

**South Somerset District Council**

*Notice of Meeting*



# Area North Committee

*Making a difference where it counts*

**Wednesday 23rd May 2018**

**2.00 pm**

**Edgar Hall, Cary Court,  
Somerset Business Park,  
Somerton TA11 6SB**

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



The following members are requested to attend this meeting:

Clare Aparicio Paul  
Neil Bloomfield  
Adam Dance  
Graham Middleton  
Tiffany Osborne

Stephen Page  
Crispin Raikes  
Jo Roundell Greene  
Dean Ruddle  
Sylvia Seal

Sue Steele  
Gerard Tucker  
Derek Yeomans

Consideration of planning applications will commence no earlier than **2.45pm**.

For further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462596 or [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

This Agenda was issued on Monday 14 May 2018.

**Alex Parmley**, *Chief Executive Officer*

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



INVESTORS IN PEOPLE

## **Information for the Public**

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

Decisions made by area committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. The council’s Executive Forward Plan can be viewed online for details of executive/key decisions which are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

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

Meetings of the Area North Committee are held monthly, usually at 2.00pm, on the fourth Wednesday of the month (except December) in village halls throughout Area North (unless specified otherwise).

Agendas and minutes of meetings 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)

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for ‘mod.gov’ in the app store for your device, install, and select ‘South Somerset’ from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

## **Public participation at committees**

### **Public question time**

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

### **Planning applications**

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should

also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to three minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

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

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

## **Recording and photography at council meetings**

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

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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# Area North Committee

## Wednesday 23 May 2018

### Agenda

#### *Preliminary Items*

**1. Minutes**

To approve as a correct record the minutes of the previous meeting held on 25 April 2018.

**2. Apologies for absence**

**3. Declarations of Interest**

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

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

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

Councillors Clare Aparicio Paul, Neil Bloomfield and Sylvia Seal.

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

**4. Date of next meeting**

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 27 June** at a venue to be confirmed.

**5. Public question time**

**6. Chairman's announcements**

## **7. Reports from members**

### *Items for Discussion*

- 8. Grant to Barrington Parish Council (Executive Decision)** (Pages 6 - 9)
- 9. Area North Committee - Appointment of Members to Outside Organisations and Groups for 2019/19 (Executive Decision)** (Pages 10 - 13)
- 10. Scheme of Delegation - Development Control - Nomination of Substitutes for Chairman and Vice Chairman for 2018/19 (Executive Decision)** (Pages 14 - 15)
- 11. Area North Committee Forward Plan** (Pages 16 - 17)
- 12. Planning Appeals** (Pages 18 - 29)
- 13. Schedule of Planning Applications to be Determined By Committee** (Pages 30 - 31)
- 14. Planning Applicatio 17/04925/FUL - Drayton Manor, School Street, Drayton.** (Pages 32 - 42)
- 15. Planning Application 17/04485/OUT - Land OS 1854 Part, Poundway, Muchelney.** (Pages 43 - 49)
- 16. Planning Application 18/00488/FUL - Home Farm, Main Street, Chilthorne Domer.** (Pages 50 - 55)

**Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.**

**This does not apply to decisions taken on planning applications.**

# Agenda Item 8

## Grant to Barrington Parish Council (Executive Decision)

*Director:* Netta Meadows, Director of Strategy & Commissioning  
*Service Manager:* Helen Rutter, Communities Lead  
*Lead Officer:* Mary Ostler, Neighbourhood Development Officer (North)  
*Contact Details:* mary.ostler@southsomerset.gov.uk or 01935 462123

### Purpose of the Report

Councillors are asked to consider the awarding of a grant of £1,638 towards the costs of purchasing and installing outdoor fitness equipment on the recreation field adjoining Barrington Village Hall.

### Public Interest

Barrington Parish Council has applied to the Area North community grants programme for financial assistance with the purchase and installation of outdoor fitness equipment on the village recreation field. The project budget also makes provision for a fitness trainer to be available when the equipment is newly installed, to encourage people to learn how to use the equipment correctly and how this will help their fitness.

The application has been assessed by the Neighbourhood Development Officer who has submitted this report to enable the Area North Committee to make an informed decision about the application.

### Recommendation

That Councillors consider the application for a grant of £1,638 to Barrington Parish Council, the grant to be allocated from the Area North capital programme and subject to SSDC standard conditions for community grants (appendix A).

### Application Details

|                                 |   |
|---------------------------------|---|
| Name of applicant:              | Barrington Parish Council                             |
| Project:                        | Outdoor Gym for Barrington                            |
| Total project cost:             | £11,486   |
| Amount requested from SSDC:     | £1,638 (14%)  |
| Recommended special conditions: | For the Parish Council to adopt a safeguarding policy |
| Application assessed by:        | Mary Ostler   |

### Community Grants Assessment Score

The table below shows the grant scoring for this application. Applications must meet the minimum score of 22 to be considered for SSDC funding under Community Grants policies.

| Category                   | Actual score | Maximum score possible |
|----------------------------|--------------|------------------------|
| A Eligibility              | Y            | Y/N                    |
| B Equalities Impact        | 4            | 7                      |
| C Need for project         | 4            | 5                      |
| D Capacity of organisation | 15           | 15                     |
| E Financial need           | 7            | 7                      |
| F Innovation               | 3            | 3                      |
| <b>Grand total</b>         | <b>33</b>    | <b>37</b>              |

## Background

The idea for the project began when a group of young people attended Parish Council in 2016 to say that they had out-grown the children's play area and wanted to ask the Parish Council to help provide some outdoor fitness equipment for the village. Councillors were very supportive as they felt it fulfilled many different aims for the community, for health and well-being and social activity for all ages.

A working group was set up consisting of a councillor, the parish clerk, three young people and two parents, to look into what could be achieved and to fund-raise. A grant of £1000 was offered by the Parish Council to get the fund-raising underway.

## Parish information

|                          |                   |
|--------------------------|-------------------|
| <b>Parish*</b>           | <b>Barrington</b> |
| <b>Parish population</b> | <b>438</b>        |
| <b>No. of dwellings</b>  | <b>213</b>        |

\*Taken from the 2011 census profile

## The project

The project group plans to install a range of equipment that is available all the time, to cater for everyone across all age groups. The group visited Kingsbury Episcopi in November 2016 to see the outdoor fitness equipment there, to help work out what was needed for Barrington and to discuss fund-raising.

The project has been active since March 2017 and has communicated regularly with villagers through village magazines, noticeboards and website; the Barrington village Facebook page and by attending the monthly community coffee morning to raise both funds and awareness. People have shown their enthusiasm for the project by providing ideas and suggestions as well as taking part in fund-raising.

Following advice from SSDC's Play & Youth Facilities Officer, the project group plans to have a fitness trainer available when the equipment is newly installed, to encourage people to learn how to use it correctly and how this can help fitness.

The Parish Council have agreed to fund on-going inspection and maintenance of the equipment and inspections will be carried out at the same time as the playground equipment.

The group has raised funds by holding a raffle and games at the community coffee morning, making and selling Easter eggs and applying for and receiving a £2000 grant from the Police Commissioners Fund. A 'Forty Five 4 Fitness' event took place which raised £553 and involved more than 30 villagers of all ages either running, walking or cycling a route round the village for 45 minutes.

There has been huge support and enthusiasm locally for the project.

## Project costs

| <b>Project costs</b>   | <b>Cost £</b> |
|--|---------------|
| 7 x items of Outdoor Fitness Equipment including installation & flooring | 10,736        |
| Training sessions to teach people how to use the equipment               | 750           |
| <b>Total</b>   | <b>11,486</b> |

## Funding plan

| Funding source             | Amount £     |
|----------------------------|--------------|
| Parish Council             | 1,000        |
| Project group fund-raising | 808          |
| Avon & Somerset Police     | 2,000        |
| Big Lottery Awards for All | 5,000        |
| Tesco - Bags for Help      | 1,000        |
| Hedge-cutting contribution | 40           |
| <b>Total</b>               | <b>9,848</b> |

## Financial Implications

The balance in the Local Priority Projects – enhancing facilities and services budget - is £34,304. If the recommended grant of £1,638 is awarded, £32,666 will remain. The Area North Capital Programme also has an uncommitted balance of £154,655.

## Council Plan Implications

The project supports:  
Focus Five: Health and Communities

## Area North Priorities

Self-help and Community Facilities.

## Carbon Emissions and Climate Change Implications

People who are fit and healthy are more likely to travel by bicycle or on foot with subsequent reductions in carbon emissions from car use.

## Equality and Diversity Implications

The project will provide for people across all age and interest groups in the local community

## Background Papers

None

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## Appendix A

### Standard conditions applying to all Community Grants.

This grant offer is made based on the information provided in application form no. AN18/01 and represents 14% of the total project costs. The grant will be reduced if the costs of the total project are less than originally anticipated. Phased payments may be made in exceptional circumstances (e.g. to help with cash-flow for a larger building project) and are subject to agreement.

#### The applicant agrees to: -

- Notify SSDC if there is a material change to the information provided in the application.
- Start the project within six months of this grant offer and notify SSDC of any changes to the project or start date as soon as possible.
- Confirm that all other funding sources have been secured if this was not already in place at the time of the application and before starting the project.
- Acknowledge SSDC assistance towards the project in any relevant publicity about the project (e.g. leaflets, posters, websites, and promotional materials) and on any permanent acknowledgement (e.g. plaques, signs etc.).
- Work in conjunction with SSDC officers to monitor and share the success of the project and the benefits to the community resulting from SSDC's contribution to the project.
- Provide a project update and/or supply before and after photos if requested.
- Supply receipted invoices or receipts which provide evidence of the **full** cost of the project so that the grant can be released.

#### Standard conditions applying to buildings, facilities and equipment

- Establish and maintain a "sinking fund" to support future replacement of the building / facility / equipment as grant funding is only awarded on a one-off basis.
- Use the SSDC Building Control service where buildings regulations are required.
- Incorporate disabled access and provide an access statement where relevant.

#### Additional condition

For the Parish Council to adopt a safeguarding policy.

# Agenda Item 9

## **Area North Committee – Appointment of Members to Outside Organisations and Groups for 2019/19 (Executive Decision)**

*Director:* Netta Meadows, Strategy & Commissioning  
*Specialist:* Angela Cox, Specialist (Democratic Services)  
*Lead Officer:* Becky Sanders, Case Services Officer (Support Services)  
*Contact Details:* becky.sanders@southsomerset.gov.uk or 01935 462596

### **Purpose of the Report**

As the Council has entered a new municipal year, the Committee is asked to review its appointments to outside organisations and working groups within Area North, having regard to the policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies (adopted by District Executive on 1<sup>st</sup> May 2014).

### **Recommendation**

The Committee is asked to:

- (1) Appoint a member to represent Area North Committee regarding Community Safety / Neighbourhood Policing Liaison.
- (2) Review and appoint members to the outside organisations and groups for 2018/19 as set out in Appendix A.

### **Area North – Neighbourhood Policing liaison**

SSDC is a partner to the Safer Somerset Partnership, although there is no formal governance at a local level, with each area supporting arrangements which best meet the needs and priorities of local communities.

Area North Committee appoints a councillor to be the committee's link with the Area Neighbourhood Policing team. Ward members are encouraged to link with the local beat managers, PCSOs and town/parish councillors to understand and address local issues. Last year the appointed member was Councillor Sue Steele.

### **Outside Organisations and Groups**

The organisations and groups to which representatives are requested to be appointed by the Area North Committee for 2019/19 are indicated in Appendix A. The list of organisations was reviewed by Area North Committee in November 2013 and recommendations were made towards the final policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies, which was adopted by District Executive on 1<sup>st</sup> May 2014.

Members are now asked to review and appoint members to the outside organisations for 2019/19, having regard to the adopted policy.

## **Financial Implications**

None for Area North Committee. Mileage claimed by councillors (across the district) attending meetings of outside bodies to which they are appointed is approximately £1,000 per annum and is within the existing budget for councillors travelling expenses held by Support Services. There may be a small saving resulting from any decision to reduce the number of SSDC appointed outside bodies, however, a number of councillors do not claim any mileage for their attendance at these meetings.

## **Council Plan Implications**

There are several of the Council's Corporate Aims which encourage partnership working with local groups.

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

None

## **Equality and Diversity Implications**

Full consideration to equalities was given in producing the Policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies.

## **Background Papers**

- Minute 184, District Executive, 1 May 2014
  - Minute 13, Area North Committee, 28 June 2017
  - Minute 107, Area North Committee, 24 January 2018
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## Appendix A

### Area North Outside Organisations and Groups – Appointments to be considered for 2017/18

| Organisation / Group<br>(Lead officer contact)  | Number of<br>Council Reps.<br>& (Rep in<br>17/18).     | Aims & Objectives   | Frequency of<br>Meetings | Existing status of<br>representative        |
|---|--|---|--------------------------|---|
| Somerset Levels and Moors<br>Local Action Group Executive<br>Board<br>(Neighbourhood Development<br>Officer - Pauline Burr) | 1<br>(+ 1 officer)<br><br>(Gerard<br>Tucker)           | To support the delivery of a local economic<br>development programme for the Somerset<br>Levels and Moors. More info at:<br><a href="http://levelsandmoors.somersetleader.org.uk/">http://levelsandmoors.somersetleader.org.uk/</a> | About 6 – 8 per year     | Full Member                                 |
| Langport Abattoir Liaison Group<br>(Neighbourhood Development<br>Officer – Chereen Scott)                                   | 2<br><br>(Clare Aparicio<br>Paul & Derek<br>Yeomans)   | To provide a forum for liaison between the<br>operating companies, the communities of<br>Huish Episcopi and Langport and the local<br>Authorities and other agencies responsible for<br>the regulation of the site.                 | About 2 per year         | Observer /<br>consultative only             |
| Martock Community Planning<br>Partnership<br>(Neighbourhood Development<br>Officer – Mary Ostler)                           | 1<br><br>(Neil<br>Bloomfield /<br>Graham<br>Middleton) | To own the Martock Vision and monitor<br>delivery of the Martock Local Community<br>Plan.   | Quarterly                | Full Member                                 |
| Strode College Community<br>Education Advisory Committee<br>(Neighbourhood Development<br>Officer – Natalie Fortt)          | 1<br><br>(Crispin<br>Raikes)                           | Advisory Committee to Board of Governors.<br>Committee reviews and promotes the<br>development of the College's work with adult<br>students and its role in supporting community<br>work.   | 3 per year               | Full member<br>(advisory committee<br>only) |

| <b>Organisation / Group<br/>(Lead officer contact)</b>                                       | <b>Number of<br/>Council Reps.<br/>&amp; (Rep in<br/>17/18).</b> | <b>Aims &amp; Objectives</b>                          | <b>Frequency of<br/>Meetings</b> | <b>Existing status of<br/>representative</b> |
|--|--|---|----------------------------------|--|
| Huish Episcopi Leisure Centre Board<br>(Lynda Pincombe – Community Health & Leisure Manager) | 2<br>(Gerard Tucker & Crispin Raikes)                            | Management Company for Huish Episcopi Leisure Centre. | Approx. 5                        | Full member                                  |

# Agenda Item 10

## **Scheme of Delegation – Development Control – Nomination of Substitutes for Chairman and Vice Chairman for 2018/19 (Executive Decision)**

*Director:* Martin Woods, Service Delivery  
*Lead Specialist:* Simon Fox, Lead Specialist (Planning)  
*Lead Officer:* As above  
*Contact Details:* [simon.fox@southsomerset.gov.uk](mailto:simon.fox@southsomerset.gov.uk) or 01935 462509

### **Purpose of the Report**

As the Council has entered a new municipal year, the Committee is asked 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. The previous member substitutes were Councillors Crispin Raikes (first substitute) and Clare Aparicio Paul (second substitute).

### **Recommendation**

That, in line with the Development Control Revised Scheme of Delegation, two members be nominated to act as substitutes for the Chairman and Vice Chairman to make decisions in the Chairman's and Vice Chairman's absence on whether an application should be considered by the Area Committee as requested by the Ward Member(s).

### **Background**

The Council's scheme of delegation for Development Control delegates the determination of all applications for planning permission, the approval of reserved matters, the display of advertisements, works to trees with Tree Preservation Orders, listed building and conservation area consents, to the Development Manager except in certain cases, one of which being the following:-

"A ward member makes a specific request for the application to be considered by the Area Committee and the request is agreed by the Area Chairman or, in their absence, the Vice Chairman in consultation with the Development Manager. (This request must be in writing and deal with the planning issues to ensure that the audit trail for making that decision is clear and unambiguous). In the absence of the Chairman and Vice Chairman there should be nominated substitutes to ensure that two other members would be available to make decisions. All assessments and decisions to be in writing."

### **Financial Implications**

None from this report

### **Council Plan Implications**

None from this report.

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

None from this report.

## **Equality and Diversity Implications**

None from this report.

**Background Papers:** *Minute 36, Council meeting of 21 July 2005*  
*Minute 14, Area North Committee, 28 June 2017*

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# Agenda Item 11

## **Area North Committee – Forward Plan**

*Lead Officer:* Helen Rutter, Communities Lead  
*Officer:* Becky Sanders, Case Services Officer (Support Services)  
*Contact Details:* becky.sanders@southsomerset.gov.uk or (01935) 462596

### **Purpose of the Report**

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

### **Public Interest**

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

### **Recommendation**

Members are asked to:

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

### **Area North Committee Forward Plan**

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

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

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

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact one of the officers named above.

***Background Papers:*** None

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## Area North Committee Forward Plan

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; at [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

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

| <b>Meeting Date</b> | <b>Agenda Item</b>                   | <b>Background / Purpose</b>   | <b>Lead Officer(s)<br/>SSDC unless stated otherwise</b>         |
|---------------------|--------------------------------------|---|---|
| June '18            | Somerton Conservation Area           | Report regarding the Somerton Conservation Area Appraisal and designation of extensions to the Conservation Area. | Greg Venn, Conservation Officer                                 |
| Jun '18             | Langport Cycleway                    | Update report and consideration of funding.   | Katy Menday, Countryside Manager                                |
| <i>Jul '18 TBC</i>  | <i>Highways Update</i>               | <i>Routine update report from SCC Highways.</i>   | <i>SCC Highways.</i>  |
| <i>TBC</i>          | <i>Streetscene Update</i>            | <i>Route update report about Streetscene services.</i>  | <i>Chris Cooper, Environment Services Manager</i>               |
| <i>Late Summer</i>  | <i>Area Development Plan (North)</i> | <i>To agree new priorities.</i>   | <i>Natalie Fortt, Area Development Lead (North &amp; South)</i> |

# Agenda Item 12

## **Planning Appeals**

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

## **Purpose of the Report**

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

## **Public Interest**

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

## **Recommendation**

That members comment upon and note the report.

## **Appeals Lodged**

None

## **Appeals Dismissed**

17/03721/OUT – Land between Old Vicarage and 15 Yeovil Road, Yeovil Road, Tintinhull.  
Residential development of 6 dwellings.

## **Appeals Allowed**

16/03728/FUL – Wayfarers, Long Load TA10 9SX.  
Replacement Balcony and stairs (Retrospective).

The Inspector's decision letters are shown on the following pages.

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## Appeal Decision

Site visit made on 28 March 2018

**by J J Evans BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9<sup>th</sup> May 2018.**

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**Appeal Ref: APP/R3325/W/17/3189769**

**Land between Old Vicarage and 15 Yeovil Road, Yeovil Road, Tintinhull, Yeovil, BA22 8QL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Bunny Construction Ltd against South Somerset District Council.
  - The application Ref 17/03721/OUT, is dated 1 September 2017.
  - The development proposed is the residential development of 6 dwellings.
- 

### Decision

1. The appeal is dismissed, and planning permission is refused.

### Procedural Matters

2. If the Council had been in a position to determine the application it would have refused planning permission for two reasons. The first relates to the development not being served by a safe and suitable means of pedestrian access. The development would be likely to generate an increase in pedestrian traffic on a highway that is heavily trafficked and lacking adequate footways, with consequent additional hazards to all users of the highway.
3. The Council's second reason would have been that the development by reason of its siting and scale fails to respect the setting of a designated heritage asset, and would lead to an inappropriate consolidation of built development that would be at odds with the dispersed and primarily linear development pattern of the locality.
4. The original application was for outline planning permission with all matters reserved. The submitted drawings show details of the siting, layout, landscaping and access for six dwellings, with drawing 4346/16 being described as a concept plan. Having regard to the original application and that the Council have considered the proposal as an outline scheme with all matters reserved, I have determined the appeal in the same way.
5. The Old Vicarage and its garden boundary walls are grade II listed buildings. As required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

6. During the appeal process the appellant provided a Cooperation Agreement for the provision of a footpath. The Council were given an opportunity to comment on the document, and I have had regard to the agreement in my decision.

### **Main Issues**

7. The main issues are firstly the effect of the proposal on the character and appearance of the area, having particular regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and secondly, the effect of the proposal upon highway safety.

### **Reasons**

#### *Character and Appearance*

8. The appeal site is part of a large field positioned to the north of Yeovil Road. The field slopes uphill towards the boundary with 11 Yeovil Road, and there are some cottages adjacent to the south-eastern corner of the site. To the north and south are agricultural fields, with the Old Vicarage and its gardens being to the west.
9. The imposing form and rich architectural detailing of the Old Vicarage is part of the special interest of this listed building. The listed garden wall gives a defined boundary to the property, with the height of the wall and the presence of the grass verge in front of it allowing views of the house from the public realm. This and the size, form and style of the house, along with its generous gardens are part of the significance of this listed building, and are reflective of the historic social, community and functional importance of the property in the village.
10. Although there are modern buildings to the west of the Old Vicarage, the presence of the fields and paddocks to the north and east have retained the open setting to the house. It is a prominent building within the area, reflecting its former status and importance. The appeal site contributes towards the views of the property when approaching the village, and this open setting to the house allows its importance to be readily appreciated.
11. The village has a defined form concentrated upon a north-south alignment, with buildings mostly fronting the highways. The proposed dwellings would be separated from the village by an area of landscaping. Such an arrangement would appear contrived. The creation of a cluster of houses set apart from the village would be intrusive, having little regard to either the historic pattern of the settlement or its recent extensions.
12. I accept there are other cul-de-sacs within the village, including that at School Close, but in most cases they are integrated with the surrounding development. The position of the proposed dwellings would form a deep and incongruous group that would unacceptably intensify and consolidate the loose scatter of development that is found beyond the Old Vicarage.
13. Moreover, the dwellings would intrude into the open nature of the setting of the Old Vicarage. Although the dwellings would be separated from the listed building by an area of landscaping, they would be close enough to erode its open setting, particularly as they would be positioned on higher land. The

- dominance and legibility of the Old Vicarage as a building of importance within the area would be reduced.
14. The provision of a levelled grass verge to the front of the site would be similar to that in front of the listed wall. However, the new verge would have to terminate abruptly where the wall comes close to the carriageway. The effective segregation of the two verges would appear both divisive and contrived, thereby distracting from the simplicity of the Old Vicarage's frontage.
  15. My attention has been drawn by the parties to the planning history of the site, and also to another appeal decision elsewhere in the village. However, the site history includes a number of schemes from the 1960s and 1970s, and of the more recent cases cited they do not form a direct comparison to that before me, including with regard to the number of dwellings proposed.
  16. The National Planning Policy Framework (the Framework), requires that where a development proposal would be less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal. The scheme would not impact upon the listed buildings themselves. The harm would be to their settings and would be less than substantial.
  17. The provision of housing, including two affordable homes would be at a time when the Council have no five year housing land supply. There would also be a public benefit arising from the off-site open space contribution and provision of a footpath. Even taking into account the objective in the Framework to boost the delivery of housing, these benefits would be modest, and would not outweigh the harm to the settings of the listed buildings.
  18. The Framework advises that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. For the reasons given above, the proposal would unacceptably harm the character and appearance of the area, and would fail to preserve the settings of two listed buildings. This would be contrary to Policies SD1, EQ2 and EQ3 of the South Somerset Local Plan (2015) (LP). These seek, amongst other things, sustainable development, and that which respects context and local distinctiveness, and the conservation of heritage assets, thereby reflecting the Framework.

#### *Highway Matters*

19. As the crow flies future occupiers of the dwellings would be close to the services and facilities within the village. However, accessing them by foot would be along the relatively busy Yeovil Road, a road which is neither lit nor has a footway. Walking along this road at night would neither be safe nor convenient.
20. The provision of a grass verge to the front of the site would not provide a safe and convenient footway for all pedestrians, particularly those with mobility problems or using pushchairs and such like. In addition if the grass was not regularly mown, and /or the surface became muddy, pedestrians would be likely to walk in the road. Moreover, the pinch-point created by the listed wall would necessitate users of the verge having to step into the carriageway. As

such pedestrian movements to negotiate the wall would be unexpected to motorists, to the detriment of all users of the highway.

21. The appellant has provided copies of a Cooperation Agreement to provide an alternative pedestrian route to the village. However, the nature of this link has not been detailed. Crossing a field at night during the winter months would be neither be an attractive or convenient alternative to Yeovil Road.
22. Thus, the proposal would unacceptably harm highway safety for all users, nor would it be the secure inclusive, safe and convenient access that addresses the needs of all, as required by LP Policy TA5 and the Framework.

### **Other Matters**

23. Local residents have raised a number of other matters, including land ownership, potential damage to retaining walls, the impact of the proposal on the living conditions of those nearby with regard to outlook and loss of light, and flooding and drainage concerns. Land ownership would be a matter for the relevant parties to resolve, and as regards the other issues raised, following my findings on the main issues, I have no need to consider them further.

### **Planning Balance and Conclusion**

24. The Framework states that the relevant policies for the supply of housing should not be considered up-to-date if a Council cannot demonstrate a five year supply of deliverable housing. In such circumstances, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. Restrictive policies include those concerning heritage assets.
25. Given that there would be significant harm to the settings of two listed buildings that would not be outweighed by the public benefits of the proposal, it follows that the appeal scheme does not constitute sustainable development. There would also be unacceptable harm to the character and appearance of the area and with regard to highway safety. Thus, there are no material considerations that would warrant a decision other than in accordance with the development plan, and as such the scheme would be contrary to the LP policies referred to above and also to objectives of the Framework.
26. For the reasons given above, and having considered all other matters raised, the appeal is dismissed and planning permission is refused.

*J J Evans*

INSPECTOR



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## Appeal Decision

Site visit made on 27 March 2018

**by Richard S Jones BA (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 April 2018**

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**Appeal Ref: APP/R3325/D/17/3192207**

**Wayfarers, Long Road, Langport, Somerset TA10 9SX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Norma Spencer against the decision of South Somerset District Council.
  - The application Ref 16/03728/FUL, dated 11 August 2016, was refused by notice dated 3 October 2017.
  - The development proposed is a replacement balcony and stairs (retrospective application).
- 

### Decision

1. The appeal is allowed and planning permission is granted for a replacement balcony and stairs (retrospective application) at Wayfarers, Long Road, Langport, Somerset TA10 9SX, in accordance with the terms of the application, Ref 16/03728/FUL, dated 11 August 2016, subject to the conditions set out in the Schedule attached to this decision.

### Application for costs

2. An application for costs has been made by Mrs Norma Spencer, against South Somerset District Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. The appellant has confirmed that the description of development should be that set out in the Council's decision notice.
4. At the time of my site visit, the external stairs and stainless steel balustrade with glazed panelling was already in place. It is also proposed to raise the height of the balustrade to 1.8m for approximately 6.6m of its length along the side of the roof terrace facing St Francis.

### Main Issue

5. The effect of the proposed development on the setting of St Francis, which is a Grade II listed building.

### Reasons

6. St Francis is a 17<sup>th</sup> Century detached cottage constructed with local lias stone, roughly cut and squared with ham stone dressing and Roman clay roof tiles. It

is located to the south of the appeal site, which is occupied by a substantial two storey detached dwelling with large, single storey rear swimming pool extension, granted planning permission in 2000<sup>1</sup>. The Council has confirmed that this permission also approved the use of the roof of the swimming pool extension as a terrace. This is borne out by Condition 4 which states that no part of the development shall be commenced until full details of the means of enclosure around the rooftop balcony have been approved by the Council.

7. Although the balustrade is at first floor level, it is situated at the rear of the main dwelling, which for the most part is situated behind the rear building line of St Francis. Consequently, public views are largely restricted to a narrow section of terrace which protrudes from the side of the dwelling. Although this part of the balustrading can be viewed together with St Francis, it is a relatively recessive feature given its size, visually lightweight design, set-back and the scale of the dwelling to which it is attached. This would remain the case even if its height is increased for part of its length, as is proposed. The external stair is not visible in this view. The primacy of St Francis alongside the road frontage is not therefore materially undermined.
8. The balustrade and stairs can be clearly seen from the rear garden of St Francis and is read as part of the setting of this listed building. However, due to its size and position, even without the balustrading, the host dwelling itself represents the most imposing feature within the rear setting of St Francis. Although the balustrade and stairs add to the extent of built structures, they are not the dominant features.
9. Moreover, the presence of a rooftop enclosure to the terrace and the relationship of the same with the listed building has been accepted as part of the planning permission for the swimming pool extension. It is therefore a question of type. In this regard, the combination of stainless steel with glazed panels is clearly a contemporary design approach. However, the existing dwelling is a relatively modern building and as such the balustrading does not appear out of place or inappropriate. Furthermore, the modern lightweight detailing does not compete with the traditional design of St Francis.
10. Therefore, as some form of rooftop enclosure has been accepted, I do not consider that the current proposal, including the enlarged section and external stairs, materially adds to the harm. In overall terms the proposal would have a neutral effect on the setting of the listed building. Indeed, if compared to the timber trellising shown in the photographs provided by the appellant, the current solution amounts to a significant improvement in views from the street. If the same type of trellising was applied along the side of the terrace, there would also be a significant improvement in the views from the rear garden of the St Francis, even if the current proposal is longer.
11. I therefore conclude that the proposal would preserve the setting of St Francis in accordance with the expectations of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It follows that I do not find conflict with Policy EQ3 of the South Somerset Local Plan or with section 12 of the National Planning Policy Framework. These expect, amongst other matters, that all new development proposals relating to the historic environment to safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets.

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<sup>1</sup> Planning application ref: 00/02218/FUL



*Other matters*

12. The height and extent of the terrace along with its proximity to the southern boundary is such that its use would result in significant overlooking into the rear garden area of St Francis. I therefore fully sympathise with the very valid concerns expressed by the occupants of St Frances about the harm arising. However, as noted, the Council has confirmed that the use of the roof for such purposes was granted planning permission in 2000 as part of the approval for the swimming pool extension. That is therefore the approved position, irrespective of whether planning permission would now be granted if presented as a new application.
13. Increasing the height of the enclosure to 1.8m with opaque glass for approximately 6.6m from the house would at least reduce the level of overlooking from the part of the terrace which is most likely to be used, thereby offering some mitigation to the loss of privacy experienced by the occupiers of St Francis. The benefits of doing so would in my view outweigh concerns that increasing the height of the balustrade would result in a more overbearing appearance. I have noted the suggestion that the balcony should be set back from the edge of the building but such a scheme is not before me. Given the overall extent of the terrace, I do not consider the addition of the external stairs materially increases the degree of overlooking.
14. I share the concerns of interested parties over the quality of the plans but as the majority of the development is in place, it is not critical in this instance. Moreover, the plan showing how the existing balustrading is to be increased is sufficiently clear with annotated dimensions. Given its high level siting and positioning adjacent to the listed building, a condition would be necessary to control the details of how the additional sections are to be fixed.
15. I have noted the submissions, including that received from the previous occupiers, that the previous terrace area was smaller than that which currently exists. However, I have very limited evidence to this effect and neither party has provided details of exactly what was approved in 2001. In any case, the Council's Committee report confirms that no conditions were attached to the original planning permission which restricts the extent of the terrace area. Moreover, the report also states that the submitted plans for the pool extension showed low level railings around the perimeter of the roof. The control provided by this permission therefore relates only to the type of enclosure and does not limit the area of the roof to be used as a terrace.
16. I note the concerns regarding wind pressure, but despite initial concerns the appellant has confirmed that the glazier has found the increased length to be acceptable in health and safety terms and I have limited evidence to dispute this. Moreover, in general, the courts have taken the view that the protection of purely private interests, such as the impact of a development on the value of a neighbouring property, cannot be a material consideration.
17. I note the neighbours concern regarding the way in with the planning application was handled by the Council, however, this is not a matter for this appeal which I have determined afresh and on its planning merits.

### **Conditions**

18. I have had regard to the conditions that have been suggested by the Council. As the use has commenced, it is not appropriate to impose the standard condition that limits the lifespan of the planning permission. However, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning.
19. Given the location of the development adjacent to a designated heritage asset and to protect the living conditions of neighbouring occupants, a condition is necessary to agree the precise details of the enlarged section of balustrading. The purpose of this condition is also to require the appellant to comply with a strict timetable for dealing with matters which need to be addressed in order to make the development acceptable. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter because the development has already taken place. The purpose and effect of the conditions is therefore to ensure that the use of the site authorised by the grant of planning permission may only continue if the appellant complies with each one of a series of requirements.

### **Conclusion**

20. For the reasons given above, and taking into account all other matters raised, I conclude the appeal should be allowed.

*Richard S Jones*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

1. The development hereby permitted shall be in accordance with the following approved plans: location plan; amended elevation stamp dated 21 March 2017 and amended side view stamp dated 21 March 2017.
2. Notwithstanding the approved plans, unless within three months of the date of this decision full details (including drawings to a scale of at least 1:5) of the enlarged balustrading at a specified location along the southern boundary to a length of 6.6m, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within six months of the local planning authority's written approval, the use of the terrace shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within nine months of the date of this decision, the use of the terrace shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved details specified in this condition, the enlarged balustrading shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.



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## Costs Decision

Site visit made on 27 March 2018

**by Richard S Jones BA (Hons) BTP MRTPI**

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

**Decision date: 19 April 2018**

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### **Costs application in relation to Appeal Ref: APP/R3325/D/17/3192207 Wayfarers, Long Road, Langport, Somerset TA10 9JX**

- 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 Mrs Norma Spencer for a full award of costs against South Somerset District Council.
  - The appeal was against the refusal of planning permission for a replacement balcony and stairs (retrospective application).
- 

### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance (PPG) advises<sup>1</sup> that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. I appreciate that the appellant may have contacted the Council on two occasions regarding the change of enclosure and may have been advised that planning permission was not be required. However, I have no evidence to this effect and the Council state that they have no record of any formal advice being given. I can therefore apply only very limited weight to these assertions. Moreover, whilst I fully sympathise with the appellant's position, the decision to rely on verbal advice, rather than a formal response, inherently carries more risk.
4. In any case, Condition 4 of the planning permission<sup>2</sup> granted in 2000 clearly requires approval of the means of enclosing the rooftop balcony and the written permission of the Council for its alteration. This was not received. As such, the costs of making an application would not have been avoided in order to comply with the condition.
5. The application clearly took a considerable amount of time to determine but the costs application does not demonstrate that this was as a result of unreasonable behaviour by the Council. I appreciate that the outcome of the application would have been a disappointment to the appellant but the Council is not bound to take the advice of its officers. Even though I have found

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<sup>1</sup> Paragraph: 030 Reference ID: 16-030-20140306

<sup>2</sup> Planning application ref: 00/02218/FUL

against the Council in my Decision, this is a matter of planning judgement. The Council was not therefore acting unreasonably in reaching its decision and the costs of making an appeal would not have been avoided.

**Conclusion**

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

*Richard S Jones*

Inspector

# Agenda Item 13

## Schedule of Planning Applications to be Determined by Committee

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

### Purpose of the Report

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

### Recommendation

Members are asked to note the schedule of planning applications.

**Planning Applications will be considered no earlier than 2.45pm.**

Members of the public who wish to speak about a particular planning item are recommended to arrive for 2.40pm.

| SCHEDULE      |              |              |   |   |                    |
|---------------|--------------|--------------|---|---|--------------------|
| Agenda Number | Ward         | Application  | Brief Summary of Proposal   | Site Address                              | Applicant          |
| 14            | CURRY RIVEL  | 17/04925/FUL | Tennis court with pavilion outbuilding including change of use from agricultural to domestic use. | Drayton Manor, School Street, Drayton.    | Mr & Mrs Hall      |
| 15            | BURROW HILL  | 17/04485/OUT | Erection of 2 new dwelling houses.  | Land OS 1854 Part, Poundway, Muchelney.   | Mr & Mrs G Edmunds |
| 16            | ST MIACHAELS | 18/00488/FUL | Change of use from barn to business offices and existing farm building to storage.                | Hoem Farm, Main Street, Chilthorne Domer. | Mrs C Simon        |

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

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

## **Referral to the Regulation Committee**

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

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

## **Human Rights Act Statement**

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

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# Agenda Item 14

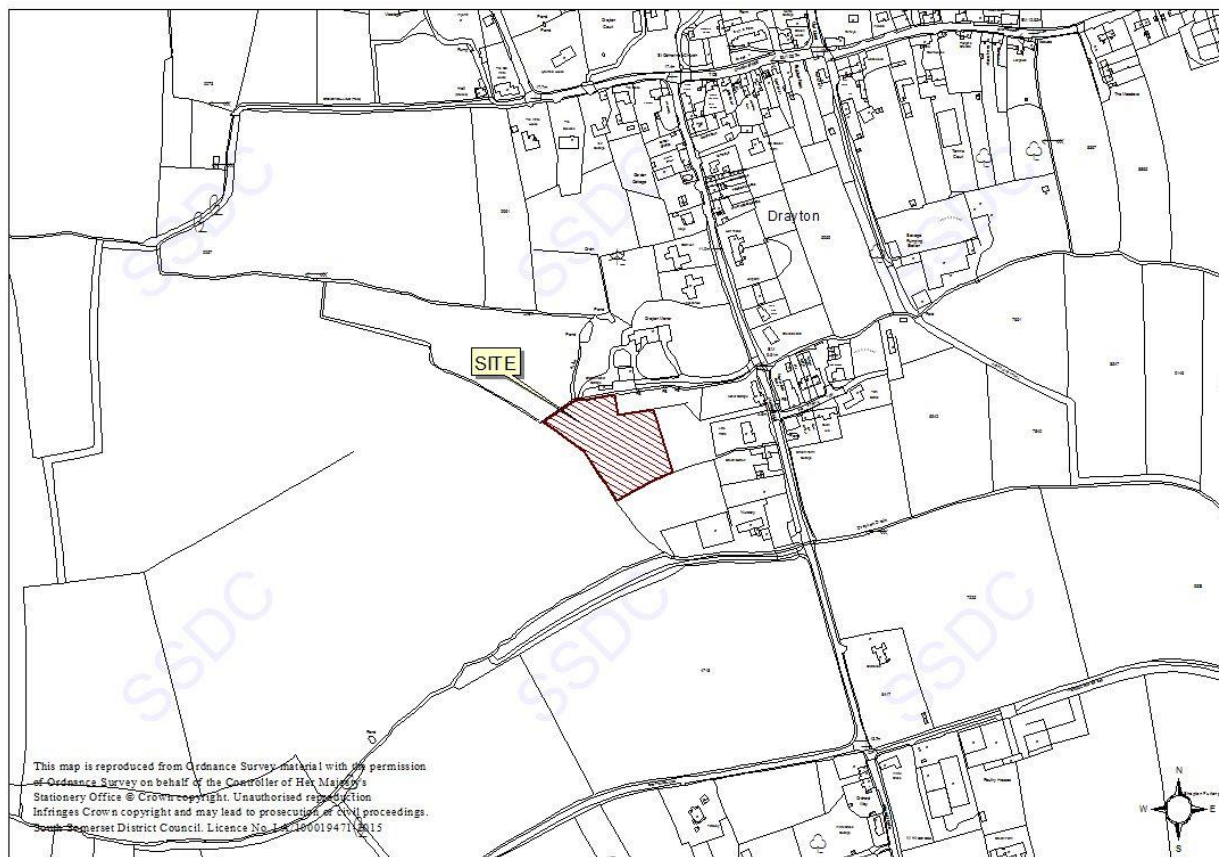
## Officer Report On Planning Application: 17/04925/FUL

|                                       |  |
|---------------------------------------|--|
| <b>Proposal :</b>                     | Proposed tennis court with pavilion outbuilding including the change of use of land from agricultural to domestic use. |
| <b>Site Address:</b>                  | Drayton Manor, School Street, Drayton.   |
| <b>Parish:</b>                        | Drayton  |
| <b>CURRY RIVEL Ward (SSDC Member)</b> | Cllr Tiffany Osborne   |
| <b>Recommending Case Officer:</b>     | John Millar<br>Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk   |
| <b>Target date :</b>                  | 8th February 2018  |
| <b>Applicant :</b>                    | Mr And Mrs Hall  |
| <b>Agent: (no agent if blank)</b>     | Mr Richard Rowntree, Della Valle Architects,<br>Lake View, Charlton Estate,<br>Shepton Mallet BA4 5QE                  |
| <b>Application Type :</b>             | Minor Other less than 1,000 sq.m or 1ha  |

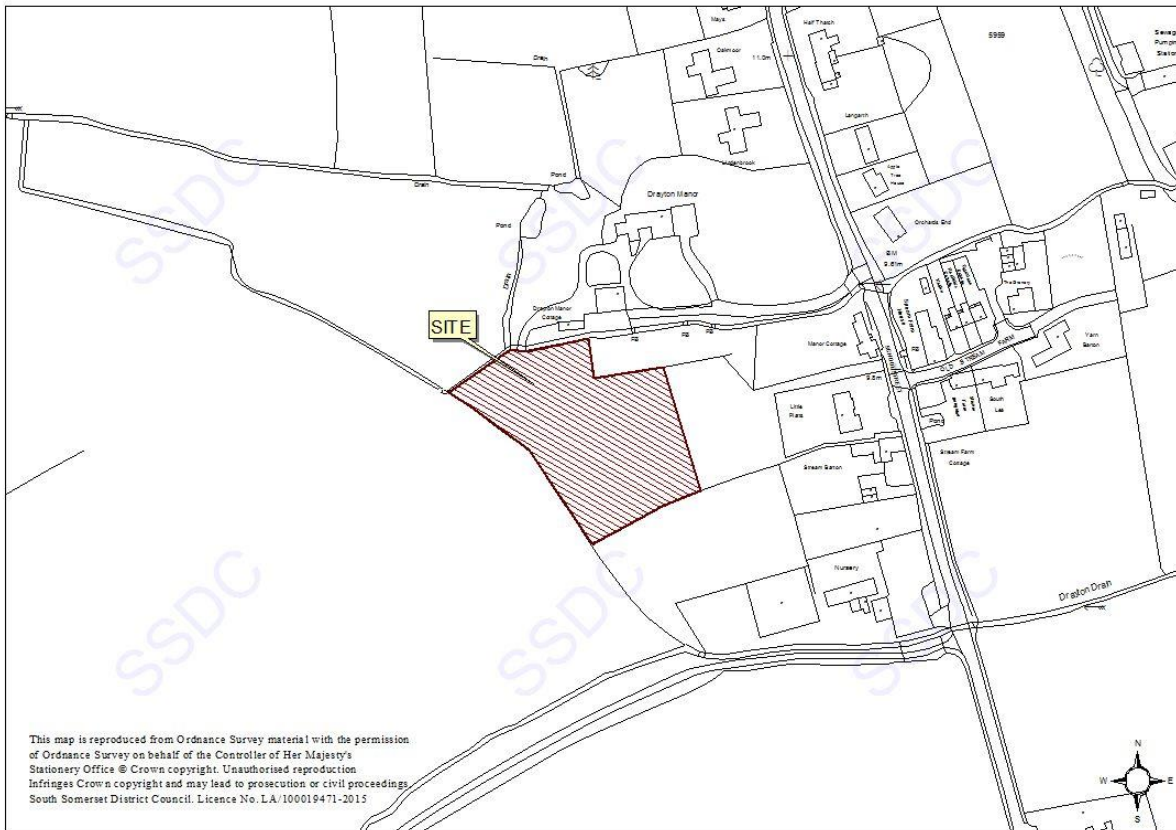
### REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee with the agreement of the Ward Member and the Area Chair to enable the issues raised to be fully debated by Members.

### SITE DESCRIPTION AND PROPOSAL







The application relates to agricultural land to the south of, and adjoining the garden of Drayton Manor, a grade II listed house located on the west side of School Street. The land is set well back from the highway, and is not readily visible from public views. There are residential properties to the east and south east, with countryside to the west. The site also adjoins the Drayton Conservation Area, which extends up to the southern boundary of the garden of Drayton Manor.

The application is to change the use of the part of the field to residential use, along with the provision of a tennis court and small pavilion building.

## HISTORY

17/02270/FUL: Proposed 7-a-side Football Pitch and Tennis Court on land associated with Drayton Manor - Application withdrawn.

17/02150/LBC: Proposed demolition of existing garages and erection of replacement double garage with wine store - Permitted with conditions.

17/02149/LBC: Proposed demolition of existing garages and erection of replacement double garage with wine store - Permitted with conditions.

17/01145/FUL: Proposed single storey orangery infill extension and new single storey study/gym outbuilding - Permitted with conditions.

17/00725/LBC: Proposed single storey orangery infill extension and new single storey study/gym outbuilding - Permitted with conditions.

09/03225/LBC: The installation of replacement window frames to north elevation of house and south and west elevations of cottage - Permitted with conditions.

Various consents for works to trees within the conservation area.

## **POLICY**

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

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

SD1 - Sustainable Development  
EQ1 - Addressing Climate Change in South Somerset  
EQ2 - General Development  
EQ3 - Historic Environment  
EQ4 - Biodiversity  
EQ7 - Pollution Control

### **National Planning Policy Framework**

Core Planning Principles - Paragraph 17  
Chapter 7 - Requiring Good Design  
Chapter 10 - Climate Change and Flooding  
Chapter 11 - Conserving and Enhancing the Natural Environment  
Chapter 12 - Conserving and Enhancing the Historic Environment

### **National Planning Practice Guidance**

Conserving and Enhancing the Historic Environment  
Design  
Flood Risk and Coastal Change  
Natural Environment

### **Policy-related Material Considerations**

Somerset County Council Parking Strategy (September 2013)  
Somerset County Council Highways Development Control - Standing Advice (June 2015)

## **CONSULTATIONS**

**Parish Council:** 18th Jan 18 Drayton Parish Council strongly objects to this planning application based on the following points:-

### **CONSERVATION AREA**

The proposed change of use from agricultural to domestic use would surely suggest this area would be considered within the conservation area as the rest of Drayton Manor grounds currently are.

### **NEIGHBOURS**

Representation was made from all neighbours stating this proposed development will be detrimental to their quiet enjoyment of their own properties due to further light and noise intrusion.

### **DRAINAGE**

Drayton Parish Council is concerned about additional flooding in an area already prone to flooding. Further development in Curry Rivel is already likely to increase the problem on this land. Additionally,

concerns were raised of the effectiveness of a soakaway in an already water logged ground.

#### SEWER

According to Wessex Water's official sewage map, there is a gravity main sewer running under the proposed development, including an access man hole beneath the proposed tennis court. This raises concern over the risk of damage and pollution to the sewer and all questions over the need for the installation of a package treatment plant.

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

**SSDC Highway Consultant:** No highway issues - no objection.

**SW Heritage Trust:** No objections on archaeological grounds.

**Wessex Water:** I refer to your letter of inviting comments on the above proposed development and advise the following on behalf of Wessex Water as sewerage and water supply undertaker for the area in question:

#### Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk).

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

#### Protection of Existing Assets

Public sewers are shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter.

Building over existing public sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

#### Building Near to a Public Sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water. Please contact our sewer Protection team to discuss further 01225 526333.

**SSDC Tree Officer:** Provided that a reasonable degree of care is undertaken, the arboricultural impacts of this proposal ought to be minimal - the trees within or in close proximity to the foot-print are quite young and any required losses (which seems to be limited to a fastigiate Hornbeam) could be replaced with new plantings.

However, the property does benefit from the presence of numerous trees with high arboricultural values. Works typically associated with development can have a detrimental impact well beyond the immediate foot-print (please refer to Figs 1, 2 & 3 below).

If the proposal is to be granted consent, I'd be grateful if we could issue an 'Advisory Note' stating the following:

"You are reminded that those trees at Drayton Manor which are located within the Conservation Area, are legally protected below-ground as well as above. Unauthorised damage to protected trees can

result in a significant fine and a criminal record for those who instruct or those who carry out such damage. Therefore, it is prudent to ensure that reasonable measures to avoid damage to protected trees and their roots are undertaken during the ground-works, construction and landscaping phases of this development. The types of activities that ought to be avoided in proximity to trees, such as the operation of heavy machinery and the disposal of soil arisings; are explained within the information-graphic below:"

If screening is considered to be an important element, the current proposal to plant fruit trees and thorn bushes in close proximity to the tennis courts may prove to be rather ineffective and unpleasant to maintain in future. You might consider stating that the submitted planting scheme does not form part of the approved consent and you may wish to apply the following:

**Tree & shrub planting condition:** No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of UK- provenance tree and shrub planting. Such a scheme shall include the planting locations, numbers of individual species, sizes at the time of planting, details concerning root-volumes - e.g. whether the trees are cell-grown or container-grown and the intended date of planting. Installation details regarding ground preparation, weed-suppression, staking, tying, strimmer-guarding and mulching shall also be included in the scheme. All planting comprised in the approved details shall be carried out within the first available dormant planting season following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next dormant planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

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

**SSDC Environmental Protection Officer:** I have reviewed the application in light of the objections received and can confirm that my position remains the same. However, you may wish to include the following informative should the application be approved,

#### Statutory nuisance

The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health section.

**SSDC Drainage Engineer:** Without looking into too much detail but initial comments :-

Do the photographs show the land where the tennis court is to be located flooded? If so unless they do something with the surface water then the tennis court will flood.

Have they done any infiltration tests as a porous surface only works effectively if the underlying surface will allow the water to soak away at a sufficient rate.

The '90%' of courts may well provide a fully porous surface but the above applies. There is no reference as to the surfacing of the tennis court to indicate that this will be one of the 90% or the specification of the sub-base.

The pavilion is shed size so not really concerned but will not be porous!

Levels across the site to indicate where any exceedance flows will end up.

**SSDC Ecologist:** 5th Feb 18 In view of the various comments on wildlife, and nature of the site, I recommend asking the applicant for an ecological survey/assessment (e.g. extended Phase 1 survey/biodiversity survey/preliminary ecological assessment) to be submitted prior to any grant of permission.

19th Mar 18 I'm satisfied with the survey report which doesn't identify any significant issues nor constraints to this proposed development. The consent notice could include an informative to endorse the recommendations of the report.

**SSDC Landscape Architect:** 16th Jan 18 I have now had opportunity to review the proposal.

The tennis court is located adjacent an area of semi-formal garden that projects to the south of the stream. The west boundary return of the hedge containing this garden has formed a recessed area in the field into which the court has been inserted. On the basis that there is this close correspondence to both the garden, and garden buildings to the north, and a relationship to this hedgerow pattern, I consider that the court is satisfactorily located. However, there are two elements of the proposal that do not have landscape support;

(i) lighting. This land originates as a small paddock, which is one of a number of small enclosure plots at the village edge that buffer the residential core of the village from the wider agricultural field pattern. In laying away from the residential core of the holding, and at the rural edge of the settlement generally, I do not consider it an area where flood lighting will be appropriate. I'd suggest that the lighting element is removed from the application.

(ii) extent of residential curtilage. Whilst I consider that there is scope to include the court within an extended area of residential curtilage, the extent indicated is far too great. To provide landscape delineation that better corresponds to both the garden and field patterns, I would suggest that the line of the garden hedge to the east of the proposed court is projected south, then dog-legs WSW adjacent the court's SE corner, to meet the field hedgerow below the court's SW corner. Appropriate garden planting can then be undertaken within the curtilage area to substantiate screening. I have no issue with the prospect of further tree planting within the paddock, as inferred by the proposals plan.

If the above changes can be agreed, then the proposal should be acceptable from a landscape perspective. However, I would advise that the hedging spec is fine-tuned, to be primarily a field maple; hawthorn mix, with dogwood; hazel; wild privet and hornbeam the secondary species, to better coincide with the species mix of local hedgerows.

20th Mar the layout is now amended along the lines suggested in my initial response (below) and I have no further landscape issues to raise.

## **REPRESENTATIONS**

92 letters of objection have been received from 49 local residents of Drayton. The comments received relate to the following areas:

- Adverse impact on the setting of the local conservation area
- Adverse impact on the rural character of the area
- Harmful impact on local biodiversity
- Increased risk of flooding
- Unacceptable harm to residential amenity
- Presence of sewer pipeline through the application site

- Errors in the application form and statement

Representation has also been made by the Somerset Wildlife Trust, with the following comment made:

We have noted the above planning application as well as many concerns expressed by neighbours about the possible impact of existing wildlife in and around the site. We have noted that, despite the potential for negative ecological impact no information has been provided which would clarify the extent to which this might occur. We would have expected to see an Environmental Impact Assessment or wildlife survey, carried out at an appropriate time of the year, included in the supporting documents for the application. In the circumstances we object very strongly to this application.

## **CONSIDERATIONS**

### **Principle of Development**

The application comprises the change of use of 0.25 hectares of agricultural field adjoining the grounds of Drayton Manor to residential use, and also includes the provision of a tennis court and single storey pavilion building. The land in question is part of a larger field to the south of Drayton Manor. The site is proposed to be enclosed by a new native species hedgerow with some additional tree planting proposed on the field beyond.

The proposed provision of a tennis court in connection to the residential occupation of Drayton Manor is generally acceptable in principle, however there are a number of site specific constraints that require very careful consideration. In particular, the site lies immediately to the south of the Drayton Conservation Area, immediately adjoining both the conservation area and the curtilage of the listed building. Consideration will need to be given to the impact on the setting of these heritage assets, along with the general rural character of the area. Numerous objections have been received, which as well as referring to the impact on the character of the area (including the adjoining heritage assets), also raise concerns regarding impact on residential amenity through increased noise and light pollution, potential harm to local ecology, and increased risk to flooding with localised surface water flooding having occurred on several occasions in recent years.

Prior to submission of the application, the applicant sought advice through the Council's pre-application advice service. While detailed plans were not seen at that stage, the proposed change of use was supported in principle subject to final details, including extent of change of use, scale and appearance of built form and inclusion of appropriate mitigation through landscaping, as well as consideration against other relevant local and national planning policies, such as impact on residential amenity. Advice was given at this point by the Council's Planning Officers, Landscape Architect and Conservation Officer.

### **Scale, Appearance and Historic Context**

The proposal comprises an encroachment of residential land into agricultural land, with the inclusion of a new tennis court and associated building. The original submission included a much greater extent of land to be included within the change of use, however this has since been amended to reduce the land to be used for residential purposes to better relate to the tennis court, with some additional land to the west included.

Objections received raise concerns about the loss of agricultural land through the introduction of built form and domestic usage. As well as erosion of the rural character, it is suggested that there would be an adverse impact on the character, appearance and setting of the conservation area. Concerns are also raised about the effectiveness of the proposed planting scheme, should consent be granted.

In considering the impact, it is considered that the tennis court is proposed to be sited relatively

sensitively, adjacent to both the formal garden of Drayton Manor to the north, and an area of semi-formal garden area to the east, which projects to the south of a stream that passes through the grounds of Drayton Manor. The site also has a close correspondence with existing garden buildings to the north. Having commented on the application, the Council's Landscape Architect highlighted concerns about the impact of floodlighting and the extent of the domestic land being proposed. These concerns have been satisfactorily addressed by the reduction in land proposed to change use, and the omission of floodlighting. On this basis, the Landscape Architect is satisfied that the proposal will not have an unacceptable visual impact.

The proposed built form has been designed to limit the additional visual impact, with a modestly proportioned outbuilding proposed, with low profile monopitch roof and timber cladding. An area that could have caused concern was the manner of enclosure of the tennis court, however following advice given by the Conservation Officer at pre-application stage, it is proposed to use a simple solution of netting on varying height poles, which will give a less solid presence to the development.

Overall, it is considered that the change of use, and associated works are acceptable and located sensitively to avoid adverse impact on the setting of the nearby heritage assets and no unacceptable harm to the general character of the area.

A planting scheme has been proposed, however this could ideally do with better tree planting, as well as confirmation of the species and mix of native hedge planting. A suitably worded planting condition is proposed. To limit impact further, conditions are also proposed to remove permitted development rights for the provision of any outbuildings, means of enclosure, and flood lighting.

### **Residential Amenity**

Local residents have objected to the potential impact of additional noise and light. Many comments received have made reference to existing issues of light pollution emanating from the grounds of Drayton Manor, as well as noise from outdoor speakers.

The tennis court and pavilion building are proposed to be located just over 100m from the nearest residential property to the east. The Council's Environmental Health Officer has not objected, with the distance considered adequate to avoid unacceptable harm through what amounts to a residential scale use.

The issues raised in relation to alleged disturbance from Drayton Manor is not relevant to this application, although to reduce the likelihood of a similar impact occurring, it is considered appropriate to remove permitted development rights for the use of amplified audio equipment, in addition to the removal of permitted development rights for the use of flood lighting, and other means of external lighting. The Environmental Health Officer has also suggested an informative be added reminding that the grant of planning permission does not prevent action being taken under Environmental Protection legislation should a statutory nuisance action take place.

Overall, notwithstanding existing complaints alleging disturbance from the existing occupiers of Drayton Manor, it is not considered that the proposed development will in itself lead to unacceptable harm to the residential amenity of local residents, subject to the additional protection of removal of permitted development rights.

### **Flood Risk**

The site is not within, or close to any Flood risk Zones (2 or 3), as designated by the Environment Agency, however there are identified localised surface water issues, with evidence provided showing parts of the Drayton Manor grounds, and adjoining land being flooded by the watercourse passing through the site. This has also led to serious flooding of School Street. Several objections have

highlighted this potential risk, with concerns that the provision of additional hard surfacing will lead to increased risk of surface water flooding.

During the course of the application, the applicant has confirmed that the tennis court surface is intended to be fully permeable, thereby not increasing the likelihood of flooding. It is advised that 90% of the manufacturers courts are fully porous and do not require a soakaway. Further advice has been sought from the Council's Drainage Engineer, who has confirmed that while this may be acceptable in principle, the ability to provide a porous surface will ultimately be dependent on the ground conditions, and whether infiltration is achievable at a sufficient rate. Should ground conditions, mean that this court is one of the 10% not able to drain freely, then there is the possibility of increasing flood risk. Notwithstanding this, should it not be possible to provide a porous surface, there is no reason to believe that appropriate alternative drainage provision could not be made. It is considered that there is sufficient room available to the applicant to deal with surface water runoff by alternative non-infiltration methods, should this be required. Subject to the imposition of a suitable condition requiring the approval of a drainage scheme, it is considered that the proposed development will not lead to any significant increase in the risk of localised flooding.

## **Ecology**

Letters received in objection to the application raise concerns regarding loss of habitat and the impact on local biodiversity, with an abundance of wildlife noted in the vicinity, including bats, owls, badgers, kingfishers, egrets, and other birds. It is also suggested that the submitted survey has missed out some nocturnal wildlife, while it is alleged that others such as badgers have already been affected by works carried out on the site.

The submitted ecology survey does identify many different wildlife species either active, or likely to be active within the local area, however it does not identify any of these being a constraint to the development proposal, with mitigation measures proposed, including actions to be taken should certain species be found on site, such as reptiles and nesting birds. The Council's Ecologist has considered the report and is satisfied by its findings, raising no objections. It is recommended that an informative is added endorsing the recommendations proposed.

## **Other Issues**

During the course of the application, it has been brought up that a Wessex Water fould sewer runs under the application site, with concerns raised about the impact of construction works on the pipeline. Wessex Water have been consulted and commented in respect to the developer's obligations in respect to works being undertaken in close proximity to these services. Ultimately, this is not strictly a planning matter as the grant of planning permission does not override the applicant's responsibilities in this respect. The applicant has advised that they have undertaken further consultation with Wessex Water, with it expected that the sewer is deep enough not to be impacted. Nevertheless, the applicant's attention will be directed to Wessex Water's comments.

The proposal raises no highway safety issues.

## **Conclusion**

Notwithstanding the high level of interest in this application, the proposed development is considered to be acceptable as it will have no unacceptable impact on the character and appearance of the site and its surroundings, including the adjoining heritage assets, has no adverse impact on highway safety, local ecology, flood risk and causes no unacceptable harm to residential amenity.



## RECOMMENDATION

Grant permission with conditions

01. The proposed development, by reason of size, scale and materials, is acceptable as it respects the character of the and appearance of the site and its surroundings, does not adversely affect the character and setting of the adjoining heritage assets, would not lead to increased risk of flooding and has no unacceptable detrimental impact on local ecology, highway safety or residential amenity. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, TA5, EQ1, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 4, 7, 10, 11 12 and the core planning principles of the National Planning Policy Framework.

### 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 complete accordance with the approved plans: 'F351\_LOCb', 'F1351\_511e' and 'F1351\_512a'.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of UK- provenance tree and shrub planting. Such a scheme shall include the planting locations, numbers of individual species, sizes at the time of planting, details concerning root-volumes - e.g. whether the trees are cell-grown or container-grown and the intended date of planting. Installation details regarding ground preparation, weed-suppression, staking, tying, strimmer-guarding and mulching shall also be included in the scheme. All planting comprised in the approved details shall be carried out within the first available dormant planting season following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next dormant planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity, and to ensure the planting and healthy establishment of new trees and shrubs in accordance with policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

04. Details of foul and surface water drainage to serve the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby approved being commenced. Such approved drainage details shall be completed and become fully operational before the dwellings hereby approved are first occupied. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the site is adequately drained and will not have an adverse impact on flood risk elsewhere, in accordance with policies EQ1, EQ2 and EQ7 of the South Somerset Local Plan and the provisions of chapter 10 and the core planning principles of the National Planning Policy Framework.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no means external illumination/lighting shall be installed or provided on the residential land and buildings hereby approved, without the prior express grant of planning permission.

Reason: In the interests of residential amenity, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the core planning principles of the National Planning Policy Framework.

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no system of public address, loudspeaker, amplifier, relay or other audio equipment shall be operated on the residential land and buildings hereby approved, without the prior express grant of planning permission.

Reason: In the interests of residential amenity, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the core planning principles of the National Planning Policy Framework.

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures including ponds, pools, walls, fences, gates or other means of enclosure are to be built on the residential land hereby approved without the prior express grant of planning permission.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

#### **Informatives:**

01. You are reminded of the contents of the Council Environmental Health Officer's email response of 7th February 2018, which is available on the council's web-site.
02. You are reminded of the contents of the Council Tree Officer's letter of 7th February 2018, which is available on the council's web-site.
03. You are reminded of the contents of Wessex Water's email response of 24th January 2018, which is available on the council's web-site.
04. You are reminded of the contents of the Council Ecologist's email response of 19th March 2018, which is available on the council's web-site.

# Agenda Item 15

## Officer Report On Planning Application: 17/04485/OUT

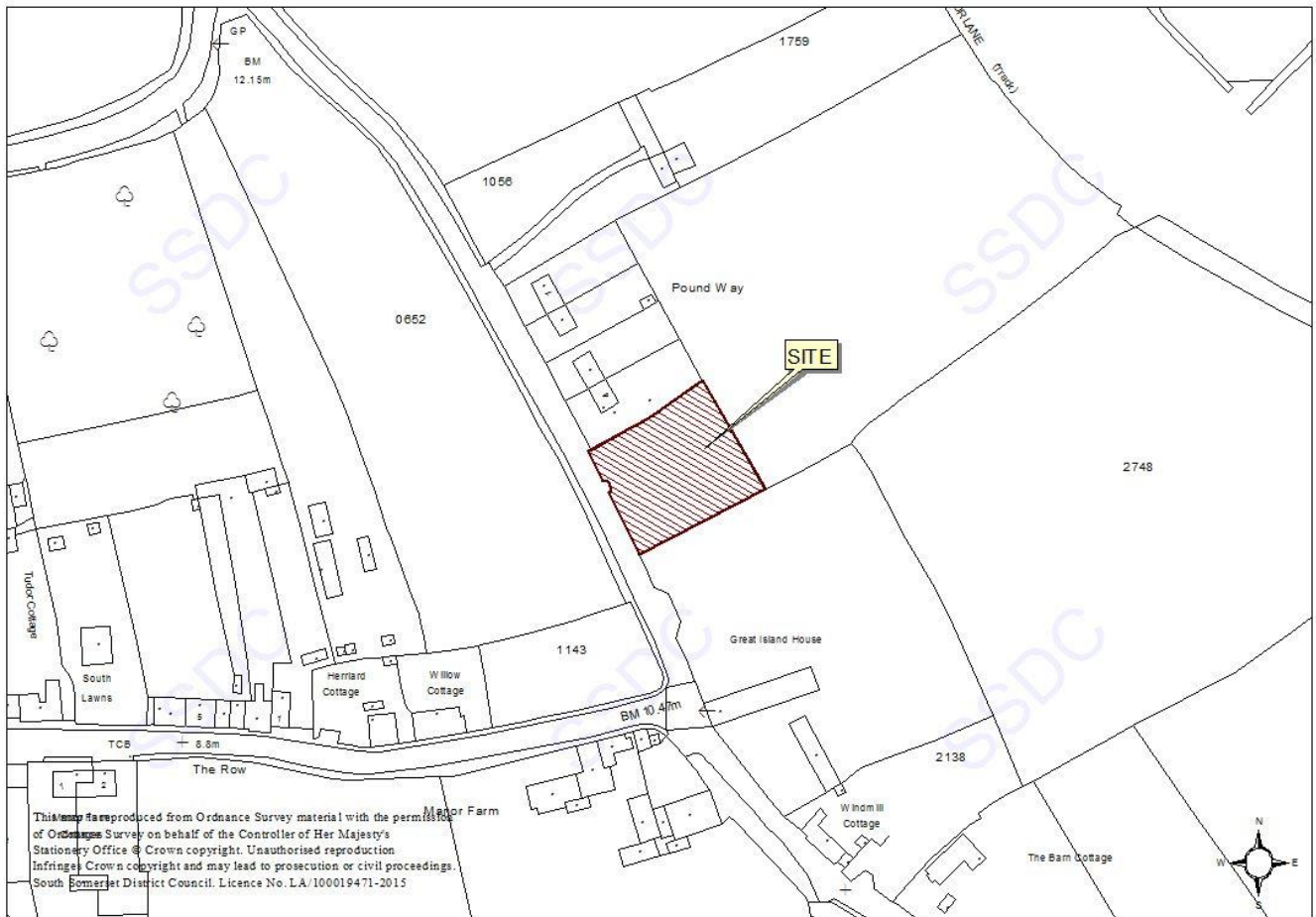
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|---------------------------------------|--|
| <b>Proposal :</b>                     | Outline application for the erection of 2 No. new dwelling houses.         |
| <b>Site Address:</b>                  | Land Os 1854 Part, Poundway, Muchelney.                                    |
| <b>Parish:</b>                        | Muchelney  |
| <b>BURROW HILL Ward (SSDC Member)</b> | Cllr Derek Yeomans   |
| <b>Recommending Case Officer:</b>     | John Millar<br>Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk |
| <b>Target date :</b>                  | 9th January 2018   |
| <b>Applicant :</b>                    | Mr And Mrs Garry Edmunds   |
| <b>Agent:<br/>(no agent if blank)</b> |  |
| <b>Application Type :</b>             | Minor Dwellings 1-9 site less than 1ha                                     |

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee with the agreement of the Ward Member and the Area Vice Chair to enable the issues raised to be fully debated by Members.

### SITE DESCRIPTION AND PROPOSAL





The site is located to the north east of the developed core of the village of Muchelney, on the east side of Poundway. It is a small square shaped plot to the south of two pairs of modern semi-detached dwellings. There are some grade II listed buildings further to the south, and the Grade I listed church and abbey are sited at distance to the north west. The site also adjoins the local conservation area.

The application is made for outline planning permission for the erection of two houses. The application was submitted with all matters reserved, however additional details have been submitted seeking to demonstrate that acceptable access can be provided.

## HISTORY

921824: Erection of a dwellinghouse and bungalow (outline) - Refused and subsequent appeal dismissed.

8923276: Outline - Dwelling and garage - Refused.

870774: Outline - The erection of a pair of semi-detached dwellings with garages - Refused.

## POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation

and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

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

SD1 - Sustainable Development  
SS1 - Settlement Strategy  
SS2 - Development in Rural Settlements  
TA5 - Transport Impact of New Development  
EQ2 - General Development  
EQ3 - Historic Environment  
EQ4 - Biodiversity

### **National Planning Policy Framework**

Core Planning Principles - Paragraph 17  
Chapter 4 - Promoting Sustainable Transport  
Chapter 6 - Delivering a Wide Choice of High Quality Homes  
Chapter 7 - Requiring Good Design  
Chapter 10 - Climate Change and Flooding  
Chapter 11 - Conserving and Enhancing the Natural Environment  
Chapter 12 - Conserving and Enhancing the Historic Environment

### **National Planning Practice Guidance**

Design  
Natural Environment  
Rural Housing

### **Policy-related Material Considerations**

Somerset County Council Parking Strategy (September 2013)  
Somerset County Council Highways Development Control - Standing Advice (June 2015)

## **CONSULTATIONS**

**Parish Meeting:** No comments received. Unable to contact to confirm, however as a Parish Meeting, no comments are expected.

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

**SSDC Highway Consultant:** This is an outline application with all matters reserved. It would be preferable for the applicant to show the proposed means of access at this stage. While I have no doubt that on-site parking and turning facilities can be provided for each dwelling, it would need to be demonstrated that appropriate visibility splays commensurate with vehicle speeds can be achieved. I would suggest a centrally located point of access. Other points of detail in terms of surfacing, drainage, etc., can be secured.

Following the submission of additional access details, the following comments were made:

The agent has subsequently submitted an amended plan (drawing:213 Highways.01) indicating an illustrative access arrangement located slightly north of the centre point of the site frontage, providing a visibility splay of 2.4m x 69m in the northerly direction and 2.4m x 45m in the southerly direction. While the plan appears to show the southerly splay clipping third party land I am not sure that would be the case on the ground as the frontage wall to the site and the adjoining property to the south appears straight rather than stepped (as shown on the submitted plan). I would recommend that there is no

obstruction to visibility within a 2.4m back and parallel splay across the whole site frontage (no obstruction greater than 900mm above adjoining road level) rather than the splays shown on the submitted plan to maximise and safeguard visibility in both directions. This could be conditioned.

The width of the access may need to be widened if serving two dwellings in line with the SCC Highways Development Control Standing Advice document and details will need to be submitted in respect of the surfacing, drainage, and on-site parking and turning, but these elements can be submitted for approval at Reserved Matters stage.

In summary, in the event that planning permission is granted, I recommend two conditions are imposed - (a) the provision of the aforementioned 2.4m back and parallel splay across the whole site frontage with no obstruction greater than 900mm above adjoining road level, and (b) the submission of details in respect of the means of access, and on-site parking and turning at the Reserved Matters or Full application stage. There will also be a need to apply for a S184 licence from SCC.

**SW Heritage Trust:** No objection on archaeological grounds.

**SSDC Ecologist:** I've considered this application, including viewing the site from the road (after site clearance), and I don't have any comments nor recommendations to make.

**SSDC Environmental Protection Officer:** No comments.

**SSDC Landscape Architect:** Muchelney is a dispersed settlement, with the main residential area comprising the dwellings aligning Manor Lane and Silver Street, whilst the open ground of the former monastic precinct and small area of medieval field pattern separates this main village area from the abbey site. The application site lays to the northeast of Manor Lane, at the village periphery, but alongside two semi-detached dwellings to the north, and the larger grounds associated with Great Island House to the south. It lays outside the medieval core of the village, but is clearly defined by both hedge and housing boundaries to the sides, with a stone wall road frontage, to thus be viewed as a credible 'infill' plot. Whilst this is a rough pasture plot, it has a credible relationship with adjacent built form, and does not impose upon the historic open ground of the village. Consequently I consider it capable of accommodating a paired dwelling.

## REPRESENTATIONS

Four letters of have been received, three in support and one making a general observation. The following main points are raised:

- The proposal does not include detailed plans, and the site has been cleared. Should this have waited until planning has been approved?
- The proposal will support a modest growth in the population of Muchelney that will assist in supporting the existing services such as the church and farm shop.
- The site is ideal for new housing. It would also tidy up the site, which has become a bit an eyesore.
- This type of development is what is required in villages and hamlets around Langport to support the local economy.

## CONSIDERATIONS

The main considerations concern the principle of development, impact on the character and appearance of the area and highway safety.

## Principle of Development

The application site is located to the edge of the village core, in an undeveloped gap within the local conservation area.

In policy context, national guidance contained within the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, advising that "local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances." Paragraph 49 of the NPPF also states housing applications should be considered in the context of the presumption in favour of sustainable development, as does policy SD1 of the South Somerset Local Plan (2006-2028).

Policy SS1 (Settlement Strategy) highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements are 'Rural Settlements', which policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2. Policy SS2 states:

"Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or
- Creates or enhances community facilities and services to serve the settlement; and/or
- Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation. Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at paragraph 5.41 (i.e. local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility, primary school)."

The applicant seeks to justify the proposal on the basis that the village has a church, a Parish Assembly, a shop, holiday cottages and a large caravan site, however only the church meets the criteria set out in policy SS2. While reference is made to a shop, this is a small farm shop, which does not qualify as a 'local convenience store'. On this basis, the site is located within a rural settlement that does not have access to two or more key services, as identified in the Local Plan. On this basis, the site is considered to be an unsustainable location remote from key local services. The proposed development therefore fails to meet the aims of sustainable development enshrined within the NPPF, and the South Somerset Local Plan.

It is also noted that there have been three previous refusals for the development of this site, the latest being in 1992, finding that the site would lead to '*undesirable consolidation of development outside of development limits for which no essential local need has been substantiated*'. This latest decision was appealed and subsequently dismissed. The Inspector agreed with refusal on these grounds, also raising concerns about the impact of residential development on the character and appearance of the conservation area. It is acknowledged that there has been significant change in recent years, particularly in how development outside of designated development areas is considered, however there has been no change to either national or local policy approach for the provision of new residential development in unsustainable rural locations that do not have access to essential local services.

## **Scale, Appearance and Heritage Context**

As only access is proposed to be considered at outline stage, the final appearance of the dwellings, and landscaping, would be addressed at reserved matters stage. Notwithstanding the comments of the Inspector in considering the 1992 appeal, it is considered that the site could reasonably accommodate the proposed development without adversely impacting on the character and appearance of the conservation area or the general appearance of the locality. A development of a similar scale to the existing semi-detached houses to the north is considered to be feasible subject to final detail.

## **Highway Safety**

The proposed development is to be served from an improved access to the front, with plans submitted indicating visibility to the north of 69m, and to the south of 45m. The Council's Highway Consultant has suggested that the southerly splay may not be feasible as it crosses third party land, however does consider that visibility splays 2.4m back and parallel to the site frontage should be adequate to avoid harm to highway safety. The access width may need widening to serve two dwellings, however all other requirements of the County Highway Standing Advice, such as provision of properly consolidated access, drainage and parking, can be met in considering detailed design. As such, the proposal is not considered to have any detrimental impact on highway safety.

## **Residential Amenity**

There are neighbouring properties to the north and south, however the proposed development is located at sufficient distance to avoid any unacceptable impact on residential amenity, subject to the final design details.

## **Other Issues**

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply). Should permission be granted, an appropriate informative will be added, advising the applicant of their obligations in this respect.

## **Conclusion**

The site is located within a rural settlement that does not include sufficient key services to justify additional residential development in line with Local Plan policy SS2. As such, the site is poorly related to key local services, by virtue of distance to these services, and the development fails to provide for an essential need. The development proposal is therefore considered to be unacceptable and fails to meet the aims of sustainable development.

## **RECOMMENDATION**

Refuse permission

## **FOR THE FOLLOWING REASON(S):**

01. The proposed development is unacceptable by virtue that it would represent new residential development in a rural settlement that does not have access to sufficient key local services to comply with Local Plan policy SS2. The proposal therefore represents unacceptable residential development, for which an overriding essential need has not been appropriately justified, contrary



to policies SD1 and SS1 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.

**Informatives:**

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant did enter into pre-application discussions; however the submission did not deal with the fundamental in-principle concerns of developing the application site. There were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

02. Please be advised that any subsequent approval of this application by appeal will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

In the event of an approval at appeal, you would be required to complete and return Form 1 Assumption of Liability as soon as possible after the grant of permission and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk).

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# Agenda Item 16

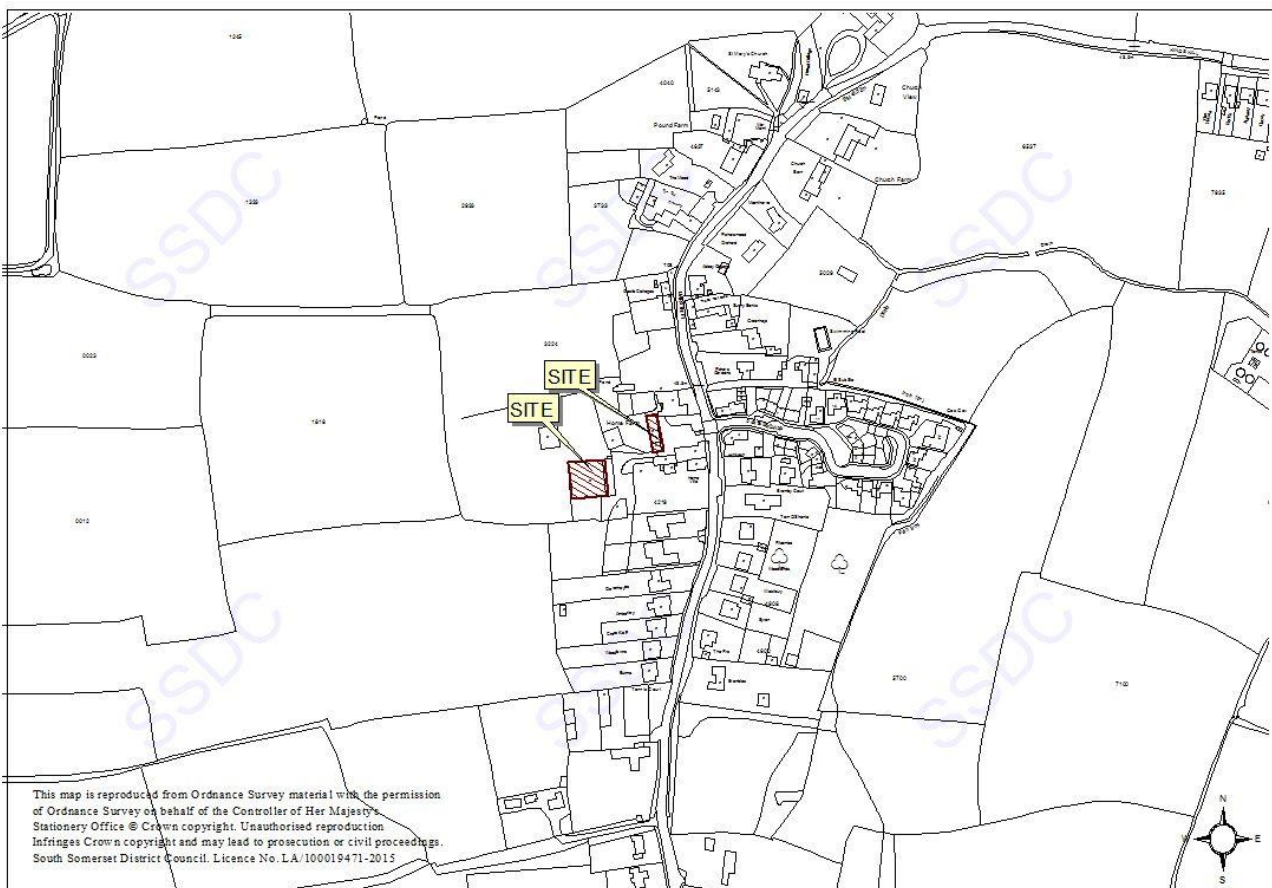
## Officer Report On Planning Application: 18/00488/FUL

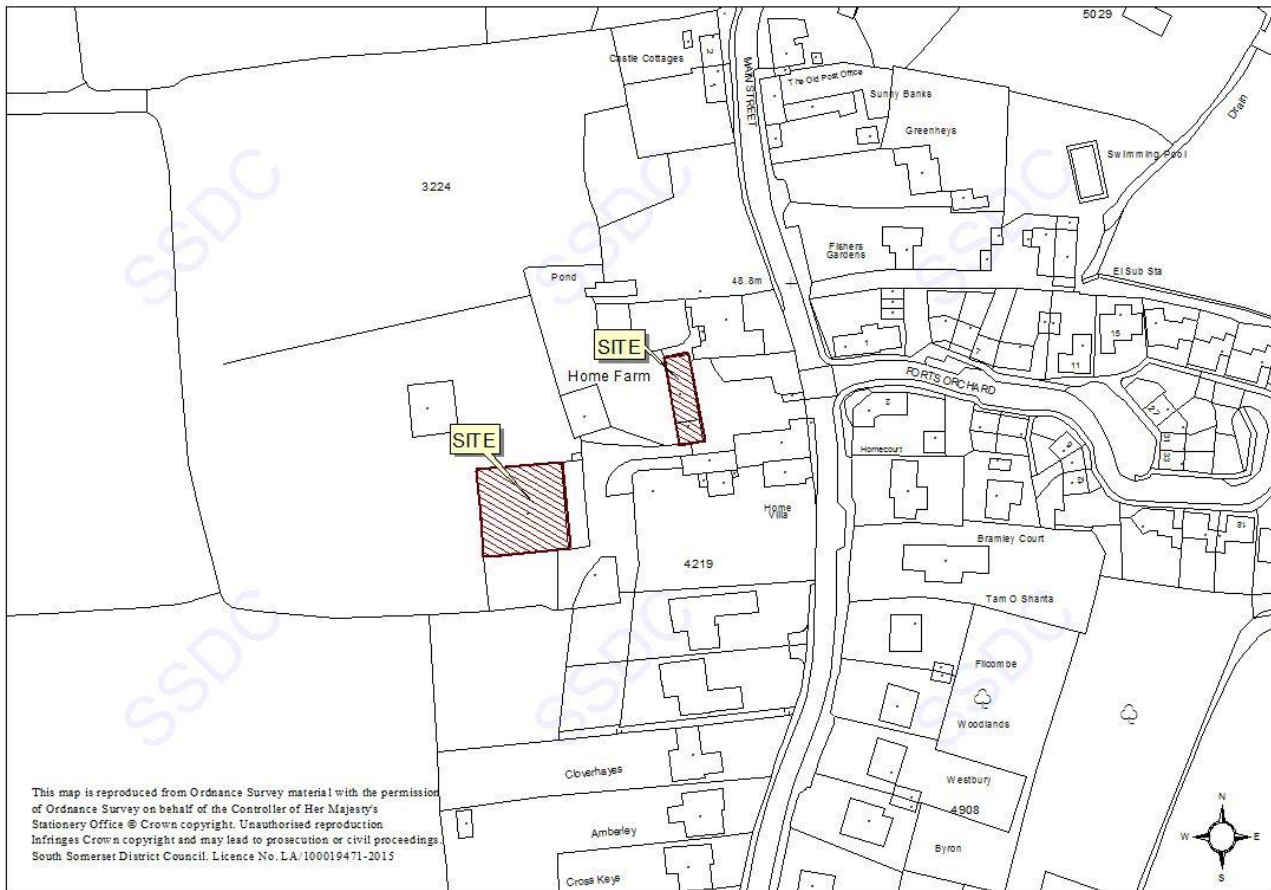
|                                       |  |
|---------------------------------------|--|
| <b>Proposal :</b>                     | Change of Use from Barn to Business offices and existing farm building to storage.   |
| <b>Site Address:</b>                  | Home Farm, Main Street, Chilthorne Domer.  |
| <b>Parish:</b>                        | Chilthorne Domer   |
| <b>ST MICHAELS Ward (SSDC Member)</b> | Cllr Jo Roundell Greene  |
| <b>Recommending Case Officer:</b>     | Jacqui Churchill<br>Tel: (01935) 462158 Email: jacqui.churchill@southsomerset.gov.uk |
| <b>Target date :</b>                  | 11th April 2018  |
| <b>Applicant :</b>                    | Mrs Celia Simon  |
| <b>Agent:<br/>(no agent if blank)</b> |  |
| <b>Application Type :</b>             | Other Change Of Use  |

### REASON FOR REFERRAL TO COMMITTEE

This application has been referred to Ward Members as the Officer recommendation is contrary to the view of the Parish Council.

### SITE DESCRIPTION AND PROPOSAL





The site includes two barns within the complex of Home Farm. The barn adjacent to the farmhouse is a Grade II listed building. The second barn is located west of the farmhouse, adjacent to fields and is not listed.

This is a retrospective application for the change of use of the barns to D1 and B1 for the listed barn and B8 for barn to the west. The changes of use will provide office and storage space to facilitate the running of 'School In a Bag' charity project, along with the ability to deliver fundraising events.

The proposal includes some internal alterations which have been applied for under application reference 18/00490/LBC which runs concurrently.

## HISTORY

There is a lengthy planning history for the site, the most recent applications are:

- 18/00510/ADV - the display of 2 No. fascia signs - approved with conditions 17.04.18
- 18/00815/LB - the display of 2 No. fascia signs - pending consideration
- 18/00002/OPERA - pending consideration
- 16/05178/PREAPP - Converted barn into an office/event venue
- 07/00390/FUL - Conversion of existing fire damaged barn into self-contained guest accommodation
- 04/02542/FUL - Conversion of an existing cider store into kitchen and bedroom - permitted with conditions 24.11.04
- 04/02544/LBC - Medieval Hall conversion - permitted with conditions 02.08.05

## **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

EP4 - Expansion of Existing Businesses in the Countryside

EP5 - Farm Diversification

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

## **CONSULTATIONS**

**Chilthorne Domer Parish Council:** Unanimous support of the application.

**County Highway Authority:** Standing Advice

**Highways Consultant (SSDC):**

"It would appear that the access that serves the application site is substandard. However, I am mindful that as an existing access it would have been used by vehicles generated by the extant agricultural use of the two buildings. I welcome further information on the following:-

(a) a plan showing the extent of the existing visibility splays at the point of access from a point 2m back along the centreline of the access,

(b) details of daily traffic movements associated with the proposed use (type and volume of traffic generated),

(c) details of daily traffic movements that may have been generated by the extant agricultural use of the buildings, and

(d) a plan showing how and where vehicles would park within the site, allowing sufficient space for the turning of vehicles.

Following submission of additional info:

"I refer to my initial comments in response to this application and the information submitted by the applicant which I have now reviewed. It is evident from the submitted plans that the extent of visibility splays at the existing point of access fall below the relevant standards. However, the volume of traffic generated by the scheme is very light amounting to just two to three cars per day with occasional delivery and service vehicles requiring access to the site. I acknowledge that the extant/previous use of the buildings for agricultural purposes (i.e. the fall-back position) could generate large, slow-moving vehicles. Therefore given the information provided by the applicant, I do not believe the residual cumulative impact of the development scheme would be severe. I note also that according to the national road traffic accident database, there have been no recorded personal injury collisions at the

entrance in at least the last 19 years. The applicant has indicated that there have been no such incidents in the last 70 years. The submitted plans now show the provision of an adequate level of car parking for the development proposal independent of on-site turning. Accordingly, I believe the application can be supported on highways grounds. In the event that permission is granted I would recommend the imposition of a condition securing the parking and turning provision as shown on the submitted plans".

Following submission of additional info for D1 use:

"I refer to the further information submitted by the applicant received yesterday in respect of the frequency of events that are held at Home Farm, the level of attendance that can occur at such events and the parking arrangements for such events. You will recall that I previously stated in my email to you dated 21 March 2018 that while the visibility splays at the point of access fall below the relevant standards, on the basis that the volume of traffic generated (as submitted at that time), amounting to just two or three cars per day was so low, I considered the residual cumulative impact of the scheme would not be severe. In light of the recent information submitted, however, within which it is stated that around 15 events a year are held, with fundraising events, private parties, etc., generating up to 70 people (seated) or 100 people (standing), it is evident to me that the level of traffic generated is considerably more than originally informed, and once permitted there would be limited opportunities to restrict the level of use and number of events. I am mindful of the use of stewards that appears to take place 'where needs be' but I am not sure if such management of traffic movements and parking occurs for all the events held at the farm. As you will be aware, I have to assess the highway safety and traffic implications of the proposed development, and in that respect I have to raise concerns with such a level of vehicular movements occurring at the site access given the deficiencies of the entrance in terms of its restricted visibility and width, experienced when we visited the site earlier today. The two relevant bullet points of paragraph 32 of the National Planning Policy Framework seek to ensure that decisions take account of whether (a) 'safe and suitable access to the site can be achieved for all people' and (b) 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.' In this case, I do not believe the access is safe and suitable given the level of use stated, and I consider the cumulative impact of the scheme would be severe compared to the previous use of the entrance. Therefore, reluctantly, following receipt of the further information I am unable to support the scheme on the grounds that the development scheme would result in a significant increase in use of an existing substandard access. I would be more than happy to discuss my views on this matter in detail with you if it would help".

**Conservation Officer** - No objections to the alterations to the barn

## **REPRESENTATIONS**

None received.

## **CONSIDERATIONS**

### **Principle**

Farming activity already exists on this site and this retrospective application is to vary the use of two barns to D1, B1 and B8. This will allow for the 'School In a Bag' charity to run an office from the Grade II listed barn with storage of equipment in the barn to the west. It is considered that the proposal falls within Policies EP5 of the South Somerset Local Plan 2006-28 as it is a diversification of the existing business and uses that take place at Home Farm. It is considered that the proposal is an acceptable use in this location and extension of the existing business in accordance with Policy EP5.

The issues to assess as part of this application are impact on residential amenity, the listed building and

highway safety.

### **Impact on Visual Amenity / listed building**

There are no proposed external alterations to facilitate the change of use. The internal alterations are considered under a separate application for listed building consent running concurrently. The conservation Officer raises no objections. It is therefore considered that the change of use has no adverse impact on visual amenity or the character or setting of the listed building in accordance with Policies EQ2 and EQ3 of the South Somerset Local Plan 2006-28.

### **Impact on residential amenity**

It is noted that the application is retrospective and there have been no neighbour objections. The site already operates as a farm and as such it is considered that the change of use to mixed B1, B8 and D1 will have no significant adverse impact on residential amenity. As such, the change of use is considered to be in accordance with Policy EQ2 of the South Somerset Local plan 2006-28.

### **Impact on Highway Safety**

Home Farm is located on Main Street which is a classified unnumbered road subject to a speed limit of 30mph. The access is located following a slight bend on the approach road from the south next to a historic milk churn stand.

During the course of the application information was submitted relating to the B1 and B8 use. When assessing this additional information the SSDC Highways Consultant advised that he did not believe the residual cumulative impact of the development would be severe. He checked the national road traffic accident database and noted that there had been no recorded accident within the last 19 years at the entrance. As such, he raised no objection to the B1 and B8 use subject to a condition to secure the parking and turning provision.

Further information was then subsequently received from the applicant which stated that with regards to the D1 use, they would hold on average 15 events per year which would range from charity dinners and presentations through to civic lunches. The barn can hold 70 people for a dinner and 100 people standing. Plan reference HFB-Pkng was submitted showing the areas within the farm which are used for parking which include an area of hardstanding and a grassed area for overflow when the weather was dry. The applicant stated that where needs be they have stewards in high vis vests directing cars into the Home Farm entrance.

Whilst the SSDC Highways Consultant was content to support the application for the Change of Use to B1 and B8 based on the stated traffic movements, he has stated that the level of use associated with the D1 use would be severe due to the significant increase in use of a substandard access with restricted width and visibility splays. As such, he is unable to support the proposal due to the adverse impact on highway safety.

### **Conclusion**

The application for the change of use to B1, B8 and D1 is retrospective and as such the impact of the development could be seen by surrounding neighbours. It is noted that there have been no neighbour objections and the development has the unanimous support of the Parish Council.

Whilst the SSDC Highways Consultant did not raise any highway safety objections relating to the B1 and B8 use he could not support the D1 element on the grounds that the scheme would result in a significant increase in the use of an existing substandard access with restricted visibility and width. Whilst acknowledging the charitable purpose behind this application, it does not outweigh the significant

highway safety concerns.

As such, it is considered that the use will result in an adverse impact upon highway safety and is recommended for refusal.

## **RECOMMENDATION**

Refuse for the following reason:

### **FOR THE FOLLOWING REASON:**

01. The development results in a significant increase in the use of an existing substandard access that does not incorporate the necessary visibility splays, which are essential in the interests of highway safety. As such the proposal is contrary to paragraph 32 of the National Planning Policy Framework (2012) and Policy TA5 of the South Somerset Local Plan (2006-2028) in that the development does not provide safe and suitable/convenient access.

### **Informatives:**

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
  - offering a pre-application advice service, and
  - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case the applicant was advised how the proposal did not accord with the Development Plan, and that no material considerations were apparent that would outweigh these matters

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