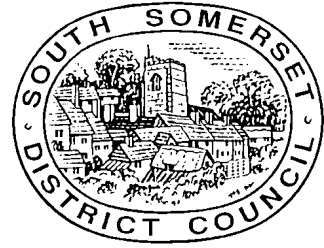


South Somerset District Council

Notice of Meeting



Area West Committee

Making a difference where it counts

Wednesday 20th January 2016

5.30 pm

**Wadham School
Mount Pleasant
Crewkerne
TA18 7NT**

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



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

This Agenda was issued on Monday 11th January 2016.

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



INVESTORS IN PEOPLE

Area West Committee Membership

The following members are requested to attend the meeting:

Chairman: Carol Goodall
Vice-chairman: Jenny Kenton

Jason Baker	Val Keitch	Angie Singleton
Marcus Barrett	Paul Maxwell	Andrew Turpin
Mike Best	Sue Osborne	Linda Vijeh
Amanda Broom	Ric Pallister	Martin Wale
Dave Bulmer	Garry Shortland	

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 6.30 pm, following a break for refreshments, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A formal written report from the Area Highway Officer should be included on the main agenda in May and September. Alternatively, they can be contacted through Somerset County Council on 0300 123 2224.

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 SSSC 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 3rd 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

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 January 2016

Agenda

Preliminary Items

- 1. To approve as a correct record the Minutes of the Previous Meeting held on 16th December 2015**
- 2. Apologies for Absence**
- 3. Declarations of Interest**

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 15th 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, Sue Osborne and Angie Singleton

Where planning applications are referred by this Committee to the Regulation Committee for determination, in accordance with the Council's Code of Practice on Planning, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter

at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. Public 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.

5. Chairman's Announcements

Items for Discussion

- 6. Area West Committee - Forward Plan** (Pages 9 - 11)
- 7. Promoting Community Safety in Area West - Police Performance and Neighbourhood Policing** (Page 12)
- 8. Securing Future Facilities for Chard** (Pages 13 - 15)
- 9. Area West - Reports from Members on Outside Bodies** (Page 16)
- 10. Planning Appeals** (Pages 17 - 29)
- 11. Schedule of Planning Applications to be Determined by Committee** (Pages 30 - 31)
- 12. Planning Application 15/04985/FUL - L Wyatt Tv, High Street, Chard** (Pages 32 - 38)
- 13. Date and Venue for Next Meeting** (Page 39)

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.

Recording and photography at council meetings

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

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

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

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

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Agenda Item 6

Area West Committee - Forward Plan

Assistant Director: Helen Rutter (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.*

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) Chairman's announcements
 - (b) Public Question Time

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
17 th February 2016	A Better Crewkerne and District (ABCD)	Reports from members on outside organisations.	Cllr. Mike Best
17 th February 2016	Affordable Housing Development Programme	To update members on the current position with the Affordable Housing Development Programme.	Colin McDonald, Corporate Strategic Housing Manager
17 th February 2016	Local Housing Needs in Area West	Service Update Report	Kirsty Larkins, Housing & Welfare Manager
16 th March 2016	<i>Ilminster Forum</i>	<i>Reports from members on outside organisations.</i>	<i>Cllr. Carol Goodall</i>
16 th March 2016	<i>Review of Welfare Benefits Service over the financial year 2014-15</i>	<i>Annual Update Report</i>	<i>Catherine Hansford, Welfare Benefits Team Leader</i>
20 th April 2016	<i>Report on the Performance of the Streetscene Service</i>	<i>Service report on performance and priority issues in Area West</i>	<i>Chris Cooper, Streetscene Manager</i>
18 th May 2016	<i>Highways Update</i>	<i>To update members on the highways maintenance work carried out by the County Highway Authority.</i>	<i>Mike Fear, Assistant Highway Service Manager, Somerset County Council</i>
18 th May 2016	<i>Historic Buildings at Risk</i>	<i>Confidential report to update members on current Historic Buildings at Risk cases in Area West.</i>	<i>Greg Venn, Conservation officer</i>

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
18 th May 2016	<i>Area West Committee Working Groups and Outside Organisations – Appointment of Members</i>	<i>To review the appointment of members to various working groups and outside organisations.</i>	<i>Jo Morris, Democratic Services Officer</i>
18 th May 2016	<i>Scheme of Delegation – Development Control – Nomination of Substitutes for Chairman and Vice Chairman</i>	<i>To review the appointment of two members to act as substitutes for the Chairman and Vice-Chairman in the exercising of the Scheme of Delegation for planning and related applications.</i>	<i>Jo Morris, Democratic Services Officer</i>

Agenda Item 7

Promoting Community Safety in Area West - Police Performance and Neighbourhood Policing

Assistant Directors: Helen Rutter(Communities)
Service Manager: Andrew Gillespie, Area Development Manager (West)
Lead Officer: Andrew Gillespie, Area Development Manager (West)
Contact Details: andrew.gillespie@southsomerset.gov.uk or 01460 260426

This item relates to the active promotion of Community Safety in Area West.

Sgt. Rob Jameson from the police will attend the meeting and give a short presentation on local issues, crime trends and initiatives.

Background Papers: None

Agenda Item 8

Securing Future Facilities for Chard (Executive Decision)

Assistant Director: Helen Rutter, Communities
Service Manager: Andrew Gillespie, Area West Development Manager
Lead Officer: Andrew Gillespie, Area West Development Manager
Contact Details: Andrew.gillespie@southsomerset.gov.uk or 01935 462364
Strategic Director: Rina Singh, Place & Performance

Purpose of the Report

To seek approval to fund a condition survey of Chard School as part of the strategy to protect and enhance the use of historically important buildings in Chard Town Centre.

Recommendation

- 1) To approve the allocation of £5,000 from Area West towards the costs of a building condition survey.

Background

Chard has a number of important buildings that sit within the historic town centre including Godworthy House (Chard Museum), 7-13 Fore Street (containing no.9 which includes the Courthouse), Chard School and Holyrood Lacemill.

Chard Regeneration Scheme Project Board recognise the important role played by Chard's Town Centre "Heritage Buildings". All of them contribute to the life of Chard, but they all have problems which threaten their viability. They all cost "too much" to run and maintain, because they do not generate enough income and the return on any investment is seen as poor.

The CRS project board see the development of more successful offers of public access and interpretation that generate a better, viable return through both income and footfall as vital to the successful regeneration of Chard and its town centre.

The Area West Development Team continue to work on a set of proposals to address these complex issues and relationships.

As these emerge, we will be bringing them for discussion and agreement on funding to the Area West Committee in the first instance and provide updates to the CRS Board. The following report concerns the Chard School buildings.

Report

Chard School

Fig. 1.0 : Chard School frontages and location plan



Chard School has a long and unique history. Its main building is a beautiful sixteenth century town house, which is listed Grade II*, putting it in the top 5% of buildings of historic and architectural importance.

Built in 1583 for a wealthy local merchant, John Symes, the house was donated to the town of Chard as a Grammar School by his successors in 1671, and there has been a school on the site continuously ever since.

It remained the town's grammar school until 1890, when it became a public boarding school. In 1972 the present school was established, as an independent co-educational preparatory school.

Over the years adjacent buildings were added, including the thatched Elizabethan chapel and the 18th century Monmouth House, also Grade II* listed.

Saved from Closure

In December 2013 it was announced that Chard School was facing financial difficulties due to falling pupil numbers and was at high risk of imminent closure. The surprise announcement prompted the establishment of a steering committee of parents who very quickly and effectively drew up plans that ensured that the school could continue to operate and in doing so, contribute to the vibrancy of Fore Street and the rest of the Town.

Looking after the Buildings

For many years, in an effort to contain costs, there has been low or no maintenance of some of the external and internal fabric of the school buildings. In Summer 2015, having saved the school from closure and addressed day to day maintenance issues, the Governors turned their attention to the long term upkeep and, in places, restoration of the school buildings and sought advice from SSDC's Conservation team on the work needed and potential sources of funding to help them carry it out.

The Conservation team confirm that the buildings are not only of the most significant in Fore street and a stand-out feature of the town along with Nos. 7-13 but also of much wider significance because surviving complete Elizabethan town houses like this are unusual in the towns of south Somerset

They advised that a condition survey of Chard School was required in order to identify areas of damage, deterioration and maintenance issues of medium and long term concern accompanied by an outline schedule of the specialist work needed. The estimated costings for this would allow the School Governors to seek grant funding to help pay for the works that are needed.

Through the Regeneration Scheme, SSDC has an interest in investing in the Town Centre. It is the opinion of officers that it would be both sensible and prudent if SSDC paid £5,000 towards the costs of the necessary condition survey and retained ownership of the contents whilst sharing these freely with Chard School to assist their efforts to attract grant funding.

Public Access and Interpretation

In keeping with the regeneration scheme and the information in the Background section of this report, the School Governors are keen to explore opportunities to develop better interpretation of and public access to their buildings, especially at times such as the summer holidays, when the school would otherwise be closed.

Financial Implications

A suitable condition survey will cost c£6,500. It is recommended that a contribution of £5,000 is made towards this to be funded from the Area West Reserve through partial re-allocation of provision made to underwrite community grants.

Work has not been undertaken to determine precisely what external sources of funding may be available at this stage.

Corporate Priority Implications

This project would contribute to the following aims within both the Jobs and Environment focus of the Council Plan:

- Progress the Chard Regeneration Scheme to create a vibrant town centre
- Continue to deliver schemes with local communities that enhance the appearance of their local areas

Equality and Diversity Implications

None

Background Papers: *Chard Regeneration Strategy 2010*

Agenda Item 9

Area West – Reports from Members on Outside Bodies

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

Purpose of the Report

To introduce reports from members appointed to outside bodies in Area West.

Public Interest

Each year Area West Committee appoints local Councillors to serve on outside bodies (local organisations) in Area West. During the year Councillors make a report on the achievements of those organisations and other relevant issues.

Background

To replace “Reports from members on outside organisations” as a generic standing agenda item it was agreed at the August 2012 meeting to include specific reports about each organisation in the Committee’s forward plan.

Members were appointed to serve on nine outside bodies at the June 2015 meeting.

Reports

Reports can be verbal or written. There is no standard format, but if possible they include an explanation of the organisations aims, their recent activities, achievements and any issues of concern.

This month the member report is:

Ile Youth Centre Management Committee (Ilminster) – Cllr. Val Keitch

Recommendation

That the report is noted.

Financial Implications

None.

Council Plan Implications

Focus Four: Health and Communities – We want communities that are healthy, self reliant and have individuals who are willing to help each other.

Background Papers: None

Agenda Item 10

Planning Appeals

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

15/01366/FUL - The Dolphin Hotel, Fore Street, Chard, Somerset, TA20 1PT (Officer Decision)
Erection of single storey extension to form store (revised application, part retrospective) (GR 332362/108591)

15/01372/LBC – The Dolphin Hotel, Fore Street, Chard, Somerset, TA20 1PT (Officer Decision)
Erection of single storey extension to form store (part implemented) (GR 332362/108591)

Appeals Allowed

Appeal Decision: Allowed subject to conditions
14/03636/OUT – Land at Tanyard, Broadway, Ilminster, Somerset (Officer Decision)
Outline application for a residential development comprising of up to 16 No. dwellings, associated parking, landscaping and construction of access. (GR 332298/115322)

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

Background Papers: None

Appeal Decision

Site visit made on 2 December 2015

by Neil Pope BA (Hons) MRTPI

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

Decision date: 10 December 2015

Appeal Ref: APP/R3325/W/15/3063768

Land at Tanyard, Broadway, Ilminster, Somerset, TA19 9JT.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J V Baker against the decision of South Somerset District Council (the LPA).
 - The application Ref.14/03636/OUT, dated 8/8/14, was refused by notice dated 5/12/14.
 - The development proposed is residential development comprising up to 16 dwellings, associated parking, landscaping and construction of access from Tanyard.
-

Decision

1. The appeal is allowed and outline planning permission is granted for residential development comprising up to 16 dwellings, associated parking, landscaping and construction of access from Tanyard at land at Tanyard, Broadway, Ilminster, Somerset, TA19 9JT. The permission is granted in accordance with the terms of the application Ref.14/03636/OUT, dated 8/8/14, subject to the conditions in the Schedule below.

Preliminary Matters

2. With the exception of the means of access all matters of detail have been reserved for subsequent consideration. I have treated the submitted layout plan as being illustrative only.
3. The LPA's reason for refusal expressed concerns regarding the adequacy of information to assess the risk of flooding. Following that decision a Flood Risk Assessment (FRA) and Drainage Strategy along with a Hydraulic Modelling Report was submitted on behalf of the appellant. Having considered these documents the Environment Agency (EA) withdrew its objection and recommended that planning conditions, relating to flood risk / land drainage, form part of any permission. Within its Statement dated August 2015, the LPA informed me that the original reason for refusal has been addressed.
4. On 5 March 2015, the LPA adopted the South Somerset Local Plan (2006-2028) [LP]. I understand that this supersedes the 'saved' policies of the South Somerset Local Plan (2006) that were listed in the officer's delegated report. (The LPA's decision notice does not identify conflict with any previously 'saved' policies or any policies in the LP which, at that time, was an emerging Plan.)
5. The LPA's Statement alleges that it has not been demonstrated that there is a proven need for open market properties and "there is no evidence of robust community engagement or general community support." Within this Statement the LPA also contends that there is no mechanism in place for

delivering necessary affordable housing and financial contributions towards the cost of infrastructure. As a consequence, the LPA has argued that the proposal would conflict with LP policies SS2 (development in rural settlements), SS6 (infrastructure delivery) and HG3 (provision of affordable housing).

6. In September 2015, a Planning Agreement, under the provisions of section 106 of the above Act, was submitted on behalf of the appellant. This Agreement includes the common seal of South Somerset District Council. Amongst other things, it makes provision for 35% of the proposed dwellings to be made affordable, as well as financial contributions towards the cost of infrastructure. The LPA has since conformed that this Agreement now addresses its concerns regarding the delivery of affordable housing, infrastructure provision and conflict with LP policies SS6 and HG3. I shall return to the Agreement below.
7. The LPA has informed me that it cannot demonstrate a five-year supply of housing sites¹. As set out in paragraph 49 of the National Planning Policy Framework (the Framework), housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five year supply of deliverable housing sites.
8. An application for costs has been made by the appellant against the LPA. This application is the subject of a separate Decision.

Main Issue

9. The main issue is whether the proposed development would undermine LP policy SS2 and public confidence in the planning system and, if so, whether this would significantly and demonstrably outweigh the benefits of the proposal.

Reasons

10. Broadway is a settlement to which LP policy SS2 applies. This policy deals with different types of development, including the supply of housing. As noted above, the LPA does not have five years worth of deliverable housing sites. Paragraph 49 of the Framework is therefore engaged. The housing supply provisions of LP policy SS2 cannot therefore be considered up-to-date.
11. In accordance with LP policy HG3, 35% of the proposed dwellings would be made affordable. This would assist in meeting the identified need for affordable housing in this part of the district² and would accord with the social dimension of sustainable development. This is an important benefit which can be given considerable weight in the planning balance.
12. The proposed open market housing would assist in meeting the shortfall in housing supply within South Somerset. I note paragraph 5.32 of the supporting text to LP policy SS2 and the starting premise of 'no development'. In addressing the housing shortfall it would be inappropriate for rural settlements like Broadway to accommodate large-scale housing development.
13. However, up to 16 new dwellings would be a very modest amount of development that would be commensurate with the scale and character of

¹ The LPA's Housing Land Supply Update (September 2015) states that there is only 4 years and 4 months supply.

² I understand that a need exists for 5 units in the parish of Broadway and 8 units in the neighbouring parish of Horton.

- Broadway³. The LPA's Policy Planner advised that Broadway is a sustainable settlement. The proposed mix of affordable and open market housing would increase the overall sustainability of the settlement, including support for key services. The proposal would not undermine the sustainability of Broadway.
14. Moreover, there is nothing to indicate that the housing needs of the local community could be met without some additional open market housing. The proposal would make a valuable contribution to addressing the housing shortfall and to increasing housing choice within the district. This element of the scheme can be given moderate weight in the planning balance.
 15. The development would also support the building / construction industry and during the construction phase there is likely to be a small benefit to the local economy. This can be given some limited weight in the planning balance.
 16. Although the LP was not adopted when the application was determined by the LPA it had reached an advanced stage and policy SS2 was taken into account. My reading of the officer's report is that the case officer gave substantial weight to this policy. As I have noted above, permission was only refused on flood risk grounds. No conflict was identified with LP policy SS2 at that time.
 17. In now arguing that the proposal conflicts with LP policy SS2 the LPA has drawn attention to the local opposition to the appeal scheme. I note the concerns of the Parish Council, some residents and the local Member of Parliament (MP). LP policy SS2 states that proposals should generally have the support of the local community following robust engagement and consultation. I am also mindful of the Government's 'localism agenda'.
 18. The appellant's Statement of Community Involvement sets out the pre-application consultation that was undertaken. This included a presentation to the Parish Council and a public consultation event in the village hall. The Statement also sets out the feedback that was received and the appellant's response. Whilst the Parish Council and some residents remain opposed to the proposed development this does not mean that the appellant failed to undertake robust engagement and consultation with the local community.
 19. I do not set aside lightly the concerns of some members⁴ of the local community. However, most of these concerns are at odds with the technical evidence that has been presented, including the final consultation responses from those with responsibility for such matters as land drainage, highways and ecology. I shall return to these other matters below.
 20. In my experience, it is not unusual for neighbouring residents to raise objections when planning applications / appeals are submitted. Established planning law does not require public support before permission can be granted. For a settlement of the size of Broadway the level of local opposition could not be reasonably be described as substantial or overwhelming. Even if it was, the provisions of LP policy SS2 would not prevent permission being granted.
 21. Whilst 'localism' is an important Government objective the Framework also seeks to boost significantly the supply of housing. Where these cannot be reconciled a decision must be based on the weight of the evidence. I shall undertake the necessary planning balance after considering all matters.

³ I understand that the population of Broadway is about 750.

⁴ There were some (albeit fewer in number) letters of support for the appeal scheme.

22. Some residents are likely to be very disappointed if permission is granted. Nevertheless, others, including the wider public, could find it difficult to comprehend how permission could be withheld for a scheme of residential development in an area where there is a need for affordable housing and a shortfall in the supply of market housing. An approval would be unlikely to significantly undermine public confidence in the planning system.
23. My attention has been drawn to numerous appeal decisions, including some in South Somerset where policy SS2 has been considered. Several of the decisions in South Somerset were based on information, provided at that time, where the LPA was able to demonstrate five years supply of deliverable housing sites⁵. This is materially different to the situation now before me. Whilst I also note the more recent findings of the Inspector who allowed an appeal in Curry Rivel⁶, no two schemes are the same. I have determined this appeal on its own merits. These other decisions do not set a precedent that I must follow.
24. Given all of the above, the proposal would not undermine the provisions of LP policy SS2 or public confidence in the planning system. The LPA would still be able to resist development within the rural settlements, including Broadway, provided it had sound planning grounds for so doing.

Other Matters

25. Some interested parties maintain their concerns regarding flood risk. On their behalf, and at a late stage in the appeal process, the local MP has drawn my attention to an extract from a FRA that was prepared in respect of some neighbouring land⁷. I recognise that residents are likely to be very familiar with incidences of localised flooding. However, it would appear that the extract is the same or very similar to the one from the EA's Flood Zone Map that was included as part of the appellant's FRA. As explained within that FRA, the model used by the EA to produce this Map is more generalised than the one that has been used to inform the appellant's assessment in respect of the appeal site / scheme. This more detailed investigation undertaken on behalf of the appellant demonstrates that only a very small part of the appeal site (the south east corner) lies within Flood Zone 2.
26. There is no cogent technical evidence to refute the findings in the FRA and Land Drainage Strategy that has been prepared on behalf of the appellant. Moreover, this FRA was carefully considered by the EA and the LPA, including the District Council's Engineer. Those responsible for ensuring development does not increase the risk of flooding have withdrawn their objections. In response to the MP's comments the LPA has reiterated that surface water flooding has been assessed and is no longer a matter of dispute with the appellant. The LPA has also advised that the proposal would be likely to improve the drainage of the appeal site.
27. The appellant has demonstrated and it has been accepted by the EA and the LPA that, subject to the use of an appropriate planning condition, the proposed development would not be at risk of flooding or give rise to an increased risk of flooding elsewhere. As a consequence, it would be unsound to withhold planning permission on land drainage grounds.

⁵ APP/R3325/A/14/2218660 and 2224839.

⁶ APP/R3325/W/15/3018532.

⁷ The views of both main parties were sought and obtained in respect of this late representation.

28. The proposed development would increase the volume of traffic along the local highway network. I appreciate that at certain times of the day, such as school opening and closing times, there would be more traffic on the roads than I experienced during my visit. In this regard, I note the photographs supplied by some interested parties showing vehicles parked along the main street through Broadway and along the entrance to Tanyard.
29. However, both the LPA and the Highway Authority would have been aware of local highway conditions when considering the application and the appellant's Transport and Highway report. Neither objected on highway safety / transport grounds. There is nothing of substance to support fears that the proposal would significantly increase congestion or compromise highway safety interests along the local road network.
30. The proposal would change the outlook for some neighbouring residents. As I saw during my visit, for some of those living alongside the site provides very pleasant views of the countryside that surrounds Broadway. I appreciate the concerns regarding the interruption of views that would arise for some neighbouring residents. However, it is a long established planning principle that there is no right to a view across neighbouring land.
31. As part of the reserved matters, the dwellings could be sited so that they would not be overbearing or oppressive for those already living alongside. They could also be designed to avoid any serious overlooking / loss of privacy. The change in outlook for some residents would not justify withholding permission. I note that the LPA did not refuse permission on the basis of the impact upon the living conditions of neighbouring residents.
32. The proposed development would result in the loss of 1.07 ha of countryside along the southern edge of Broadway. The new buildings and internal roads would detract from the pleasing unspoilt open qualities of the site. As acknowledged within the Landscape and Visual Appraisal that accompanied the application, there would be some adverse impacts upon the character of the local landscape and the visual amenities of the area. This would be especially apparent by those using the public footpath at the southern end of the site. These adverse effects weigh against granting planning permission. This carries moderate weight in the planning balance.
33. The proposal would be well-related to the existing settlement and the new buildings could be designed to high standard. A scheme for up to 16 new dwellings would be in keeping with the size and scale of Broadway. The development would include new tree planting and strengthened boundary planting. Those trees and hedgerows that are identified within the appellant's Tree Constraints Plan and Report as "high" and "moderate" quality could be retained and incorporated as part of the detailed layout. This would ensure that the development was well-contained within its landscape setting and go some way to mitigating the landscape and visual impact of the proposal. To reinforce local distinctiveness, the landscaping details could also possibly include an orchard in recognition of the previous use of part of the site.
34. A high quality design that reflected the distinctive qualities in the local environment could be secured via the reserved matters. The proposed development would not be especially prominent within the landscape and would be unlikely to result in any significant adverse impacts upon the character or appearance of the area. I note that the LPA's Landscape Officer identified the

impact as “no more than slight / moderate” and this was “not so strong as to provide an over-riding basis for refusal”. Landscape / visual impact did not form part of the LPA’s reason for refusal. The loss of some ‘greenfield’ land is also an inevitable consequence of accommodating necessary housing growth.

35. The appellant’s Ecological Assessment Report reveals that the proposals would be unlikely to result in any significant effect upon nature conservation interests. Whilst some residents and the Somerset Wildlife Trust have raised concerns, including the impact upon bats, I note that the LPA’s Ecologist was content with the proposals subject to appropriate planning conditions. Development undertaken in accordance with the recommendations contained within the appellant’s Ecological Assessment Report would be likely to avoid any significant risk to nature conservation interests.

Section 106 Planning Agreement

36. The affordable housing obligation accords with the provisions of LP policy HG3 and would assist in meeting the need for housing. It is also compliant with the policy in paragraph 204 of the Framework and the tests in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. I have therefore taken it into account in determining the appeal.
37. Occupiers of the proposed dwellings could reasonably be expected to make use of local sports and leisure facilities, as well as making use of the village hall and the equipped play area at Broadway and youth facilities. LP policy SS6 allows provision for infrastructure delivery and the consultation response from the LPA’s Leisure Policy Co-ordinator shows infrastructure deficiencies in the parish of Broadway and the costs of addressing this.
38. The financial contributions within the S106 agreement accord with the provisions of paragraph 204 of the Framework. The LPA has also informed me that these would not breach the ‘five obligation limit’ to which Regulation 123(3) of the CIL Regulations applies. I have therefore also taken these obligations into account in determining the appeal.

Planning Conditions

39. I have considered the conditions suggested to me. To avoid duplication and in the interests of concision I have altered the wording of some of the conditions.
40. Conditions requiring the submission of the reserved matters and the commencement of development would be necessary to comply with the relevant provisions of the above Act.
41. For the avoidance of doubt and in the interests of proper planning a condition would be necessary specifying the approved plans.
42. To safeguard the character and appearance of the area conditions would be necessary limiting the development to no more than 16 dwellings and requiring the landscaping details to include the retention and protection of important trees and hedgerows.
43. To avoid any increase in flood risk it would be necessary to attach a condition requiring the development to be undertaken in accordance with the appellant’s FRA and Drainage Strategy.

44. To ensure adequate connectivity with neighbouring development a condition would be necessary to ensure the development was linked to the existing footpath to the south. In the interests of highway safety and the amenity of incoming residents, conditions would be necessary requiring the new estate roads and highway infrastructure to be provided.
45. Conditions would also be necessary to safeguard nature conservation interests. This would include undertaking some further survey work, the maintenance of habitat buffers and a lighting strategy.
46. To safeguard the living conditions of neighbouring residents a condition would be necessary requiring the development to be undertaken in accordance with an approved Construction Management and Environmental Plan.
47. Conditions to the above effect would accord with the provisions of paragraph 206 of the Framework.
48. The car parking arrangements would form part of the reserved matters (layout). A condition requiring details at this stage would be unnecessary.

Overall Conclusion

49. I have found that the proposal would not undermine the provisions of LP policy SS2 or public confidence in the planning system. It would accord with the development plan and the provisions of the Framework when read as a whole. The proposal would comprise sustainable development.
50. Even if there is conflict with LP policy SS2, the adverse effects, including the impact upon the character and appearance of the area, would not outweigh the benefits of the proposed development. Moreover, these effects fall a long way short of significantly and demonstrably outweighing the benefits of the proposal. I therefore conclude that the appeal should succeed.

Neil Pope

Inspector

SCHEDULE OF PLANNING CONDITIONS

1. The development hereby permitted shall not be commenced until detailed plans showing the layout, scale, appearance and landscaping of the site (referred to as the "reserved matters") have been submitted to and approved in writing by the Local Planning Authority.
2. Application for the approval of the reserved matters shall be made not later than the expiration of three years beginning with the date of this permission.
3. The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last of the reserved matters.
4. The development hereby permitted shall be carried out in accordance with the approved plan 1:1250 scale site location plan (drawing ref. 01) and the 1:250 scale proposed access arrangements (drawing ref. A086696-004.1 Rev A).

5. The development hereby permitted shall comprise no more than 16 dwellings.
6. The development hereby permitted shall be undertaken in accordance with the Flood Risk Assessment & Drainage Strategy dated February 2015 by WYG Engineering Ltd. This shall include: limiting the surface water run-off generated by the 1 in 100 year critical storm so that it will not increase the risk of flooding off-site and; finished floor ground floor levels of the proposed buildings shall be set no lower than 600mm above the 1 in 100 year design flood levels (including climate change).
7. The landscaping details required by condition 1 above, shall include the Recommendations set out in Section 6 of the Doug Pratt Tree Consultancy Tree Constraints Plan and Report dated July 2014. This shall include measures for protecting existing trees and hedgerows growing within the site.
8. As indicated on the illustrative layout, the details required by condition 1 above, shall include a pedestrian link from the public footpath along the southern part of the site to the existing public highway along Tanyard.
9. No development shall commence on site until details of the proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture have been submitted to and approved in writing by the Local Planning Authority (LPA). Such approved details shall be constructed and laid out in accordance with the approved details. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the LPA.
10. The development shall be undertaken in accordance with Section 4.0 (Summary of Recommendations) of the WYG Ecological Assessment Report dated August 2014. This shall include: planting locally sourced native species; provision of bird / bat boxes; maintaining an 8m buffer from the River Ding and; protection for bats (including a managed buffer along the eastern hedge), birds and reptiles.
11. The development hereby permitted shall not commence (including any ground works or site clearance) until details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - i) a survey to determine the presence of any slow worms and if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms;
 - ii) an updated survey of badger setts within the site and within 30m of the boundary of any setts, as well as a method statement for protecting badgers.The development shall be undertaken in accordance with the approved details and method statements.
12. No development shall commence until details of a lighting strategy, designed to be sensitive to bats, and the timing of any construction works during the period March to October (inclusive), has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken

in accordance with the approved details.

13. No development shall commence until a Construction Management and Environmental Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice, a scheme to encourage vehicle share and / or the use of public transport amongst contractors, wheel wash facilities within the site and measures for incorporating pollution prevention. The development shall be undertaken in accordance with the approved Plan.
14. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway.

Costs Decision

Site visit made on 2 December 2015

by Neil Pope BA (Hons) MRTPI

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

Decision date: 10 December 2015

Costs application in relation to Appeal Ref: APP/R3325/W/15/3063768 Land at Tanyard, Broadway, Ilminster, Somerset, TA19 9JT.

- 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 J V Baker for a full award of costs against South Somerset District Council.
 - The appeal was against the refusal of outline planning permission for residential development comprising up to 16 dwellings and associated parking, landscaping and construction of access from Tanyard.
-

Decision

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

Reasons

2. In considering this application I have had regard to the Government's Planning Practice Guide (PPG) relating to the award of costs. Amongst other things, this advises that costs may be awarded where a party has behaved unreasonably and this has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Framework advises that local planning authorities (LPA) should approach decision-taking in a positive way and to look for solutions rather than problems, seeking to approve applications for sustainable development where possible. Applicants and LPAs are also encouraged to undertake pre-application engagement and to discuss the need for appropriate information, including Flood Risk Assessment (FRA). LPAs are also required to issue timely decisions and there is pressure, not least from the development industry, to determine planning applications as quickly as possible.
4. I note that the applicant sought and obtained pre-application advice from the LPA. A FRA and Drainage Strategy were submitted with the application. (Whilst it is evident that the applicant sought the advice of the water company before submitting the application and studied the Environment Agency's (EA) Flood Risk maps, it is unclear if the views of the EA were sought and obtained.)
5. In September 2014, and following the submission of the application, the EA wrote to the LPA to seek clarification regarding the flood risk. This was conveyed to the applicant's agent who, in turn, responded. However, in November 2014 the EA, having considered the applicant's comments, advised that the FRA was unsatisfactory and set out further details that were required.

6. The LPA sent these further comments of the EA onto the applicant's agent at the end of November 2014. In so doing, it advised the applicant's agent that the application would be recommended for refusal on flood risk grounds. The LPA identified two options. Either the application could be withdrawn or it would be refused. The applicant's agent was requested to inform the LPA which option its client wished to pursue "by the end of the week". In effect, this was just over 3.5 working days. No response was received and the application was refused on flood risk grounds.
7. I note the applicant's concerns that the LPA acted hastily in determining the application and made no telephone call or checks to ascertain if its e-mail had been received and made no attempt to follow it up. However, when the LPA sent its November e-mail a period of 14 weeks had lapsed since the application had been registered. Moreover, several weeks had passed since the appellant was alerted to the EA's concerns regarding the adequacy of the FRA.
8. Given the pressures and demands on planning departments it is fanciful to expect LPA officers to be in a position whereby they are able to send 'reminder' messages to applicants, especially those represented by professional agents. As set out within the Framework, to avoid delay, applicants should discuss what information is needed with a LPA and expert bodies as soon as possible. It is unclear to me why the applicant chose not to discuss land drainage matters with the EA from the outset. Had it done so the outcome may have been very different. On the basis of the information before it at that time, the LPA did not act unreasonably by refusing permission on flood risk grounds.
9. In April 2015, following the submission of a further FRA and Land Drainage Strategy (as part of a new planning application) the EA withdrew its land drainage objection. The LPA has not pursued flood risk objections during the appeal and within its Statement dated August 2015 advised that this matter had been addressed. The LPA is unable to turn a refusal into an approval and up until August 2015, the appellant did not therefore incur unnecessary or wasted expense in pursuing this matter to appeal.
10. Within its Statement, the LPA raised new issues / concerns relating to conflict with policy SS2 of the South Somerset Local Plan (2006-2028). This did not form part of its reasons for refusal. The PPG advises that LPA's may be at risk of an award of costs if they introduce a new reason for refusal. In effect, the LPA replaced the reason for refusal relating to flood risk with a settlement policy objection.
11. Following the determination of the appeal scheme there was a change to the development plan with the adoption of the above noted Local Plan. In such circumstances, it would be entirely appropriate for an LPA to review its case. However, the adoption of the Local Plan was expected and policy SS2 was taken into account by the LPA when it determined the application.
12. Policy SS2 now carries the weight attributable to section 38(6) of the Town and Country Planning Act 1990 (as amended). However, it is disingenuous of the LPA to argue that it gave this policy significantly less weight when it determined the application. In making their recommendations the Council's officers noted that this policy had already been given substantial weight on appeal. Moreover, since refusing permission the LPA is no longer able to demonstrate 5 years worth of deliverable housing sites. As a consequence, the housing supply aspect of policy SS2 is now out-of-date. The LPA acted

unreasonably in seeking to have the appeal dismissed on the basis of any conflict with Local Plan policy SS2.

13. The appeal was submitted in June 2015. It is not lost on me that this was after the EA's revised position was known to the applicant. At this time the applicant also knew that the LPA was raising concerns, under Local Plan policy SS2, in respect of the new planning application. The applicant's Appeal Statement of June 2015 includes arguments regarding the materiality of this policy. The concerns set out in the LPA's Statement of August 2015 would not therefore have come as a surprise to the applicant. However, the LPA failed to substantiate its concerns regarding policy SS2. As a consequence, this caused the appellant to incur unnecessary expense within its Final Comments dated September 2015 in responding to the LPA's settlement policy argument.
14. I find that the LPA acted unreasonably by failing to substantiate its concerns in respect of policy SS2. This caused the appellant to incur unnecessary expense in submitting more detailed Final Comments (FC) than should have been necessary. (Sections 9-11 of the FC relate to other matters which would have been required regardless of the policy issue.)
15. Given all of the above, I conclude that a partial award of costs is justified.

Costs Order

16. In exercise of the 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 enabling powers in that behalf, IT IS HEREBY ORDERED that South Somerset District Council shall pay to Mr J V Baker, the costs of the appeal proceedings described in the heading of this decision. These costs shall be limited to those incurred in responding to the concerns raised within the Council's Statement dated August 2015 relating to Local Plan policy SS2.
17. The applicant is now invited to submit to South Somerset District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Neil Pope

Inspector

Agenda Item 11

Schedule of Planning Applications to be Determined by Committee

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 6.30 pm.

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

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
12	CHARD COMBE	15/04985/FUL	Alterations to front elevation and the change of use of shop (ground floor and first floor) to 1 No. dwellinghouse (GR 332094/108588)	L Wyatt Tv High Street Chard	Mr & Mrs A Kenton

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

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

Agenda Item 12

Officer Report On Planning Application: 15/04985/FUL

Proposal:	Alterations to front elevation and the change of use of shop (ground floor and first floor) to 1 No. dwellinghouse (GR 332094/108588)
Site Address:	L Wyatt Tv High Street Chard
Parish:	Chard
COMBE (CHARD) Ward (SSDC Member)	Cllr A Broom
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date:	7th January 2016
Applicant:	Mr & Mrs A Kenton
Agent: (no agent if blank)	Paul Rowe Caparo 11 Mervyn Ball Close Chard Somerset TA20 1EJ
Application Type:	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

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

SITE DESCRIPTION AND PROPOSAL





The application property is situated at the top of the High Street within Chard. It forms the end of a terrace of three properties that was used as a retail unit on both ground and first floors. The premises front the High Street and adjoin a retail unit to the east and the Conservative Club to the west with residential properties at the rear.

The application proposes the change of use of the property into a four bedroomed dwelling. The plans include the removal of the existing shop front to be replaced by windows that replicate the existing first floor windows. No formal parking space is proposed although there is space at the side of the property that could be used to park at least two vehicles.

The site is within the defined development area, town centre and conservation area of Chard but outside of the Primary Shopping Area and Primary Shopping Frontage.

HISTORY

98/02828/FUL - Installation of security shutters. Approved 28/5/1999.

96/01983/FUL - Installation of windows/door security shutters. Refused 26/11/1996.

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 2006-2028:

SD1 - Sustainable Development

SS1 - Settlement Strategy

EQ2 - General Development

EQ3 - Historic Environment

National Planning Policy Framework (March 2012):

Chapter 2 - Ensuring the Vitality of Town Centres

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and enhancing the historic environment

National Planning Practice Guidance:

- Design
- Conserving and enhancing the historic environment
- Ensuring the Vitality of Town Centres
- Health and Wellbeing
- Noise

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.

CONSULTATIONS

Chard Town Council:

'This application was considered under instruction from the ward members given the timescale for consideration

We have received the following concerns regarding the application:

- *Location: proximity to noise generators due to nearness to businesses currently trading there*
- *The property currently has shutters which are there as a protection against damage being done at night. If these shutters are removed what will the potential impact be on the residential property?*
- *Parking: if this is to be a 4 bed property, where will the associated cars park & is this relevant?*

We therefore do not approve the proposal.

However, we would like taken into consideration that the proposal has been made by two current members of Chard Town Council. Due to this, we request that this application is considered by a full Area West Committee meeting.'

County Highway Authority:

Advise that Standing Advice is applicable to this application.

Highways Consultant (SSDC):

'The proposed development is unlikely to generate significant additional traffic and demand for parking over and above the existing retail use. Therefore, given the town centre location, no highway objection is raised. Cycle parking should be secured if possible.'

Environmental Health Officer:

'In respect of this application I would recommend refusal for the following reasons:

- The premises is situated on the main commercial street in Chard*
- There are two licenced establishments in close proximity to the premises*
- There are several take-away's in close proximity to the premises*
- There will be a significant amount of foot fall from the commercial businesses situated nearby, often at unsocial hours, which, in my opinion, would be detrimental to the amenity of a two storey residential property in this area.*

However, whilst I would not consider this premises suitable for COU to 1 dwelling house, I would consider the cou for the first floor to residential and ground floor remaining commercial, which would be in keeping with the commercial nature of this predominantly commercial area.'

Crime Prevention Design Advisor:

No objection - subject to comments:

'Consider access control, fencing with gate to deter/prevent pedestrians from randomly entering the yard space to the property. Particularly to deter offensive behaviour from patrons using nearby drinking/eating establishments.'

Senior Historic Environment Officer (SCC):

'As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.'

REPRESENTATIONS

None received.

APPLICANT'S CASE

In response to the comments of the Town Council and the Environmental Health Officer, the applicants have responded:

- There are other residential properties in the immediate area of the application site, which have sought and received a planning approval in the recent past.
- Shutters were there for the security of the shop, the shop front plate glass window will be removed, the fenestration will be altered and the new window openings will receive double glazed units. Similar properties in the area do not suffer from broken windows in the normal day to day life.
- If deemed necessary on site parking can be provided for two vehicles one in the garage and one in the front of the garage.
- The location and proximity of the site to both commercial licensed establishments and takeaways is one that is not uncommon. This can be seen at the eastern end of the town where applications have been approved for the conversion of the former Chard Working Men's Club into residential use.

- With respect to the amount of footfall this is common to the application site and properties in Fore Street where there are ground floor flats. The application seeks to create a dwelling with bedroom accommodation on the first floor and argue that this is not detrimental to the amenity of the dwelling and therefore alleviates potential for perceived noise nuisance.
- To keep the ground floor as commercial is not a viable option; the former business ceased trading as it was not supported and became unsustainable. The only viable option for the property was a change of use to full residential and essentially re-instating the property to its former status.

CONSIDERATIONS

Principle

The property is situated outside of the primary shopping area and primary shopping frontage, this change of use is therefore supported as the introduction of residential units within town centre locations is encouraged by both local and national policies which seek to ensure the vitality of town centres.

It should also be noted that if the site were not in a conservation area, this proposed change of use would be likely to constitute 'permitted development'.

Impact upon the conservation Area

The existing shopfront is a 1970's style installation (with roller shutter) and as such there is no objection to its removal. The proposal will see the replacement of the shopfront with windows that will match those in the existing property, appropriate conditions can be imposed to ensure that the works are finished in matching render to the existing building. In the circumstances, it is felt that the proposal will preserve the character and appearance of the conservation area.

Highway Safety and Parking Provision

The existing uses of a TV shop and hairdressers could generate a significant amount of traffic movements and related car parking. It is considered that the change of use to residential would not result in significant traffic and demand for parking over and above the existing retail uses.

There is potential for two cars to be parked adjacent to the property and given the town centre location, it is considered that the proposal is acceptable in respect of parking provision.

Residential Amenity

In terms of the potential impact upon surrounding residential properties, no additional windows are proposed in the rear elevation and, as such, no new overlooking will be introduced. There are windows in the rear elevations of the surrounding properties and the rear garden will therefore be overlooked, however, this is not an unusual situation within a town centre location and is not considered unacceptable in this context.

Both the Town Council and the Environmental Health Officer have concerns about the potential disturbance that could be caused to the future occupiers of the property through the close proximity of drinking establishments. However, given that the use of the first floor as two flats would constitute permitted development, it is considered difficult to substantiate a

reason for refusal on the grounds of amenity. The main concerns seem to be in relation to noise generated in the evenings but given the bedrooms will be on the first floor it is not felt that there is a significant difference between a house and a flat when it comes to night time noise. The Environmental Health Officer has confirmed that there have been no recent noise complaints in the vicinity.

In terms of the comments of the Crime Prevention Design Advisor, a condition can be imposed seeking details of the boundary treatments.

The Town Council have referred to the shutters which are to be removed. However, the large display window is to be removed and replaced with two windows of domestic scale. There are no other shutters within the vicinity and as such it is not considered that the removal of the shutters constitutes a reason to refuse permission. It could even be argued that the removal of the shutters will improve the appearance of the building and consequently the conservation area.

In the circumstances, given the general policy support for residential uses within town centres and that there are existing residential properties within the immediate vicinity, it is not considered that it would be reasonable to refuse this application on the grounds of the amenities of future residents.

Affordable housing contribution

Policy HG4 of the Local Plan requires a contribution towards affordable housing. This takes the form of a commuted sum equivalent to 5% of the floor area of the development, at rates identified in the Local Plan. The total relevant floor area of the development is 136 sq. m, and the contribution would be £2720. The contribution is to be secured by Agreement, which would need to be signed prior to grant of permission. The applicant is agreeable to this requirement.

Summary

As the property is located outside of the primary shopping area and primary shopping frontage, the principle of the change of use from retail to residential use is supported in principle. It is not considered that the proposal will unduly impact upon the amenities of existing residents and given the previous uses and town centre location there is sufficient parking available. Whilst the concerns of the Town Council and Environmental Health Officer are noted, it is not considered that the amenities of future residents would be so adversely impacted as to justify a refusal of planning permission in this instance.

S.106 AGREEMENT

A contribution is payable towards the provision of affordable housing. This contribution is to be secured by a S106 Agreement to be signed prior to issue of permission.

RECOMMENDATION

That application reference 15/04985/FUL be approved subject to:-

a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to ensure that:-

1. A contribution, payable on occupation of the dwelling, is made available to the

Council towards the provision of affordable housing, in terms of the provisions of Policy HG4 of the South Somerset Local Plan.

and

b) the following conditions:

01. The proposed residential use is considered to be appropriate within this town centre location which is characterised by a mix of uses including commercial and residential. The proposal will not adversely impact upon existing residential amenity or highway safety and the alterations to the building frontage will preserve the character and appearance of the conservation area.

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 (except where directed otherwise by the conditions below): KWCOUP3 dated 6 November 2015; and KWCOUP1 and KWCOUP2 dated 12 November 2015.

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 (including any rooflights) and doors;
- d. particulars of all boundary treatments and hard surfacing materials. Such details shall include the use of porous materials to the parking and turning areas;

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 policy EQ3 of the South Somerset Local Plan 2006-2028.

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to this building without the prior express grant of planning permission.

Reason: To safeguard the character and appearance of the conservation area in accordance with policy EQ3 of the South Somerset Local Plan 2006-2028.

Agenda Item 13

Date and Venue for Next Meeting

The next scheduled meeting of the Committee will be held on Wednesday 17th February 2016 at 5.30pm. Venue to be confirmed.
