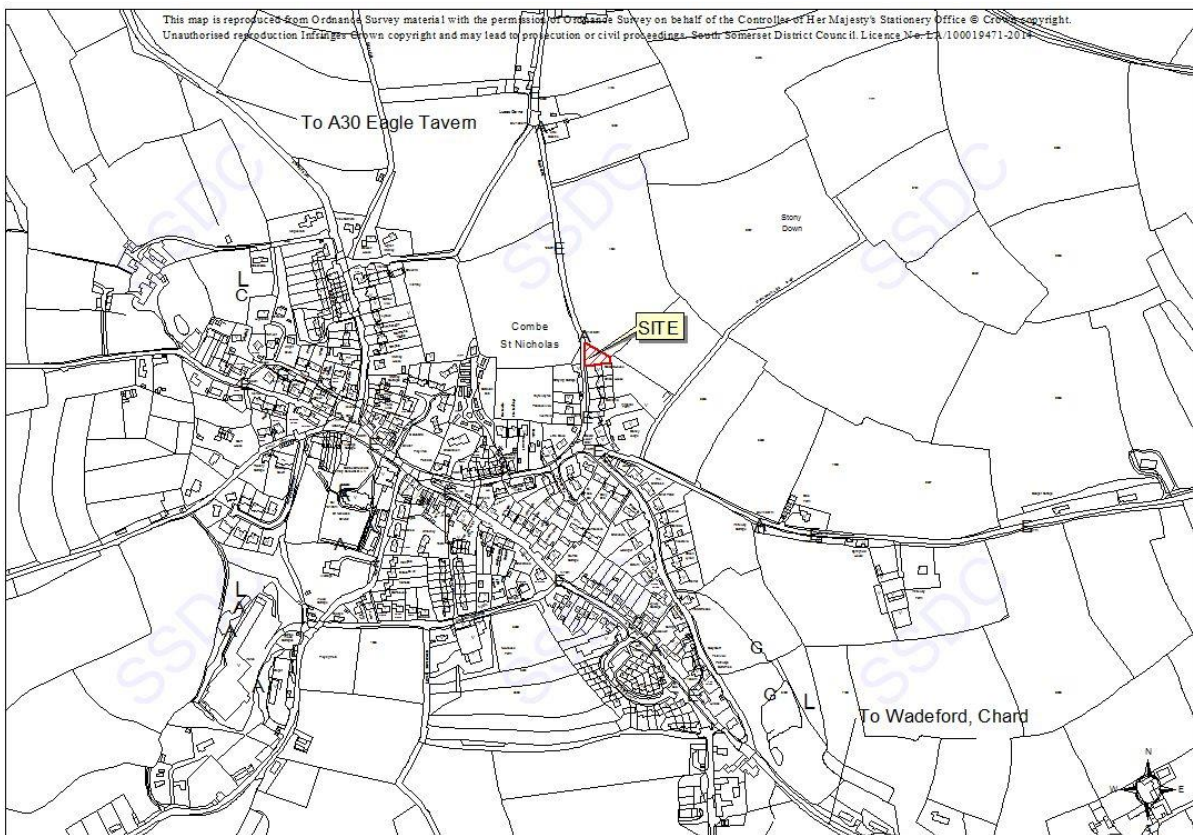
## Officer Report On Planning Application: 14/02626/FUL

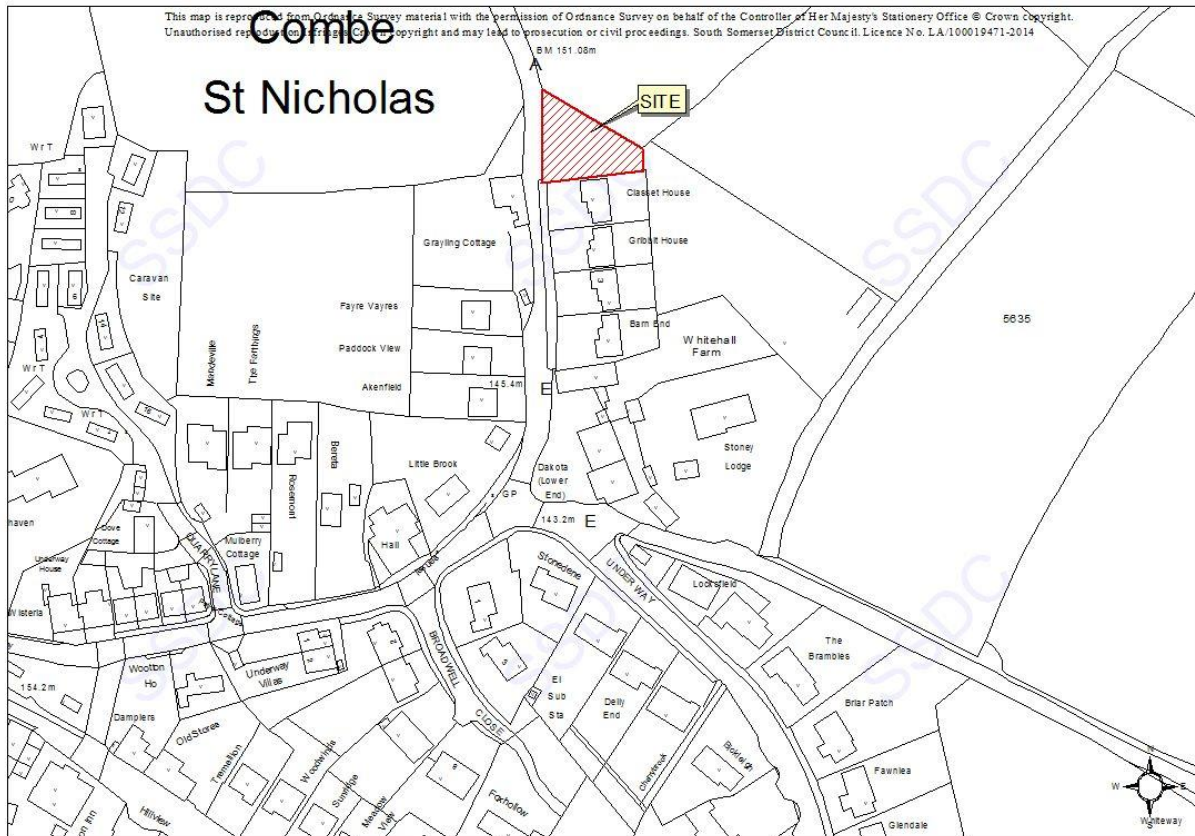
<b>Proposal :</b>	The erection of 1 No. detached dwellinghouse (GR 330434/111420)
<b>Site Address:</b>	Land North Of Classet House, Frog Lane, Combe St Nicholas.
<b>Parish:</b>	Combe St Nicholas
<b>BLACKDOWN Ward (SSDC Member)</b>	Cllr R Roderigo
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date :</b>	8th August 2014
<b>Applicant :</b>	Mrs Julie Gray
<b>Agent: (no agent if blank)</b>	Greenslade Taylor Hunt, 1 High Street, Chard Somerset
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application for a dwelling is outside settlement limits and is referred to Committee as a departure from the saved policies of the local plan.

### SITE DESCRIPTION AND PROPOSAL





The application site is a field situated to the north of a property called 'Classet House' to the east of Combe St Nicholas. The site is roughly triangular and sits at a higher level than the road rising upwards from the roadside with mature hedging to the north. There is a detached house immediately to the south, with agricultural fields and Frog Lane to the other boundaries.

This is an application for the erection of a single two bedroom dwelling incorporating an integral double garage. The proposed dwelling would be constructed with rendered elevations and brick quoins with double Roman clay tiled roof. The plans have been amended to deal with concerns regarding levels and to remove the half hips proposed on the roof.

The site is outside of but directly abutting the defined development area of the village.

## HISTORY

There is no planning history for the site.

## POLICY

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

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 (2006):

- ST3 - Development Areas
- ST5 - General Principles of Development
- ST6 - The Quality of Development
- EC3 - Landscape Character

National Planning Policy Framework

- Chapter 4 - Promoting sustainable transport
- Chapter 6 - Delivering a wide choice of high quality homes
- Chapter 7 - Requiring good design
- Chapter 11 - Conserving and enhancing the natural environment

## CONSULTATIONS

**Combe St Nicholas Parish Council:** "In principle the Parish Councillors do not disagree with the development but to date we have always refused applications which are outside the development plan area. Until such times as we receive the new regulations in printed form we are going to be consistent with our past decisions, and therefore pass this back to you, as Planning Officer, for decision."

**County Highway Authority:** Standing Advice applies.

**Landscape Officer:** Satisfied that the proposal works are within the parameters originally set out, and has no further issues to raise. However, suggests it may be worthwhile seeking a view from the Tree Officer with regard to safeguarding the hedgerow.

(Officer Note: The Tree Officer investigated this site at pre-application stage and advised that the hedge has been poorly maintained in recent years. He advised the applicants to restore the hedgerow back to a traditional regime of management (coppicing and relaying) as this would then significantly reduce the root protection area; the hedge would then present a minimal constraint to development of the site. The Design and Access Statement confirms that the hedge has been laid.)

## REPRESENTATIONS

Two letters of objection have been received making the following comments:

- Suggest that Local Plan Policies ST5 and ST6, Proposed Submission Local Plan policy SS2 and the NPPF Chapter 7 'Good Design' are relevant to the determination of this application.
- There is an established pattern of development; the proposed development projecting forward may not be in the best interest of 'good design'.
- Proposed dwelling is substantially larger than existing dwellings to the south and could be considered unduly dominant.
- Disagree with agent's description of the dwelling as a 'modest two bedroom dwelling'.
- Concerned about lack of detail with regard to existing and proposed levels.
- Concerned that the proposal does not meet the standards of 'good design'.
- The proposed projection forward of Classet House will result in an overbearing impact upon the occupiers of Classet House. Raised veranda may result in overlooking.
- The potential occupant is not relevant as this would be an open market property.

- The proposal is considered to be rather contrived to fit the site and is more of an intrusion into the landscape than a natural extension of the development boundary.
- Site is outside of the settlement limit for the village which has been firmly applied in the past avoiding 'rural sprawl'; the policy is defined and seen to be impartial.
- Policy SS2 should not be given any weight until the Local Development Document is adopted.

## **APPLICANTS CASE**

In response to the above comments the applicant's agent has responded with the submission of amended plans to deal with the issues regarding site levels and house design. In addition, the agents make the following points:

- The amended plans relate to the correcting of site levels and the addition of further information on finished floor levels.
- Do not consider that the dwelling is overly large or out of scale with surrounding context; the dwelling will sit comfortably in relation to the neighbouring property.
- There will be no overshadowing and no openings proposed in the south elevation looking towards Classet House.
- The proposed increase in height over the adjacent dwelling is entirely consistent with the increase in ground levels between the properties.
- Appropriate boundary treatment will ensure privacy.
- The design is considered appropriate in the context incorporating local materials and design features; it will appear as a traditional vernacular cottage.
- The Landscape Officer comments that he is satisfied that the proposal works within the parameters originally set out and has no further issues.
- The plot is a finite and enclosed site that would round off the pattern of development. The hedgerow to the north would represent a defensible barrier against further development.

## **CONSIDERATIONS**

### **Principle of Development**

#### **Principle:**

The application site is located outside but immediately adjacent to the development area for Combe St Nicholas as defined by the South Somerset Local Plan where, under the requirements of Policy ST3, new residential development is usually strictly controlled. Beyond this it should be acknowledged that the 2006 plan is now out of date and only those policies that are compliant with the aims of sustainable planning as set out within the NPPF have been saved. Whilst the emerging local plan has yet to be adopted, Policy SS2 has not been queried by the local plan inspector or challenged in the course of the local plan suspension and was not debated at the recent re-opening of the local plan inquiry. Accordingly, for the purpose of this application, it is considered that the general thrust of Policy SS2 and the NPPF's support for sustainable development should be balanced against the historic interpretation of Policy ST3 which weighs heavily against unwarranted development outside settlement boundaries.

Given these circumstances, the proposal to construct a single dwelling should be considered on its own merits. From a sustainability perspective, the site is within walking distance of the centre of the village where services such as a village primary school, hall, shop and pub can be found. The site physically abuts the development area with existing built development immediately to the south. The current application site is not considered to be an important gap

within the streetscene and its development raises no substantive landscape or visual amenity concerns. On this basis, the proposed infill development is considered to represent a sustainable form of development that raises no other significant harm and to therefore be acceptable in principle.

### **Visual Amenity**

Given the close relationship of the site with the existing built form to the south and west the principle of developing this site raises no strong landscape objection. Overall, given the proposed layout, orientation, size and amended design of the house, the scheme is considered to be in keeping with surrounding development. It is considered that provided an appropriate landscaping scheme is secured through a condition the development raises no significant visual amenity concerns.

### **Residential Amenity**

Whilst it is noted that the proposed dwelling will sit forward of the existing property 'Classet House', it will be to the north of the existing dwelling. As such, it is not considered that there will be any overshadowing of the existing property. With the proposed distance between the existing and proposed dwelling it is not considered that the impact of the new dwelling will be so overbearing as to justify refusal of the application.

There are no windows proposed on the elevation facing Classet House and whilst a set of steps are proposed to provide access to the higher rear garden it is not considered that these will result in unacceptable loss of privacy to the front garden of the neighbouring house, as all of the front gardens along the street are readily viewable from the street and neighbouring properties.

As such, it is not considered that the proposed dwelling would result in such a significant loss of amenity to the neighbouring dwelling as to justify refusal of this application.

### **Highways**

It has been established that the site is within a sustainable location and as such the remaining issue relates to the acceptability of the proposed access to the site.

The Design and Access Statement notes that the proposed visibility to the south is below the normal standard for a 30mph road. However, it is considered that due to the narrowness of the road and it's lightly trafficked nature, that it would be inappropriate to require the full visibility requirements at this site. In all other respects the proposals complies with the relevant standards and with appropriate conditions it is considered that the proposal will not prejudice highway safety in the locality.

## **CONCLUSION**

Notwithstanding the location of the site outside defined development limits, by virtue of its close physical relationship to existing built form and easy walking distance to nearby services it is considered to meet the aims of sustainable development as set out within the NPPF. For the reasons set out above, the development raises no substantive landscape, visual or residential amenity concerns and is not considered to be prejudicial to highway safety, in accordance with Policies ST5, ST6 and EC3 of the South Somerset Local Plan, and is therefore recommended for approval.



## RECOMMENDATION

Approve

01. Notwithstanding the location of the site outside defined development limits, by virtue of its close physical relationship to existing built form and easy walking distance to nearby services it is considered to meet the aims of sustainable development as set out within the NPPF. For the reasons set out above, the development raises no substantive landscape, visual or residential amenity concerns and is not considered to be prejudicial to highway safety, in accordance with Policies ST5, ST6 and EC3 of the South Somerset Local Plan, and the aims and objectives of the NPPF.

### SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s 2004-PL-001 Rev B, 2004-PL-002 Rev B, 2004-PL-003 Rev B and 2004-PL-004 Rev A received 5 August 2014.

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

03. No works shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;

- a) particulars of the materials (including the provision of samples where appropriate) to be used for all external walls, roofs and chimneys;
- b) particulars of all boundary treatments and hard surfacing materials. Such details shall include the use of porous materials to the parking and turning areas;
- c) details of the recess, design, materials and external finish for all external doors, windows, boarding and openings, including detailed sectional drawings where appropriate;

Reason: In the interest of visual amenity to accord with Policy ST6 of the South Somerset Local Plan.

04. 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 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.

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

05. The area allocated for parking and turning on the submitted plan including the proposed double garage shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

06. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of the visibility lines shown on Drawing No. 2004-PL-001 rev B received 5 August 2014. Such visibility shall be fully provided before the development hereby permitted is occupied 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 (2006).

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# Agenda Item 19

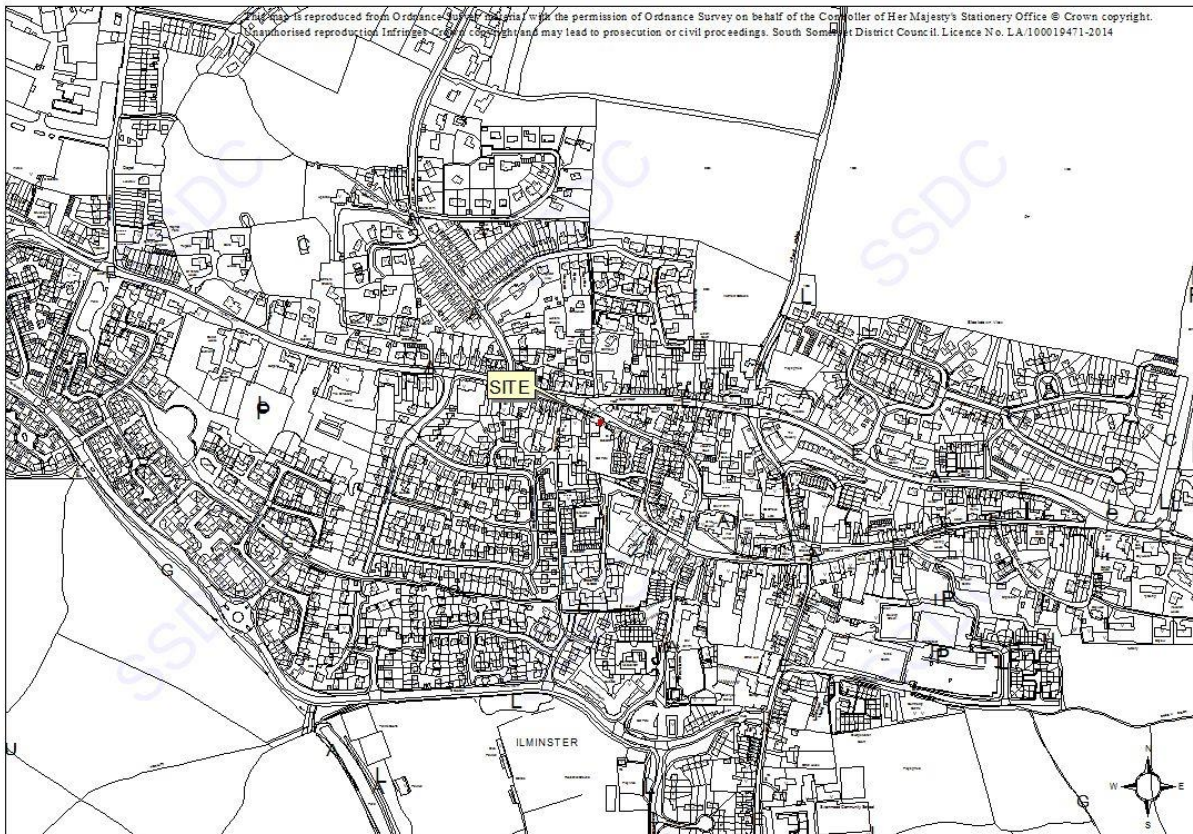
## Officer Report On Planning Application: 14/02685/FUL

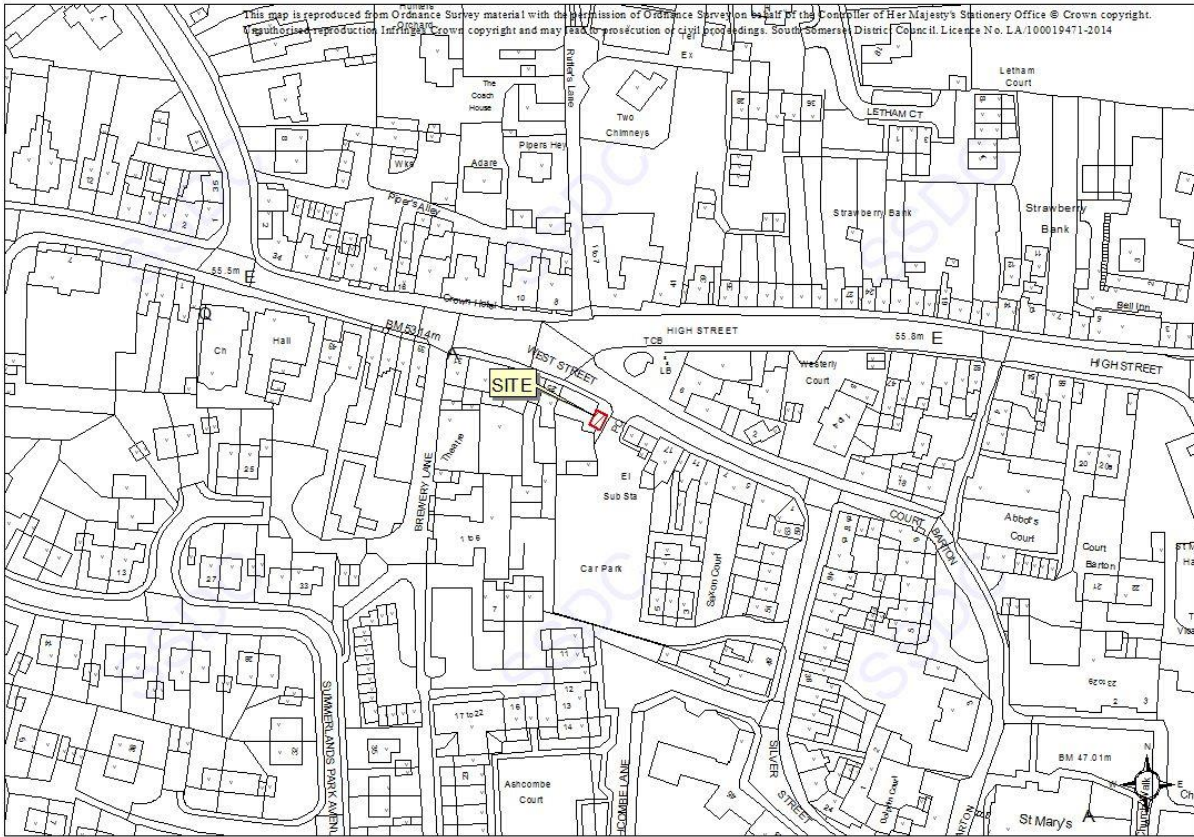
<b>Proposal :</b>	Alterations to include formation of new entrance and front window and change of use to office (Use Class A2) and shop (Use Class A1) (GR 335883/114693)
<b>Site Address:</b>	Former Ladies Public Convenience, West Street, Ilminster.
<b>Parish:</b>	Ilminster
<b>ILMINSTER TOWN Ward (SSDC Members)</b>	Cllr C Goodall Cllr K T Turner
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date :</b>	31st July 2014
<b>Applicant :</b>	SSDC
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application has been referred to the Committee as it is an application where the District Council is the landowner and there have been objections.

### SITE DESCRIPTION AND PROPOSAL





The application relates to the former public conveniences in West Street, Ilminster. The site faces onto West Street and adjoins the exit road from the West Street public car park. The site is within development limits and the Conservation Area of the town.

The application building is single storey with hamstone walls under a tile roof. The building's footprint measures 5.1m by 3.9m. The public conveniences have been closed for a number of years, permission was granted for a storage use in 2011 (11/03427/COU).

The proposal seeks a permission for a change of use to retail (Use Class A1) or office (Class A2) to include alterations to the fenestration comprising the blocking up of the existing door and the opening up of the front elevation to provide a window and entrance door. The plans have been amended to delete a proposed porch and railings from the West Street elevation.

## HISTORY

11/03427/COU - Change of use from public toilets to storage. Approved 9/12/2011.

821024 - Regulation 4: The refurbishment of existing ladies and gent's toilets and the provision of disabled persons accommodation on land adjoining the car park. Approved 1982.

38754/1 - Erection of two blocks of public conveniences and construction of a car park. Approved 1959.

38754 - Construction of a car park and public conveniences and the formation of access. Approved 1958.

## **POLICY**

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

### Relevant Development Plan Documents

Save policies of the South Somerset Local Plan:

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EH1 Conservation Area

Policy ME3 Employment within Development Areas

National Planning Policy Framework (March 2012):

Chapter 1 - Supporting a prosperous rural economy

Chapter 7 - Requiring Good Design

Chapter 12 Conserving and enhancing the historic environment

South Somerset Sustainable Community Strategy

Goal 5 - High Performance Local Economy

Goal 7 - Distinctiveness

Goal 8 - Quality Development

County Parking Strategy 2012

## **CONSULTATIONS**

**Ilminster Town Council:** Recommend approval (issues discussed included; small office business use; potential to town; and useable space).

**County Highway Authority:** Standing Advice.

## **REPRESENTATIONS**

Five letters of objection/representation (four from the same person (owner of property opposite)) have been received, their comments are:

- Have provided District and Town Councils with an alternative proposal that would demolish existing unattractive building and regenerate the whole corner (to include rear of No.19 West St). SSDC feel that proposed shop re-use is preferable and have pursued this alternative plan which has not been discussed in any public forum.
- The useable space for the shop will be reduced by the inward opening door, need for kitchenette and lack of storage.
- There is no practicable storage provision for a bicycle.
- No provision for storage or collection of waste. The nearby takeaway and house use the front of the site for their bin collection.
- The application says there is no new access but the door position has changed.
- Proposal includes steps and railings - has SCC been consulted as owner of pavement and BT as owner of adjacent infrastructure?
- New railings will cause problems for users of pavement.



- Collection/deliveries may cause difficulties being so near to the car park and single yellow line.
- Unusual for such a small building to have such a dual use (A1 and A2).
- Question the use of public funds on the application and wish to be assured about the benefit to the public.
- Suggest that the best option for the building is to put it on the open market and stop the waste of public money.
- Question the extent of SSDC landownership

## **CONSIDERATIONS**

The main planning considerations in this case are considered to be the principle of retail use; proposed design and impact upon the setting of the conservation area; highways/parking issues and impact upon residential amenity.

### **Principle**

It is considered that the change of use of the building to a use that provides economic benefits is acceptable, in principle, as the proposal will enable a positive re-use of this building. The NPPF advises that a positive approach should be taken with regard to sustainable new development that supports economic growth in rural areas; this includes the conversion of existing buildings. Given the very positive approach taken by the NPPF with regard to supporting the rural economy it is considered that the principle of this change of use can be supported.

### **Proposed design and impact upon the setting of the conservation area**

The external alterations are limited to fenestration treatment involving the blocking up of the existing door and the opening of a display window and door to the front elevation onto West Street. The proposed porch and railings have been deleted from the scheme in order to address concerns relating to use of the pavement and the proximity of BT cabinet and manholes. It is considered that the alterations are acceptable and maintain the existing scale of the building and will preserve the character and appearance of the Conservation Area.

### **Highways/parking issues**

In terms of parking provision, the proposed uses (Class A1 or A2) would result in the requirement for one parking space; as the building is situated within the public car park which provides long stay parking it is not considered that specific provision needs to be made for the building. In terms of traffic movements, it is not considered that the use will result in a significant increase in traffic movements.

As such, the proposal is considered to be acceptable in terms of its highways impact.

### **Impact upon residential amenity**

It is not considered that the change of use to a retail/office would result in any significant increase in noise and disturbance to neighbouring residential properties.

### **Other matters**

Public discussions - the application has been formally advertised and surrounding premises notified of the application. The Town Council have also been formally consulted. The decision by SSDC to make the application is not considered to be a planning matter.

Lack of space - the unit will undoubtedly be small but this is a matter for the market and it is not considered that the application could be refused on the basis of the size of the unit.

Bike storage - There is no requirement for the unit to provide a cycle space but is likely that space could be found within the public car park.

Bin storage - It is unlikely that the proposed uses will generate significant amounts of refuse and suitable arrangements can be made within the unit for such storage. The issue of other premises using the front of the site is a matter for the landowner; SSDC Land and Property Office has confirmed that the Council 'owns the land up to the highway and there are no legal agreements, temporary or otherwise, permitting these companies to use SSDC land for the collection of their waste.' As such, it is not considered that it would be reasonable to refuse this application on the basis that it would interfere with the unauthorised use of the land for bin collection by adjoining businesses.

Landownership - The Land Registry plans clearly show the extent of the Council's landownership which accords with the red line shown on the submitted site plan.

Use of public funds - this is not a planning matter.

### **Summary**

This change of use offers an alternative use for this building with potential economic benefits. The impact upon highways/parking and residential amenity is considered to be minimal and not of such significance as to justify a refusal of the application.

### **RECOMMENDATION**

Approve

01. The proposed change of use will result in economic benefits and by reason of the limited fenestration alterations will respects the character and appearance of the Conservation Area. Due to the location and proposed use there will be no adverse impact upon highway safety, parking provision or the residential amenities of surrounding properties. The proposal is therefore in accordance with the aims and objectives of the National Planning Policy Framework, Somerset County Council Parking Strategy and saved policies ST5, ST6, EH1 and ME3 of the South Somerset Local Plan 2006.

### **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 (1:1250) 1282-11 received 5 June 2014

Proposed floor Plan (1:50) 1282-02B and proposed elevations 1282-03A received 25 July 2014

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

03. No development hereby approved shall be carried out until particulars of 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;
- b. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows and doors;

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 conservation area in accordance with policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006.

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# Agenda Item 20

## Officer Report On Planning Application: 14/02439/FUL

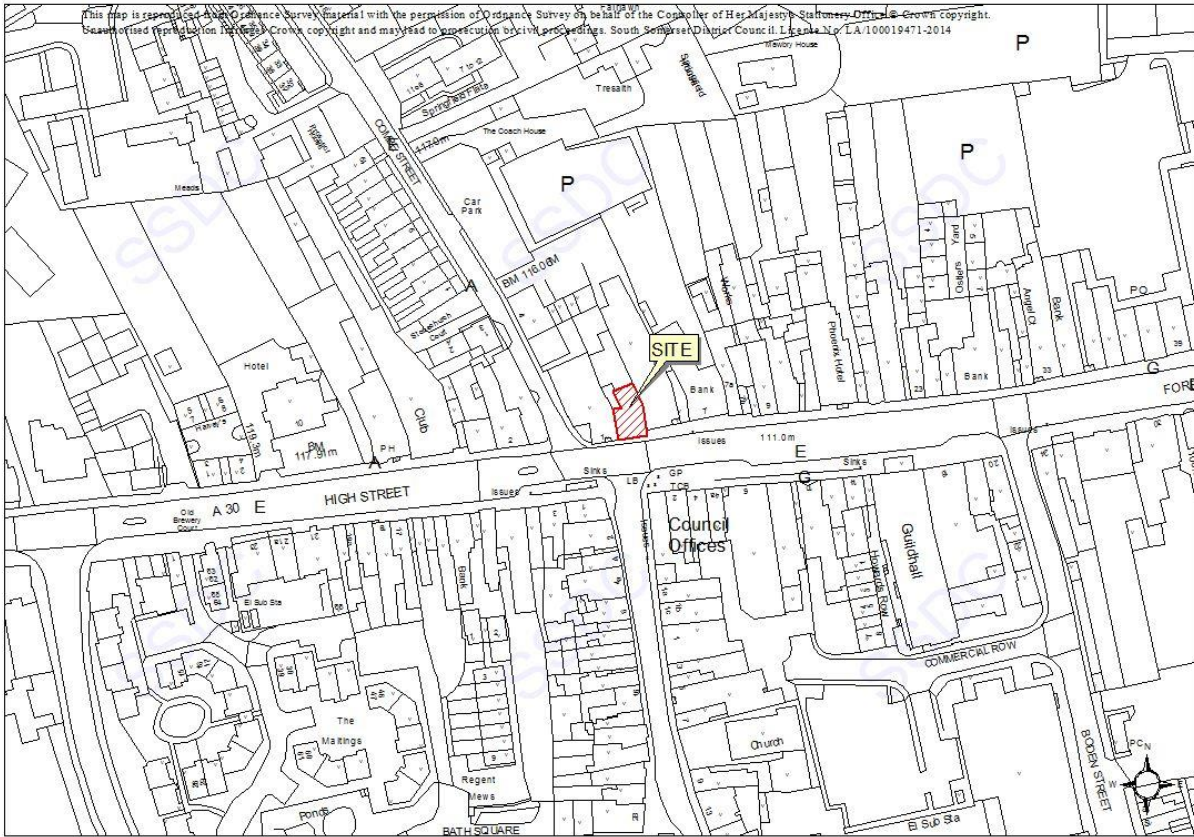
<b>Proposal :</b>	Internal and external alterations to include change of use and conversion of offices (Use Class B1) to form 2 No. residential units and the retention of 1 No. first floor office (Use Class B1) (Part Retrospective). (GR 332137/108589)
<b>Site Address:</b>	Chard And Ilminster News, 3 & 3A Fore Street, Chard.
<b>Parish:</b>	Chard
<b>COMBE (CHARD) Ward (SSDC Member)</b>	Cllr M Wale
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date :</b>	7th August 2014
<b>Applicant :</b>	Mr & Mrs A Kenton
<b>Agent: (no agent if blank)</b>	Paul Rowe, Caparo, 11 Mervyn Ball Close, Chard Somerset TA20 1EJ
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to Committee as the applicant is a District Councillor.

### SITE DESCRIPTION AND PROPOSAL





The application site comprises the former Chard and Ilminster News Offices and the first floor of the adjacent premises (Age Concern), one side of the application site forms part of a Grade II listed property. The ground floor comprises the entrance to the former newspaper offices with the remaining former office accommodation on the first floor. The property sits to the north of Fore Street opposite Holyrod Street within the centre of Chard.

The application proposes various internal alterations to enable the retention of an office above the entrance and the conversion of the remaining parts of the building into two 1-bedroom flats. There is an associated listed building application for the works (14/02440/LBC).

The property is situated within the defined development area and conservation area of Chard. It is also within the primary shopping area but outside of the primary shopping frontage.

## HISTORY

There is a lengthy planning history for the listed building which benefits from permission for a restaurant and takeaway use on the ground floor with flats above. The adjoining property benefits from permission for a shop use on the ground floor with offices above.

## POLICY

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

## Relevant Development Plan Documents

South Somerset Local Plan 2006:

Policies:-

ST2 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EH1 - Conservation Areas

EH3 - Changes of use of Listed Buildings and Alterations to Listed Buildings

MC4 - Other Uses in Town Centres

The starting point for the exercise of listed building control is the 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' (section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function.

Section 72 of the Listed Buildings Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement extends to all powers under the Planning Acts, not only those that relate directly to historic buildings. The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals that are outside the conservation area but would affect its setting, or views into or out of the area.

National Planning Policy Framework

Chapters

1 - Building a strong competitive economy

2 - Ensuring the viability of town centres

4 - Promoting sustainable transport

12 - Conserving and enhancing the historic environment

## CONSULTATIONS

**Chard Town Council:-** Recommend approval.

**County Highway Authority:-** Standing Advice

**Conservation Officer:-** No objections - recommends conditions with regard to joinery detail and finish of new front door and window. Has requested additional details regarding foul drainage which have been forwarded.

## REPRESENTATIONS

None received.

## **CONSIDERATIONS**

- It is considered that the main planning considerations are:-
- Loss of office space
- Impact upon listed building and the conservation area
- Impact upon neighbouring residential properties.
- Highways and parking

### **Loss of office space**

Policy MC 4 advises that the provision of a variety of uses within town centres is important in maintaining their viability and vitality, this includes residential use. The application includes the retention of part of the first floor office space and it should be noted that the creation of two flats above Age Concern would normally constitute 'permitted development'. It is therefore considered that the application proposal is an appropriate mix of uses for the town centre and will introduce an element of residential use that will increase the vitality of the town centre.

### **Impact upon listed building and conservation area.**

It is considered that the proposed works have been carefully considered and there will be no significant intrusion into the historic fabric of the listed part of the building. The most significant alterations to facilitate the creation of the two units of accommodation will take place within the unlisted part of the structure. A new door and window are proposed for the ground floor entrance and appropriate conditions can be attached to ensure appropriate materials and finish as required by the Conservation Officer. As such, it is considered that the proposals will not have an adverse impact upon the listed building and will preserve the character and appearance of the conservation area.

### **Impact upon neighbouring residential properties.**

It is not considered that the proposed mix of uses will have any significant impact upon existing residential flats adjacent to the site.

### **Highways and parking**

The current property does not benefit from any form of parking provision, with the front of the site being protected by double yellow lines and zigzag lines leading up to the traffic lights. It is considered that as the site is within a highly sustainable location within the centre of Chard that a car free development is acceptable. In addition, it has to be noted that the existing office use operated without the benefit of any parking.

In the circumstances, the proposal is considered to be acceptable in relation to highway safety/parking.

### **Summary**

The proposed uses will provide an appropriate addition to the town centre and have been carefully considered in order to respect and preserve the historic character and fabric of the building.

## **RECOMMENDATION**

Approve

01. The proposed change of use to a mix of office and residential is considered to be an appropriate use within this town centre location as such it is in accordance with Policy MC4 of the South Somerset Local Plan 2006.



02. The proposed change of use and associated alterations by reason of their size, scale, design, materials and position, and limited/informed intervention into the historic fabric of this listed building, are considered to respect the historic and architectural interests of the building and preserve the character and appearance of the conservation area. This is in accordance with policies EH1 and EH3 of the South Somerset Local Plan, and the aims and objectives of the NPPF.

**SUBJECT TO THE FOLLOWING:**

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: KCWP1, KCWP3 and KCWP4 received 2 June 2014.

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

03. No work shall be carried out on site unless details of the design, materials and external finish for the new front door and window 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.

Reason: To safeguard the character of the listed building in accordance with policy EH3 of the South Somerset Local Plan 2006.

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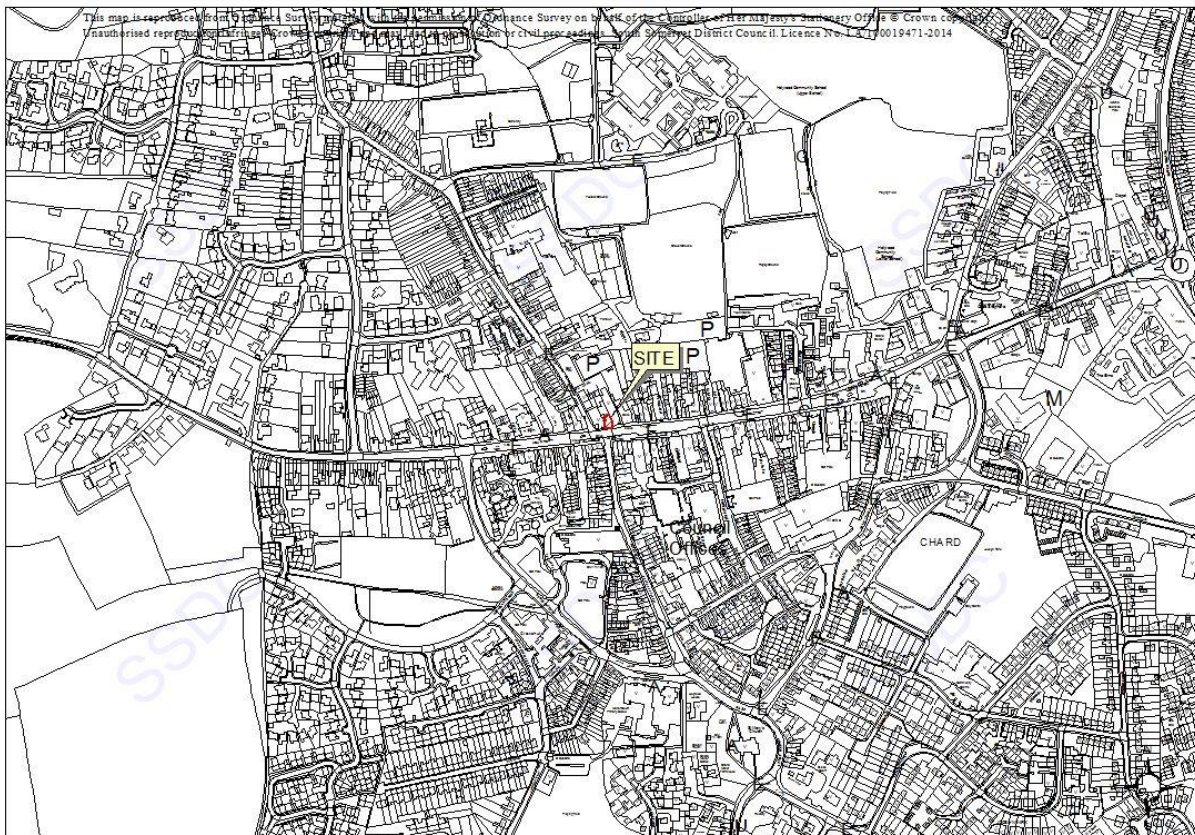
## Officer Report On Planning Application: 14/02440/LBC

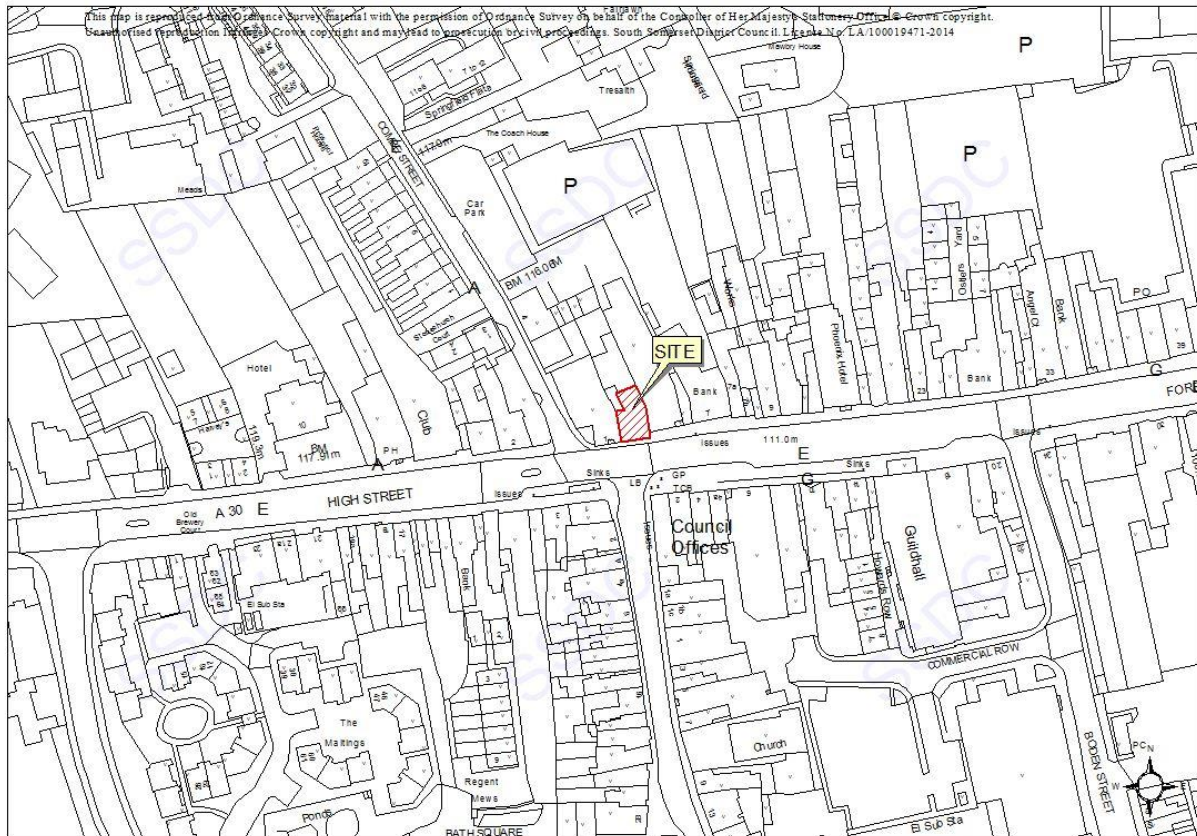
<b>Proposal :</b>	Internal and external alterations to include replacement front entrance (Use Class B1) (Part Retrospective). (GR 332137/108589)
<b>Site Address:</b>	Chard And Ilminster News, 3 & 3A Fore Street, Chard.
<b>Parish:</b>	Chard
<b>COMBE (CHARD) Ward (SSDC Member)</b>	Cllr M Wale
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date :</b>	7th August 2014
<b>Applicant :</b>	Mr & Mrs A Kenton
<b>Agent: (no agent if blank)</b>	Paul Rowe, Caparo, 11 Mervyn Ball Close, Chard, Somerset TA20 1EJ
<b>Application Type :</b>	Other LBC Alteration

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to Committee as the applicant is a District Councillor.

### SITE DESCRIPTION AND PROPOSAL





The application site comprises the former Chard and Ilminster News Offices and the first floor of the adjacent premises (Age Concern), one side of the application site forms part of a Grade II listed property. The ground floor comprises the entrance to the former newspaper offices with the remaining former office accommodation on the first floor. The property sits to the north of Fore Street opposite Holyrod Street within the centre of Chard.

The application proposes various internal alterations to enable the retention of an office above the entrance and the conversion of the remaining parts of the building into two 1-bedroom flats. There is an associated planning application for the works (14/02439/FUL).

**HISTORY**

There is a lengthy planning history for the listed building which benefits from permission for a restaurant and takeaway use on the ground floor with flats above. The adjoining property benefits from permission for a shop use on the ground floor with offices above.

**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'

National Planning Policy Framework: 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, as these policies are in accordance with the NPPF.

South Somerset Local Plan (2006):

Policy EH3 - Listed Buildings

Policy EH5 - Setting of Listed Buildings

National Planning Policy Framework (March 2012):

Chapter 12 - Conserving and enhancing the historic environment

## **CONSULTATIONS**

**The Conservation Officer comments:-** No objections - recommends conditions with regard to joinery detail and finish of new front door and window. Has requested additional details regarding foul drainage which have been forwarded.

## **REPRESENTATIONS**

None received.

## **CONSIDERATIONS**

### **Impact upon listed building and conservation area.**

It is considered that the proposed works have been carefully considered and there will be no significant intrusion into the historic fabric of the listed part of the building. The most significant alterations are to facilitate the creation of the two units of accommodation will take place within the unlisted part of the structure. A new door and window are proposed for the ground floor entrance and appropriate conditions can be attached to ensure appropriate materials and finish as required by the Conservation Officer. As such, it is considered that the proposals will not have an adverse impact upon the listed building and will preserve the character and appearance of the conservation area.

## **RECOMMENDATION**

That Listed building Consent be granted.

01. The proposed change of use and associated alterations by reason of their size, scale, design, materials and position, and limited/informed intervention into the historic fabric of this



listed building, are considered to respect the historic and architectural interests of the building and preserve the character and appearance of the conservation area. This is in accordance with policies EH1 and EH3 of the South Somerset Local Plan, and the aims and objectives of the NPPF.

**SUBJECT TO THE FOLLOWING:**

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: KCWP1, KCWP3 and KCWP4 received 2 June 2014.

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

03. No work shall be carried out on site unless details of the design, materials and external finish for the new front door and window 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.

Reason: To safeguard the character of the listed building in accordance with policy EH3 of the South Somerset Local Plan 2006.

04. 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 special architectural and historic interests of the listed building and in accordance with policy EH3 of the South Somerset Local Plan 2006.

## **Date and Venue for Next Meeting**

The next scheduled meeting of the Committee will be held on Wednesday 17<sup>th</sup> September 2014 at the Guildhall, Chard.

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